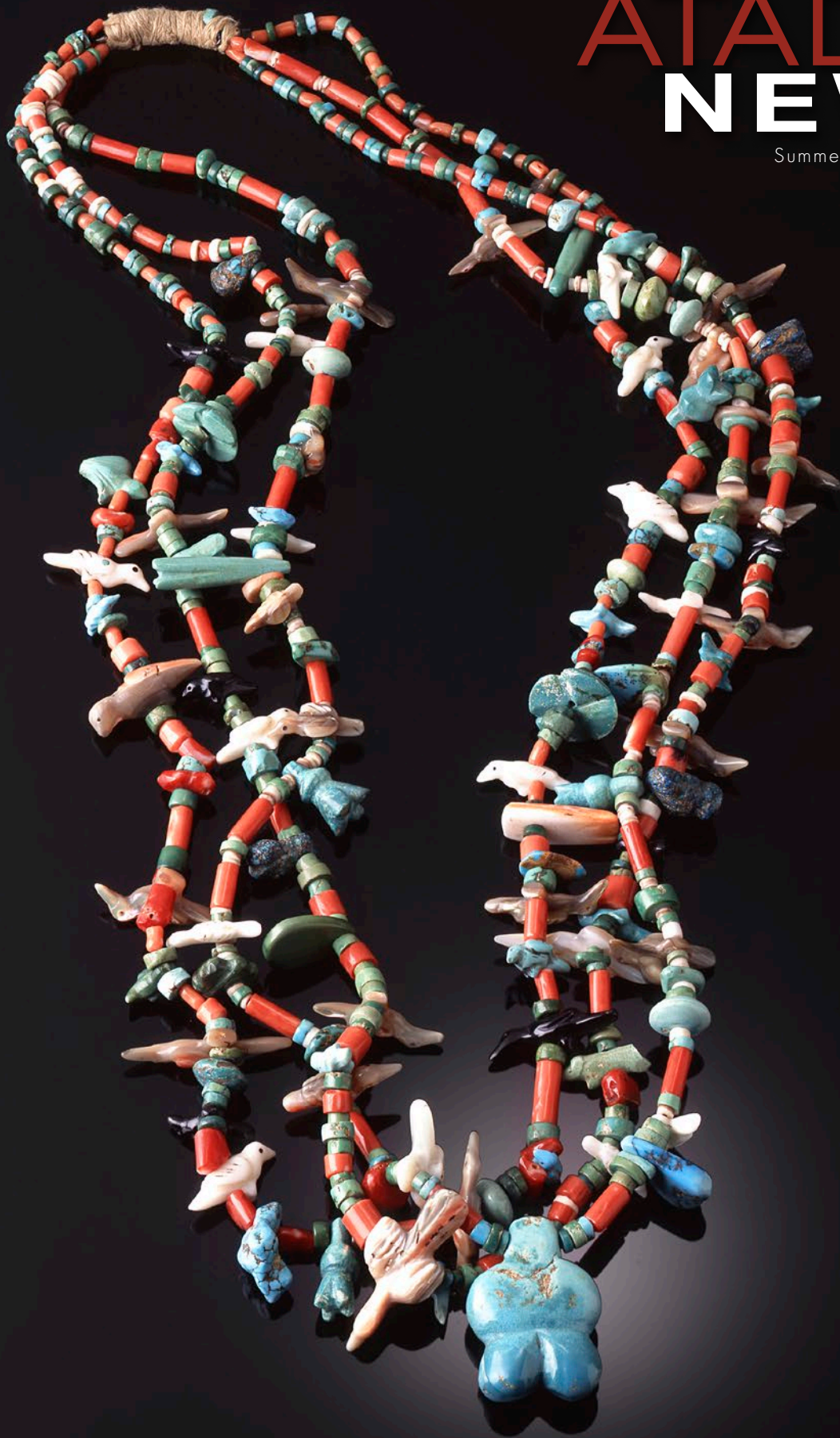


ATADA NEWS



Summer 2017 / Vol. 27-2



Honoring The Artistic Legacy Of Indigenous People



MARK A. JOHNSON TRIBAL ART

TRADITIONAL ART
FROM TRIBAL ASIA
AND THE WESTERN
PACIFIC ISLANDS

Female Ancestral Figure
Flores Island, Indonesia
19th Century
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majtribal@gmail.com
markajohnson.com



www.tribalartmagazine.com

Tribal Art magazine is a quarterly publication dedicated exclusively to the arts and culture of the traditional peoples of Africa, Oceania, Asia and the Americas.

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In The News...

Summer 2017 | Vol 27-2

ATADA NEWS

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Policy Statement:

ATADA was established in 1988 to represent professional dealers of antique tribal art, to set ethical and professional standards for the trade, and to provide education of the public in the valuable role of tribal art in the wealth of human experience. ATADA members are pledged to act as honest brokers, to guarantee the authenticity of their material, and to provide the buying public with the available information on the age, source, integrity, and collection history of the objects that they sell.

Additionally, ATADA sponsors a series of publications and seminars, offers educational grants (through our Foundation), and provides legal advice and insurance to members. ATADA also monitors and publicizes legislative efforts and government regulations concerning trade in tribal art. To attain its objectives, ATADA will actively seek suggestions from other organizations and individuals with similar interests.

The ATADA Foundation is a separate, non-profit 501(c)(3) entity. The ATADA Foundation is dedicated to expanding education on tribal art, both antique and contemporary, from around the world.

Save The Date

August 12, 2017

Annual ATADA Member Meeting

Saturday, August 12, 2017 • 6:30 pm - 7:30 pm

Museum of International Folk Art
706 Camino Lejo, on Museum Hill
Santa Fe, New Mexico 87505

Reception and Curated Tours
to follow the meeting from
7:30 - 8:30pm

Co-hosted by the
Museum of International Folk Art

Please direct any questions about the meeting to
David Ezziddine at director@atada.org

ATADA ORG

ON THE COVER

Leekya, Zuni (1889-1966) Necklace,
1930s-1950s Coral, turquoise, jet, white shell,
abalone, cordage
Photographer: Craig Smith
The Heard Museum, Phoenix
Gift of Dennis and Janis Lyon 3398-1



LETTER FROM THE PRESIDENT

Dear Fellow Members of ATADA

As we grapple with the legislative attacks on our industry as well as the loss of longtime friends and ATADA members, we should not lose sight of the inherent joy we have all found in collecting antique indigenous art. It's one thing to read about objects or view pieces in a museum but it is quite another to hold these important works in one's own hands and to have the opportunity to live with them. It has been said that owning an object is a way of knowing, a type of knowledge that is imparted by the physicality of the object itself. This is the essential experience of collecting. One of the great pleasures of being a dealer is visiting collectors at home and experiencing the joy their collection inspires.

With the summer season in Santa Fe quickly upon us, let us remember that this is a high point of our year. Most of the quality antique American Indian art items on the market will be in town. For other tribal arts, one may have to travel to Parcours in September or San Francisco in February to find this concentration in the marketplace, but Santa Fe in August is certainly the place for American Indian material. Not to diminish the possibility of a great object from

anywhere in the world appearing in Santa Fe – exceptional ethnographic pieces have and always will be brought to these August markets - but the concentration is American Indian. For those of us who love the art from the indigenous people of North America created in the 19th century, it is a great opportunity. The 19th century, of course, was a tumultuous century for Native Americans, a time of upheaval and simultaneously, new art materials and markets. It was an era of great innovation and artistic accomplishment, and it is this art that we celebrate in our collections.

As we look forward to this special time of year, it becomes clear that the social aspect of collecting is a key to the continuum of the trade. The collecting community comes together in Santa Fe to catch up with old friends, make new ones, and share in trends and developments throughout the global market. With this in mind, let's raise a proverbial glass to the health of the industry.

Yours truly,
John Molloy
ATADA President

EDITOR'S DESK

A little more than a year has passed since we volunteered to edit the ATADA News. As personnel and priorities changed at ATADA, it felt important to continue publishing a newsletter detailing developments in our industry, and it remains as crucial now. We are proud to provide an outlet and a resource for all of our members, and we are especially appreciative of those who have contributed original content, personal stories, and questions. Most importantly, we thank those who have guided us along our way. This time of year, when our community comes together for the annual Santa Fe shows, we should all reflect on the relationships and advice that has shaped us.

The newly revised STOP II Act, which is currently being proposed, clearly demonstrates ATADA's victories, hard won with countless hours of careful attention and diligent work. It also illuminates the even more challenging road ahead. In this issue, we examine how STOP II and the ideology that motivates it involves us all; from collectors to dealers to appraisers, no one will go unscathed.

In reviewing a major exhibition at the Albuquerque Museum, *The Leekya Family: Master Carvers of Zuni Pueblo*, we are

reminded of the importance of collecting. Shows which illuminate the work of great tribal artists, such as Leekya Deyuse, have a historic and philosophical impact on our understanding of tribal cultures and their history. Exhibits like this are enabled by dealers and collectors working together with the broader goal of education and appreciation in mind. Ultimately, in viewing these masterpieces and understanding the context in which the art was created, we learn something about ourselves. The experience of art unites us, and it is as a community that we must help to preserve the legal trade in historic objects.

We implore all our members to reach out to our editorial staff and our Executive Director to voice your opinions, share your expertise, and create connections. Your guidance and wisdom are crucial to all of our continued success.

Sincerely,
Paul Elmore
Elizabeth Evans

CATCH



PARADOX ON PAPER

From the Edward J. Guarino Collection

Opening night at the Coe
August 15, 5-8 pm



RALPH T. COE FOUNDATION

1590 B PACHECO STREET, SANTA FE, NM 87505
RALPHTCOEFUNDATION.ORG / (505) 983-6372

In Memoriam

Roger W. Fry



lasting friendship that included many visits in various places including Cincinnati, New York and Santa Fe. When Cowan's first hosted sales of Indian art, Roger and his good-natured wife Pat would open their home to the Indian art community. Besides feasting on Pat and Roger's generous portions of food and drink, we would ogle their various collections which included Cincinnati art-carved furniture (his grandfather was a leader of the movement in the 1890's), American paintings by Cincinnati artists especially Joseph Henry Sharp and Henry Farny, as well as his Native American collection which grew from his interest in the paintings of Sharp & Farny. Because of this, his first collection was in Plains material but at some point, he moved into Eskimo. At the shows when Roger would be looking at an object for his collection, Pat would often ask, "Where are we going to put it?" This was a totally legitimate question since their collection is the only one of which I am aware that included objects that were hanging from the ceiling and they were running out of ceiling room!

Roger brought a thoughtfulness and a thoroughness to all that he did, not only in collecting, which was a source of pure joy for him, but in his concern for the well-being of the collecting community. For many years, he was a principal voice of the ATADA Legal Committee and he made himself available to ATADA members privately as well. When there was a problem, he was the one to call. Many times, Roger gave me invaluable advice on the legalities of various business issues and more than once wrote letters on my behalf that clarified those issues. He and his brother-in-law, Clinton Nagy, initiated the current Legal Fund which has allowed us to have a voice in the drafting of the various STOP acts.

In recognition of his considerable contributions to ATADA since its origin and especially his legal contributions, the ATADA Legal Fund will henceforth be known as The ATADA Legal Fund - In Memory of Roger Fry.

All of us in ATADA and the art collecting community lost a great friend when Roger Fry passed from this world on May 2. His contributions to our community as a collector and as a legal advisor are beyond measure. Those of us who have set up at the major Indian art shows for the last twenty plus years would always encounter Roger, often in the company of his law partner, Len Weakly, and/or his brother-in-law, Clinton Nagy, in the first wave of people in the room. His eagerness to see what was new in the antique market was more than balanced by his humanity and thoughtfulness that was manifest in all his interactions.

I first got to know Roger nearly thirty years ago when I handled a major piece of Eskimo art and another dealer gave me a tip: "Why don't you show it to that attorney from Cincinnati?"

Well, I did, things went smoothly and so began a long-

Roger was also active in many facets of life in Cincinnati which included historic preservation and other services to the community. He took many expeditions on behalf of the Cincinnati Zoo. At the time of his passing, the director of the Cincinnati Zoo, Thane Maynard, was quoted as saying, "Clearly, he was one of the kindest, most generous and lovely guys I've ever known." I couldn't agree more. He lived his life with love and compassion and joy. All members of ATADA are indebted to him for his tireless service for our community. On a personal level, I will greatly miss his friendship, good humor and wisdom. My life is richer for knowing him.

THANK YOU, ROGER.

-John Molloy



Roger and Pat Fry have been friends to countless among us for many, many years. Their generosity of spirit has always informed their actions - there was always time, hospitality and an open invitation - always offering an exhilarating place to visit, lending an ear to exploratory thoughts and ideas, advising on complex ethical questions, and giving emotional support in times of sadness and mourning.

Roger's contribution to our understanding of Eskimo material culture will endure for generations. He was an independent scholar like no other. It seems as if anyone who knew anything in the Eskimo world knew and respected Roger.

Roger honored us all with his life well lived, now it is our time to honor Roger. One always felt Roger's kind heart shining through his ready smile and calming manner. For Roger, there was always time for thoughtful consideration and relevant help. One wonders when he slept. He lived to be of service - to the light of his life, Pat, to his beautiful family, to his friends and colleagues, and to his community, both local and international.

Roger must have authored thousands of legal contracts. In our world his thousands of deals were

sealed with a handshake and a smile..

Can't you just imagine Roger on any given day answering the phone:

"Hello, Roger, do you have a moment?"

"Of course, good to hear from you."

Thanks, actually I am hanging by my fingertips on the edge of a cliff with a grizzly bear on one side and a storm bearing down on the other"

"Oh. It will be just ok. Just hang on and tell me about it."

"Well it all started..."

"It will be just ok. We will work it out."



Roger was always there for whoever needed his help whether one of us in need of defense or a penguin threatened by global warming - ever steadfast and calming, reassuring, gentle and loving. This is the man we knew and will always love. He has enriched our lives, broadened our worlds, and opened our hearts. When we think of him, we smile.

with love,

Anna Bono and Ted Trotta

ATADA Foundation Update

The ATADA Foundation had its beginnings as a scholarship designed to fund young Native American artists and Native Art History students. Since that time ATADA has expanded those early efforts to include donations to many causes dealing with indigenous interests on a global scale.

In the past year the ATADA Foundation has maintained those original intentions with continued support of the Phillips Scholarship for young artists carried out through the Heard Museum as well as a first time donation to Soul of Nations. A native run organization, Soul of Nations strives to enhance opportunities for indigenous youth.

ATADA's donation to Soul of Nations went to support their annual Brea Foley Portrait Competition

which was held on the Navajo Indian Reservation. Born of a deep appreciation for the longevity of culturally infused artwork, the Brea Foley Portrait Competition is dedicated to showcasing and celebrating cultural art created by Native American youth. Finalists traveled to New York for a reception at the Smithsonian Institution's National Museum of the American Indian. Included in the number of attendees at that event was the current president of ATADA, John Molloy.

Through continued support of these and other projects, the Foundation hopes to promote greater understanding between indigenous peoples and the collectors of the world who admire their artwork. To learn more about the ATADA Foundation's charitable projects, visit: atada.org/atada-foundation

2017 Brea Foley Portrait Competition Finalists

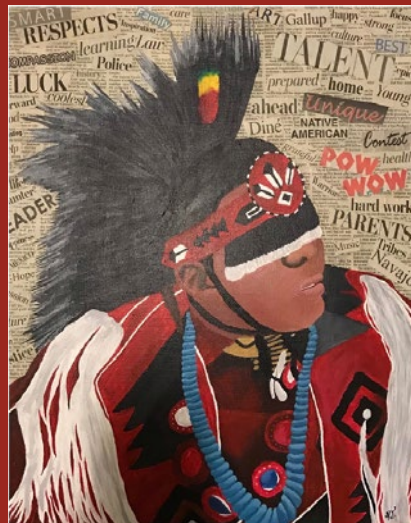
Learn more and see more work by up and coming young artists at: soulofnations.org/projects



Keyera Tsosie



Lelahneigh Mitchell



Kiara Tom



Van-Garrett Johnson



Mesoamerica, Aztec Culture, *Ocelot*, 1300-1540 CE, stone, 12.25 x 10 x 3 inches

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The ATADA Calendar

August in New Mexico

- AUG 4-6** **Great Southwestern Antique & Vintage Show**
Expo New Mexico State Fairgrounds - Albuquerque, NM
gswevents.com
- AUG 4-31** **Horse People - Kevin Red Star**
Sorrel Sky Gallery - Santa Fe, NM
Opening: 5-7:30pm
www.sorrelsky.com


- AUG 4-20** **Early San Ildefonso Pottery Innovators: 1920-45**
King Galleries - Santa Fe, NM
kinggalleries.com
- AUG 5** **Gallery Reception**
Cowboys and Indians Antiques - ABQ, NM
5:30-9pm
gswevents.com
- AUG 7** **A Century of Hopi-Tewa Pottery: From Nampeyo of Hano to Mark Tahbo**
Adobe Gallery - Santa Fe
5-7pm
Through Sept 30
adobegallery.com


- AUG 10-13** **Objects of Art - Santa Fe**
El Museo Cultural - Santa Fe Railyard
Opening Gala: Aug 10, 6-9pm
Show: Aug 11-13 11am - 5pm
objectsofartsantafe.com


- AUG 10-18** **Homage to the Square**
Presented by Mark Sublette Medicine Man Gallery
El Museo Cultural - Santa Fe Railyard
objectsofartsantafe.com/square


- AUG 11-12** **Santa Fe Auction**
Altermann Galleries & Auctioneers - Santa Fe, NM
altermann.com
- AUG 11-14** **Whitehawk Antique Indian & Ethnographic Art Show**
Santa Fe Convention Center - Santa Fe, NM
whitehawkshows.com
- AUG 12** **Annual Opening Event - Historic Native American Art**
Shiprock Santa Fe - Santa Fe, NM
5-7pm
shiprockSantaFe.com
- AUG 12** **Annual ATADA Member Meeting**
International Folk Art Museum - Santa Fe, NM
6:30-7:30pm
Reception and Curator Tours to follow meeting
atada.org
- AUG 12** **Best in Show: The Finest Examples of Antique Native American Art**
Morning Star Gallery - Santa Fe
6-8pm
morningstargallery.com


- AUG 12** **Maxine & Dominique Toya: New Works**
Lyn A. Fox Fine Pueblo Pottery - Santa Fe, NM
Artist reception: 3-5pm
foxpueblopottery.com

EXHIBIT & SALE

<p>El Museum de Cultural Santa Fe, NM August 10th - 18th</p>	<p><i>Call or email for catalog details</i></p>	<p>Medicine Man Gallery Tucson, AZ September 20th - October 28th</p>
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medicinemangallery.com

AUG
12-13

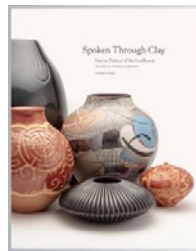
Allard Auctions: Best of Santa Fe 2017
Scottish Rite Temple - Santa Fe, NM
Aug 12, Preview 8-12 / Auction: 12pm
Aug 13, Preview 8-10 / Auction: 10am
allardauctions.com

AUG
13

Moons and Buttons: Navajo and Pueblo Silver Buttons
Buffalo Tracks Gallery - Santa Fe, NM
2-7pm

AUG
15

Spoken Through Clay - Book signing with author Charles S. King
El Museo Cultural - Santa Fe Railyard - 6pm
Free with admission to the Antique American Indian Art Show
kinggalleries.com



AUG
15

Catch 22: Paradox on Paper From the Edward J. Guarino Collection
Ralph T. Coe Foundation - Santa Fe, NM
5-8pm
ralphcoefoundation.org

AUG
15-18

The Antique American Indian Art Show
El Museo Cultural - Santa Fe Railyard
Opening Gala: Aug 15, 6-9pm
Show: Aug 16-18, 11am - 5pm
antiqueindianartshow.com



AUG
15-20

Annual Celebration of Native American Art
Blue Rain Gallery - Santa Fe, NM
blueraingallery.com

AUG
15-20

Native Cinema Showcase
New Mexico History Museum - Santa Fe, NM
Presented by SWAIA and the National Museum of the American Indian
swaia.org/Indian_Market

AUG
15-20

Faust Gallery Indian Market Show 2017
La Fonda Hotel in the Boardroom - Santa Fe, NM
10am - 6pm Daily
Opening: Aug 17, 4-6pm
faustgallery.com

AUG
15-20

Waddell Gallery 2017 Santa Fe Show and Sale
Zuni Ballroom, Inn at Loretto - Santa Fe, NM
10am - 6pm Daily
Special Opening:
Aug 17, 4-6pm
Special Presentations throughout the event
waddellgallery.com



AUG
16

Diego Romero: New Ceramic Works and Cara Romero photography
Robert Nichols Gallery - Santa Fe, NM
4-7pm
robertnicholsgallery.com

AUG
16-17

Chris Youngblood: Solo and Nancy Youngblood: The Miniatures
Lyn A. Fox Fine Pueblo Pottery - Santa Fe, NM
Private reception: Aug 16, 5-7pm
Artists Present: Aug 17, 3-5pm
foxpueblopottery.com

AUG
17

IAIA Annual Scholarship Dinner and Auction
La Fonda on the Plaza - Santa Fe, NM
5-9pm Ticketed event
iaia.edu

AUG
17

Indian Market Celebration: Sonwai & Ken Williams, Jr.
Shiprock Santa Fe - Santa Fe, NM
2-4pm
shiprocksanatafe.com



AUG
17

Hyrum Joe: Painting Demonstration
11am - 3pm
Cannupa Hanska Luger: Clay Sculpting Demonstration
1-3pm
Blue Rain Gallery - Santa Fe, NM
blueraingallery.com

AUG
17

MIAC Living Treasures Exhibition Reception
Governor's Gallery, State Capital Building - Santa Fe, NM
3-5pm, 4th Floor
Ends Aug 25
indianartsandculture.org



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SANTA FE AUGUST 15-18

AUG 17 **Indian Market Native American Show**
 Sorrel Sky Gallery - Santa Fe, NM
 Opening reception: 5-7:30pm
sorrelsky.com



AUG 17 **Old Friends, New Faces: Jewelry Collection Showcase**
 Case Trading Post
 Wheelwright Museum - Santa Fe, NM
 11am -1pm
wheelwright.org

AUG 17 **The Other Side of the Moon: New Works by Glen Nipshank**
 Robert Nichols Gallery - Santa Fe, NM
 4-7pm
robertnicholsgallery.com

AUG 17 **Tony Abeyta: These Mythic Lands**
 The Owings Gallery on Palace - Santa Fe, NM
 Opening reception: 5-7pm
owingsgallery.com

AUG 17 **Richard Zane Smith: Coiled Amazement!**
 Andrea Fisher Fine Pottery - Santa Fe, NM
 Opening reception: 5-7pm
andreafisherpottery.com

AUG 17-19 **We Are The Seeds (Santa Fe): Art + Culture +Fun**
 The Railyard - Santa Fe, NM
 Begins 9am each day
wearetheseedsart.com

AUG 17-20 **R.B. Burnham & Co. Native Treasures Showcase**
 Eldorado Hotel Pavilion - Santa Fe, NM
rbburnhamtrading.com

AUG 17-20 **Martha Struever: Annual August American Indian Art Opening**
 DeVargas Room, Eldorado Hotel - Santa Fe, NM
 Opening: Aug 17, 4-7pm
 Aug 18-20, 11am - 5pm
marthastruever.com



AUG 18 **SWAIA Best of Show Ceremony & Luncheon**
 Santa Fe Community Convention Center
 11:30 - 2pm • Ticketed Event
swaia.org/Indian_Market

AUG 18 **SWAIA Indian Market Award Winners - Sneak Preview**
 Santa Fe Community Convention Center
 2 - 3:30pm • Ticketed Event
General Preview
 Santa Fe Community Convention Center
 7:30-9:30pm • Ticketed Event
swaia.org/Indian_Market

AUG 18 **The Origins & Evolution of Hopi Silver: A Special Talk and Show**
 La Capilla de Oro Chapel, Eldorado Hotel - Santa Fe, NM
 Hosted by Martha Struever with guests: Sonwai, Raymond Sequaptewa, Bennett Kagenveama, and Griselda Saufkie
 2:30-5pm
marthastruever.com

AUG 18 **New Works in Clay: Nathan Youngblood, Tammy Garcia, Susan Folwell, Al Qoyawayma, Les Namingha and Virgil Ortiz**
 King Galleries - Santa Fe, NM
 3-5pm
kinggalleries.com



AUG 18 **Preston Singletary: Journey Through Air to the Sky World**
 Artist Reception: 5-7pm
Glass blowing demonstrations with Preston Singletary and Dan Friday
 Aug 18 & 19, 11am - 3pm
 Blue Rain Gallery - Santa Fe, NM
blueraingallery.com

AUG 18 **Eagle Medicine: Power and Protection: New Works by Nocona Burgess**
 Giacobbe-Fritz Fine Art - Santa Fe, NM
 Reception: 5-7pm
giacobbefritz.com

AUG 18 **Indian Market All Inclusive Show**
 Sorrel Sky Gallery - Santa Fe, NM
 Opening reception: 5-7:30pm
sorrelsky.com



AUG 18 **ZOHI Gallery Grand Opening**
 ZOHI Gallery - Santa Fe, NM
 5-9pm
 Aug 19: Fashion Show
 Aug 20: Live Performances
zohigallery.com

AUG 18-19 **Indigenous Fine Art Market**
 Inn and Spa at Loretto - Santa Fe, NM
indigefam.org

AUG 18-23 **Curtright & Son Tribal Art Showing in Santa Fe**
 By Appointment
curtrightandson.com



AUG 19 **Indian Market: EDGE**
 Santa Fe Community Convention Center
 9am - 4pm
swaia.org/Indian_Market

AUG 19 **SWAIA Indian Market Haute Couture Fashion Show**
 Santa Fe Community Convention Center
 3-4:30pm • Ticketed Seats / Free to stand
swaia.org/Indian_Market

AUG 19 **SWAIA Live Auction & Gala**
 La Fonda on the Plaza - Santa Fe
 6pm • Ticketed Event
swaia.org/Indian_Market

AUG 19-20 **The Zuni Show**
 Scottish Rite Temple - Santa Fe, NM
 9am
 The Keshi Foundation
keshifoundation.org

AUG 19-20 **96th Annual Santa Fe Indian Market**
 Santa Fe Plaza and Surrounding Streets
 Aug 19, 7am-5pm
 Aug 20, 8am-5pm
swaia.org/Indian_Market



AUG 20 **SWAIA Fashion Challenge / Native American Clothing Contest**
 Main Plaza Stage - Santa Fe
 9am - 12pm
swaia.org/Indian_Market

AUG 20 **Pablita Abeyta - Celebration of Life**
 Sorrel Sky Gallery - Santa Fe, NM
 4-6pm
sorrelsky.com

Ends Aug 20 **Born of Fire: The Pottery of Margaret Tafoya**
 King Galleries - Santa Fe, NM
kinggalleries.com



AUG 26 **Zuni Trunk Show: Hosted by Kent McManis & Grey Dog Trading**
 Albuquerque Museum - ABQ, NM
 12-4pm
cabq.gov/museum



ATADA 

Further listings can be found on our online calendar at: atada.org/calendar

To submit your listing, please use our online submission form on the [calendar page](#) of our website.

**Please note that all listings are posted solely at the discretion of ATADA. We regret any errors or omissions in this calendar; we cannot be held responsible for incorrect or changed information.*

The ATADA Calendar

Trade Show Previews

The Great Southwestern Antique & Vintage Show

August 4 Sneak Preview 1-6pm
August 5 9am-5pm
August 6 10am-4pm
Expo New Mexico State Fairgrounds

At Expo New Mexico, more than 175 dealers will gather to display Pueblo pottery, Native jewelry, paintings and prints, textiles, memorabilia and more at the Great Southwestern



Antique Show. The show offers the opportunity to learn about the art of collecting and investing in fine art and antiques, ethnographic tribal and Native American Art, historic photos, rare books, jewelry, and more.

This year's show will feature a Charity Appraisal Clinic on Saturday, August 5 from 12:00pm to 3:00pm. Participants may bring up to three treasured objects for professional evaluation for \$35. Proceeds will go to New Mexico PBS.

New to the show this year are Salt Lake City dealers Mary Corporon and Fred Hightower, who will bring a collection of Navajo rugs, art, old signage and other antiques to the show. Works on display from other exhibitors include a pair of Mescalero Apache moccasins, circa 1870, from Waterbird Traders and a 19th-century Tubatulabal basket from eastern California brought to the show by Michael Haskell Antiques.

A special exhibit will celebrate the 50th anniversary of the Summer of Love that swept San Francisco in 1967 with period items from the collection of Mark Hooper. "Mass production was on the rise, war was a seemingly never-ending reality, and traditional social confines including having to dress a certain way or having your hair a certain length were all being challenged. 'Back to Nature' and 'Make Love Not War' were not just slogans but an urgent call to be more aware, and to make love, love of the planet, love of animals and all living things, and love of all people—

all ethnicities, races and religions—the primary goal," says show manager Victoria Roberts. "The connection the hippie movement felt with Native American cultures was strong because of their long history of respect for the earth."

Whitehawk Antique Indian & Ethnographic Art Show

August 11 Opening Night Party 6-9pm
August 12-14 10am-5pm
Santa Fe Community Convention Center

The Whitehawk Shows have been a Santa Fe tradition for 39 years. Called "the granddaddy of them all" by Maine Antique Digest's Alice Kaufman, these amazing shows, now combined into one Antique Indian and Ethnographic Art Show, offer something for everyone. The concept originated with antique Indian arts collector Don Bennett, who thought it would be a good idea to get some of his fellow collectors together so that they could buy, sell and trade from each other. Bennett invited about 100 dealers to join him at the Santa Fe Hilton Hotel, and dealers and collectors went from room to room. Those dealers who couldn't get into the hotel sold in the parking lot from the trunks of their cars. Thus, the Whitehawk shows were born. All of these years later, many of the original dealers plus plenty of new ones still come together every August in Santa Fe. The venue may have changed, and now the shows are set up with gallery-like booths with professional lighting, but the spirit remains the same: dealers and collectors coming together to buy, sell, trade and indulge in a shared passion.



Objects of Art Santa Fe

August 10 Opening Night Gala 6-9pm
August 11-13 11am-5pm
El Museo Cultural de Santa Fe in The Railyard

Now in its eighth year, Objects of Art Santa Fe has earned a reputation for offering rare and eclectic works of beauty. The show's ultimate goal, organizers say, is to introduce viewers to authentic, accessible works of art that will help them fine-tune their own eye for beauty and inspire them to embrace new expressions in art to enhance their lives and their homes.

"Our participants must be selling something that is truly unique," show producer Kim Martindale says. "It must give visitors a sense of the best things in these cultural groups, things that have been cherished, kept, venerated for many years. Ideally, it will motivate visitors to want to keep, cherish and admire these things as their own."

Objects of Art Santa Fe offers a global melding of the world's best historic materials and fine art—from ethnographic materials to modernist furniture to contemporary art and fashion. More than 70 exhibitors with expertise in global art, culture, and creativity will display hand-picked objects intended to appeal to the sensibilities of modern-day collectors who are not afraid to mix the old and the new.

With an eye toward international design trends, the emerging interest in global ethnographic materials, and the eclectic tastes of young collectors, noted traders from throughout the United States have assembled extraordinary art treasures that span place and time, giving Objects of Art Santa Fe a unique niche in the art show world.

The Antique American Indian Art Show Santa Fe

August 15 Opening Night Gala 6-9pm
August 16-18 11am-5pm
El Museo Cultural de Santa Fe in The Railyard

The flagship show in the United States dedicated to pre-1950 American Indian art, the line-up provides an eye-dazzling education into North American Indian art history learned through the lens of original handmade objects that reflect and express the daily life and culture of Native peoples. From textiles and pottery to jewelry, basketry, beadwork, woodcarving and more, the show highlights the artistry, imagination and tribal traditions of historic, largely unknown American Indian artisans and the beauty, inspiration and material resources of the Native landscape.

Now in its fourth year, the Antique American Indian Art Show brings together more than 65 of the world's most knowledgeable experts in Native American art and is the only show dedicated to antique American Indian art in the world.

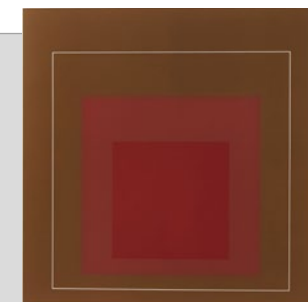
Whether a veteran collector of historic Indian art or a novice who wishes to discover the art history of Native peoples, the Antique American Indian Art Show offers an immersive experience of Native art and culture guided by some of the world's foremost Indian art traders and other authorities. For visitors to the city's world-renowned Indian Market or Indigenous Fine Art Market, both also held in late August, the show provides an informed historical perspective on the contemporary expressions of today's best Indian artists.

Designer Showcase at El Museo

New this year, each of the shows will feature a Designer Showcase presented by expert interior designers, who will demonstrate how to highlight historic artworks and other one-of-a-kind pieces on offer at the shows in a modern interior.

Homage to the Square

Admission includes a special viewing of *Homage to the Square*, a groundbreaking exhibit presented by Mark Sublette Medicine Man Gallery featuring twenty-five early Navajo rugs and blankets c.1870-1950, juxtaposed against a series of original modern artworks utilizing simple polygon design and complex color interaction.



SWAIA Santa Fe Indian Market

August 19-20
Santa Fe Plaza and surrounding area



Santa Fe Indian Market is the largest and most prestigious juried Native American arts show in the world and the largest cultural event in the Southwest.

During the annual event over 1,100 indigenous artists from the U.S. and Canada sell their artwork, and the show attracts 150,000 visitors to Santa Fe from all over the world. Buyers, collectors, and gallery owners come to Indian Market to take advantage of the opportunity to buy directly from artists. For many visitors, this is a rare opportunity to meet the artists and learn about contemporary Native arts and cultures. Quality and authenticity are the hallmarks of the Santa Fe Indian Market.

The centerpieces of Indian Market Week are the Best of Show Ceremony and Previews of Award Winning Art, where more than \$100,000 in prize money is awarded. Held on the eve of the Indian Market, a work of art is selected from hundreds of submissions as the winner of Best of Show, the most prestigious and important award in the Native arts world.

There are ten kinds of art in both traditional and contemporary forms offered at the Santa Fe Indian Market: Jewelry, Pottery, Sculpture, Textiles, Paintings, Wooden Carvings (Kachinas), Bead Work, Baskets and Diverse Arts, which encompass a variety of items including drums, bows and arrows, cradle boards, etc. This means there are thousands of handcrafted works of art for sale.

Some artists have been participating in Indian Market for decades, often with many family members sharing the same booth. The Indian Market is a direct reflection of the lives of Native people and the communities they represent, and this unique art fair gives collectors a rare opportunity to interact firsthand with the artists.

Tribal Art London

September 5 Preview 3-9pm
September 6 10:30am-7pm
September 7 10:30am-9pm
September 8 10:30am-7pm
September 9 10:30am-6pm
Mall Galleries

Tribal Art London, the only tribal art fair of its kind in the UK, brings together many experienced, reputable dealers, each a specialist in fine tribal art drawn from all corners of the globe. Every item offered for sale has been chosen for its quality and authenticity.

In 2017 the fair celebrates 10 years in the making. It began in a single gallery space off Portobello Road, Notting Hill as a group show for a handful of UK dealers in authentic tribal art. The initial success of the group show led to its steady expansion. Increasing numbers of prominent tribal art dealers applied to take part, a number from overseas, resulting in a significant increase in attendance and recognition of the fair at an international level. This resulted in a move to the spacious modern setting of the Mall Galleries, located next to the ICA and in the prestigious art heartland of St James's.

Tribal Art London is now a leading, internationally recognized fair showcasing more than 20 exhibitors and is an important annual event for tribal art dealers, connoisseurs and collectors. The show has stamped its mark on the international fair circuit by offering an exciting diversity of works for sale, as well as hosting lectures and talks on many subjects relating to indigenous cultures. Tribal Art London is now an established precursor to *Parcours des Mondes* Paris, and attracts dealers, museum curators and private buyers from across the globe.

There is also a growing interest amongst younger buyers who have embraced body adornment and tattooing, a tradition of significance for many cultures and peoples. For 2017 the Fair is introducing a day of lectures and

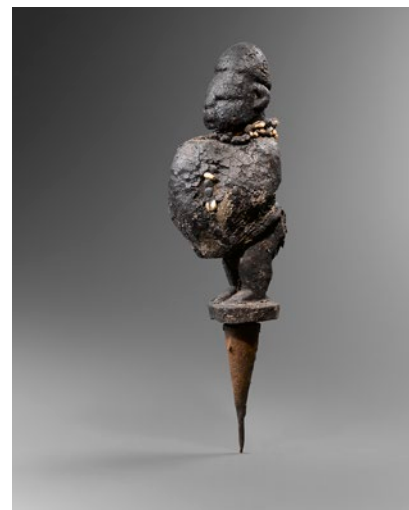


Image: Mark Eglington Tribal Art

events revolving around the history and development of tribal tattoos, including a talk by Dr Karen Jacobs of the University of East Anglia. Martin Poole, an expert in the technique of hand tapped tattoos, will be giving live demonstrations. Other popular forms of body modification within tribal communities such as earplugs, lip plates and scarification will be included in the talks. Visitors will find many related items on view and for sale at the fair.

Additional featured events include an exploration of African bronzes from the Delta region by Roberto Gnisci and a discussion of body adornment in contemporary Papua New Guinea by Wylda Bayrón.

Parcours des Mondes

September 12 Opening 3-9pm
September 13 11am-7pm
September 14 11am-9pm
September 15 11am-7pm
September 16 11am-7pm
September 17 11am-6pm
Saint-Germain-des-Prés, Paris

Parcours des Mondes is widely recognized as the world's most important tribal art fair due to the quality and diversity of its participants. Since 2002, each year it has brought together some sixty galleries specializing in the arts of Africa, Asia, Oceania, and the Americas. During the second week of September, German, American, British, Australian, Belgian, Canadian, Spanish, Italian, Dutch, and Swiss galleries come together in Paris to show alongside their colleagues who have a permanent presence in the fine arts neighborhood of Saint-Germain-des Prés.



Image: Dimondstein Tribal Art



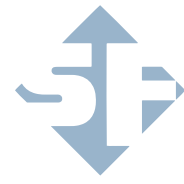
Photo: David Godfrey Photography

they stroll through the streets of this historic district. Each gallery offers an individualized and intimate presentation of often-unknown masterpieces. These range from easily affordable ethnographic works to rare and coveted artworks much sought after by collectors.

This dynamic fair, which has received a great deal of media coverage and praise, owes its success to the robustness of the healthy state of the tribal art market, an ever increasing interest in the arts it represents, the efforts made by dealers to produce high-quality thematic exhibitions, and those made by the fair's vigilant management to ensure that the highest standards are upheld.

This year *Espace Tribal*, originally conceived in 2015 to serve as a think tank on tribal arts, will host a special exhibition "The Lion and the Jewel." Curated by contemporary art gallerist Javier Peres, the exhibit is intended to be an immersive experience in the worlds of contemporary and tribal art. Named after the Wole Soyinka's play, the installation will connect a selection of Nigerian objects from the art dealers exhibiting at *Parcours des Mondes* with artworks from his personal contemporary art collection. Peres will create aesthetic bridges between non-European artworks and the works of contemporary artists with an approach that counterpoints different time periods, styles, cultures, and techniques in an effort to provoke discussion and illuminate certain overarching themes.

This exceptional concentration of experts and artworks is organized as a multiple-venue fair, at which visitors can mingle and interact as



Objects of Art

santa fe



August 10 - 13, 2017

IN THE RAILYARD: El Museo Cultural de Santa Fe, NM

Featuring 70+ exhibitors, with material ranging from contemporary to historic, the show will include paintings, sculpture, fine art of all kinds, furniture, books, fashion, jewelry, textiles, and tribal, folk, American Indian, African, and Asian art – OBJECTS OF ART from around the world.

2017 SHOW INFO:

Thursday, August 10, Gala Opening Night (6pm - 9pm)
100% of the Gala ticket proceeds benefit KNME New Mexico PBS
Friday-Sunday | August 11th-13th (11am-5pm)

ObjectsOfArtShows.com



The ANTIQUE AMERICAN INDIAN ART SHOW

Santa Fe



August 15 - 18, 2017

IN THE RAILYARD: El Museo Cultural de Santa Fe, NM

View and purchase basketry, jewelry, textiles, kachinas, sculptures, pottery and more, from over 65 renowned exhibitors. When the world comes to Santa Fe for the finest in American Indian art, the best in historical art will be found at this flagship show.

2017 SHOW INFO:

Tuesday, August 15, Gala Opening Night (6pm - 9pm)
100% of the Gala ticket proceeds benefit KNME New Mexico PBS
Wednesday-Friday | August 16th-18th (11am-5pm)

ObjectsOfArtShows.com



On Trend

A Review of Recent Tribal Art Auctions

● ● ● ● Mark Blackburn ● ● ● ●

The late spring sales have been interesting, with lots of diverse factors in play and a relatively new phenomenon affecting the auction market. This new occurrence that seems to be happening on a regular basis is that astute collectors and dealers are using “after sales” to incredible effect. Because the auction market is unique in the buying world, psychology seems to be driving the marketplace at lightning speed. As a result, major pieces are often pre-sold on a one bid basis against the reserve. For some new collectors, this is disturbing, as they try to figure out if there is someone actually bidding in the room or on the phone, or the auctioneer is merely trying to create activity until the reserve is met.

This practice is totally legal and aboveboard, but it does represent a confusing landscape for the new collector. In one recent instance, I witnessed a scenario where multiple phone bidders were on a lot and none of the prospective bidders would place a bid because they were waiting for the first real bidder to begin. This is pure “herd mentality” and just shows how insecure collectors and dealers are at the end of the day.

On the other side of this coin is the “after sale” crowd who have a serious interest in a particular work of art and wait until the item is “bought in” and then make an offer after the sale. This is an extremely clever way of purchasing items at a price often considerably below the market, as sellers decide to unload objects, often at a deep discount. It is sort of a reverse “ringing” which prevailed in the auction market a couple decades ago. This practice is both very strategic and fail-safe; if the work actually opens and starts selling, then the prospective buyer can still jump in.

Another recent phenomenon that most collectors or dealers are unfamiliar with is “extended terms.” If you are a collector or dealer with a good buying

and collecting history, the top three auction houses – Sotheby’s, Christie’s and Bonhams – are offering extended payment options. One major auction house even offers terms of one year on higher valued lots. This, combined with items being presold, has skewed the reality of what is going on in what I feel is an unrealistic, overblown market at the high end. At this end of the spectrum, it has been reported that a superb but small group of African masterworks from a well known major American collector has a standing offer of 100 million dollars from a European collector. Although astonishing, who could argue the point, when an uninteresting Basquiat painting sells for 110 million dollars? These seem relatively inexpensive in comparison.

Sotheby’s New York Sale:

The Sotheby’s sale on May 15 in New York returned some impressive results, with a mixed Tribal, Native American and pre-Columbian sale going for a total price of \$6,251,000.

Some highlights: Two Kachina dolls, Lots 1 and 2. The position as the first two lots of the sale and with reasonable estimates of \$5,000 to \$7,000, realized prices of \$16,250 shows a surprising confidence in the market for early dolls. Another surprise was Lot 26, a Tsimshian Grease Bowl that made an incredible \$432,500 on what I personally believe was an overblown estimate of \$150,000 to \$250,000. That such a record was achieved is remarkable, as I doubt this piece would have sold if it appeared at a show in Santa Fe for \$100,000.

From the Pacific region, an old Tongan club with modern and replaced ivory inlay that brought an aggressive estimate of \$70,000 to \$100,000 made a whopping \$137,000, which just shows that few people actually study the areas they spend money on. The real surprise in Pacific artifacts was the very

rare Lake Sentani figure (Lot 29), with an estimate of \$1,000,000 to \$1,500,000 that failed to sell. For such an iconic object, this was entirely unexpected to me. An anomaly was Lot 45, the broken Marquesan Stilt Step missing an entire bottom side, which made \$27,500 on an estimate of \$4,000 to \$6,000. Lot 36, a relatively average Maori Taiaha, which was properly estimated at \$4,000 to \$6,000, made \$12,500, and the Fiji Cannibal Fork, which, in my opinion, was a late tourist curio, was moderately estimated at \$3,000 to \$5,000 and made an incredible \$16,250, proving that marketing is everything.

Stacy Goodman’s carefully curated sale of pre-Columbian items had mixed results this time around, which I believe is due to the exploding cultural issues associated with this type of material. Some standouts were a stunning Zapotec figural urn (Lot 70), which on an estimate of \$30,000 to \$40,000 made a remarkable \$200,000, and an incredible Mayan hand (Lot 71) with a strong modernist appeal that made \$200,000 on a modest estimate of \$50,000 to \$70,000.

African sales were very mixed, with the highlight being the beautiful Chokwe figure from the collection of Jacques Kerchache (Lot 20) which made \$1,812,500 on an estimate of \$1,500,000 to \$2,500,000. The piece was sold on one bid against the reserve to a well-known collector of Chokwe materials with ties to business and government interests in that part of the world. This is more proof that many of the top lots are sold on one bid against the reserve, and in this case it was more than likely presold.

Christie’s Laprugne Sale:

Christie’s sale on April 4 in Paris, which resulted in a total of €5,604,750, had some high drama attached to it. The highlight was their sale of the Laprugne collection. In the 1970s, Jean-Pierre Laprugne and his wife Angela ran a Parisian gallery known as Mazarine 52 that specialized in African and Oceanic tribal art. Jean-Pierre was a teacher who became interested in the field of tribal art early on and was a familiar figure in the sale rooms of Paris. The main reason for the drama and innate

nastiness present in this auction was Jean-Pierre and his wife pitting dealer against dealer as they sold off selected pieces over the last two years, resulting in some prominent Parisian dealers boycotting the sale. I must admit that I did as well since I had been promised many important Polynesian pieces from the collection in the last year, only to find that Christie’s came in to sell them instead. But the story doesn’t stop there. Many of the better objects were sold a couple days before Christie’s came to pick up the collection, leaving some important objects out of the consignment. A personal frustration is that I made offers on many objects that sold for less than half of what I had offered, showing that auctions can be a tricky business for consignors if they pit people against each other.

Some highlights: A rare central Polynesian drum (Lot 19) on a modest estimate of €15,000 to €25,000 made a mere €16,250. Recognizing its importance, I had offered €40,000 for it earlier. A fine Marquesan U’u club with a realistic estimate of €30,000 to €50,000 made €86,500, but since there were many U’u clubs in the collection, it will be interesting to see what happens when the rest show up. This is also the case of the Marquesan Stilt Steps, of which there were originally many in number, occupying a complete drawer in the couple’s flat. Lot 23, a fine example of the type of step with the head at the bottom, made a mere €47,500 on an estimate of €20,000 to €30,000 due to negative feelings towards the consignors.

On the African artifacts, there was firm resistance in the room, as people boycotted many of the more important objects, but one important Kota figure from Gabon (Lot 64) did sell at €983,500 on an estimate of €400,000 to €600,000.

Towards the end of the sale was a mixed consignor grouping with some very strong results. Among that group was an aberrant Easter Island figure (Lot 80), late in nature, estimated at €200,000 to €300,000, that sold on one bid against the reserve for €218,500. A stunning and impressive large Marquesan U’u (Lot 81) on a very moderate estimate of €50,000 to €70,000 made €182,500, as it was truly a masterpiece – but made far less than a well-known Parisian dealer’s asking price for a Marquesan U’u

club of one million Euros. If I did not already have two exceptional examples in my collection, I would have gone after this masterpiece myself. The well-known and extensively published Dogon Mask from the Schindler Family collection made €2,370,500 on an estimate of €2,500,000 to €3,500,000. A piece like this selling against the reserve on one bid shows me that the high-end market is extremely small and fraught with many hazards. Even though it is an iconic work, it is fragmentary in nature, with a missing mouth area and unbalanced eyes. To me, this ancient, well-documented piece is a “canary in the coal mine” at the extreme top end of the market.

Christie’s’ Timeless Masterpieces Sale:

Christie’s second, tightly curated sale in New York on May 19, titled “Timeless Masterpieces,” achieved \$3,953,500 and consisted of only a handful of lots made up of many consignments by well-known dealers and collectors. Clearly aimed at the crossover modern painting market and on the heels of record prices, it achieved some stunning results. One was a rather uninteresting Toma mask (Lot 2) making \$343,500 on an estimate of \$350,000 to \$450,000, a single bid against a lowered reserve. What was unusual at this sale was that there were only seven people in the actual room with the rest of the bidders, it seemed, on the phone. The highlight and most expensive piece in the sale was Lot 6, a Dogon Maternity Group, with an aggressive estimate of \$1,500,000 to \$2,500,000. It went for \$1,207,500, which I am sure was well below the early agreed-upon estimate, another indication of the worrisome and problematic nature of the top market. On this lot and many others it appears the aesthetics are clearly aimed at the Art Brut collector, as the pieces lack refinement and balance.

Bonhams Tribal Art Sale:

Bonhams’ very closely curated Tribal Art sale on May 23 was the largest sale to date, with \$1,101,000 achieved and an additional \$462,000 in after-sales (showing the validity of my prior statements on how this strategy is being used by both collectors

and dealers today). The majority of objects were consigned from a well-known family’s collection and included some impressive offerings. Results were mixed, but some outstanding records were set. In the pre-Columbian area, a strong and dynamic Chinesco figure (Lot 13) made \$42,500 on an estimate of \$40,000 to \$60,000. A superb and beautiful Mayan monkey cylinder vase (Lot 18) made \$18,750 against an \$18,000 to \$20,000 estimate.

In the African area, a small group of very reasonably priced metal work presented a tremendous buying opportunity for the new collector. A Bamana dance wand of beautiful shape and form (Lot 36) made \$22,500 on an estimate of \$20,000 to \$30,000. An exceptional Baule mask (Lot 70) that created quite a stir, despite some negative comments, made \$112,500 on an estimate of \$80,000 to \$120,000. This proves my point that collectors should do their own homework and compete based on their own research and feeling, which in this case resulted in a masterpiece being acquired for a bargain. One of my favorites was a rare and beautiful Benin Kola box in the form of a buffalo head (Lot 77) that made a modest price of \$37,500 on an estimate of \$30,000 to \$40,000. The realistic Ogoni antelope mask (Lot 90) made a reasonable \$37,500 on an estimate of \$30,000 to \$50,000, which was surprising given the extensive provenance and general power of the piece. The highest price achieved in the African section was Lot 91, a Mumuye figure from Nigeria, which made \$131,250 on an estimate of \$125,000 to \$150,000. If this piece was in Paris, it would have been priced several times more, especially with the provenance and the power attached to the figure.

In the Oceanic section, a stunning small Kiwai comb (Lot 110) made a reasonable \$25,000 on an estimate of \$15,000 to \$20,000 and was a diminutive masterpiece. The Huon Astrolabe Bay mask (Lot 115) made \$100,000 on an estimate of \$80,000 to \$120,000 and represented an amazing buy for the French collector who acquired it. One of the more aberrant prices was a beautiful, amazingly crafted Nukuoro Island fish trap that made \$28,750 on a low estimate of \$3,000 to \$5,000.

A couple of important Polynesian objects did reasonably well, including a stunning Fijian/Tongan paddle or parrying shield (Lot 128) that made \$50,000 on an estimate of \$40,000 to \$50,000. One of my favorites was the Tahitian pounder (cover Lot 129), which made a very reasonable price of \$40,000 on an estimate of \$40,000 to \$60,000. Items of utilitarian beauty, these pounders represent the highest level of lithic workmanship and are masterpieces of form and function. The Hawaiian bowl or calabash market, which has been suffering in the recent past, did have one exception: a large bowl with a very important provenance (Lot 135) realizing \$13,750 on an estimate of \$18,000 to \$24,000. If this piece had been offered a couple years back, it would have achieved at least double that. An impressive Maori hei tiki with double holes and sealing wax eyes complete with the original flax cord and albatross bone toggle (Lot 153) made a respectable \$56,250 on an estimate of \$35,000 to \$45,000. In my opinion, this one was at least as good or better than a similar example sold by another auction house in the last quarter for nearly double the amount.

Bonhams Native American Art Sale:

The Bonhams Native American Art sale of June 19 achieved \$719,625, on a low estimate of \$1,163,000, with extremely mixed results. The last major auction house to hold regularly scheduled Native American sales appears to be having some minor difficulties as the cultural issues affecting this marketplace continue to be a challenge. As always, jewelry did well. A First Phase concho belt (Lot 23) with an estimate of \$15,000 to \$20,000 made \$22,500. Another standout jewelry item was the Charles Loloma bolo tie (Lot 79) which made \$16,250 on an estimate of \$5,000 to \$7,000. One of the most remarkable lots in the sale (the cover lot) was the model Yupik Eskimo Umiak, which made an astounding \$50,000 on an estimate of \$20,000 to \$30,000, a record for any type of model Native American canoe, showing a renewed interest in all collecting areas of the market for these early curiosities.

Showing the strength of the contemporary pottery market, a Cochiti storyteller ceramic piece by renowned potter Helen Cordero realized \$7,500 on an estimate of \$4,000 to \$6,000. In stark contrast, a beautiful Mimbres picture bowl (Lot 186) with an estimate of \$5,000 to \$8,000 made the same price. The question is, will these contemporary works stand the test of time or is it purely driven by market hype? Another great example of this trend is the San Ildefonso sgraffito redware ceramic plate by Tony Da (Lot 202) that made \$13,750 on an estimate of \$7,000 to \$10,000. This could be the beginning of a dynamic market shift of collectors shying away from historic works due to the swirling controversies that are currently hanging over the marketplace. Nonetheless, a wonderful Plains muslin pictorial from the notable collection of Vincent Price (Lot 319) made \$31,250 on an estimate of \$12,000 to \$18,000. An interesting Chumash cooking basket (Lot 282) sold for \$10,625 against an estimate of \$8,000 to \$12,000. Results for woven items in this sale were mixed, as is the market in general due to a lack of interest from upcoming new collectors. One example was the classic, iconic Navajo Moki (Lot 220), estimated at \$20,000 to \$30,000, which barely squeaked by with what appears to be a last minute lowered reserve of \$20,000. □

*Please note that all sale results include buyer’s premiums.

About the author: Mark Blackburn is a noted author, appraiser, art consultant and former two-term President of the Society of Asian Art of Hawaii, with over 35 years of experience in the field. Specializing in complete estates, probate work and building collections of note for both private and corporate clients. Mark can be reached at Mark@blackburnartconsultants.com or on his mobile at 808.228.3019

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Left to Right - Zuni Kiapkua Olla with Crows, From the
Collection of Dwight Lanmon - \$15,000 - \$20,000; Zuni
Polychrome Olla - \$6,000 - \$8,000; Santa Ana Olla From
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The Leekya Family: Master Carvers of Zuni Pueblo

at The Albuquerque Museum through September 24

by: Robert Bauver



On June 24th the Albuquerque Museum was the place to be for the opening of a show celebrating the life and artistic legacy of Leekya Deyuse, the renowned Zuni carver. The retrospective exhibition was curated by Deborah Slaney whose prior years at the Heard Museum, which houses the largest collection of Leekya's work, and previous publications on the subject perfectly qualified her for the undertaking.

The Leekya Family: Master Carvers of Zuni Pueblo, which includes three hundred works by Leekya Deyuse and his contemporaries and descendants, is the first exhibition to feature a comprehensive body of the artist's work. Forty lenders from across the country along with members of Leekya's family and the Zuni Tourism Office participated in this groundbreaking project.

Best known for his "fetish" necklaces of birds and bears delicately carved from turquoise, coral, shell and jet, Leekya also fashioned larger pieces that stand alone as sculpture as well as pieces designed to be set into jewelry.

In a life spanning 1889-1966, Leekya saw many changes at Zuni Pueblo—the arrival of the railroad,



Leekya
Fetish necklace, ca. 1940
Ricolite, coral, turquoise,
white shell, silver, cordage
Photographer: Addison Doty
School of Advanced Research
Gift of Henry S. Galbraith
1989-7-152

Leekya, Zuni (1889-1966)
Bear, n.d.
Abalone
Photographer: Craig Smith
The Heard Museum, Phoenix
NA-SW-ZU-H-61



(opposite)
Leekya, Zuni (1889-1966), 1964
The Heard Museum, Phoenix
Billie Jane Baguley Library and Archives
The Heard Museum, Phoenix, RC
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automobiles and airplanes; two world wars; an economic shift from farming and sheep ranching to lapidary and silver work. Although continuing to farm and raise sheep, Leekya also began making jewelry. He originally produced turquoise tab necklaces and jacklas, but he gained his greatest notoriety for his figurative carvings in turquoise along with other local stones, jet and various shells traded from the coast. Employed as a laborer at the excavations of the ancient pueblo of Hawikku, Leekya would have seen the carved artifacts unearthed there which may have influenced his future work.

He began carving for C.G. Wallace, the renowned trader at Zuni, in the 1920s. Seeing the commercial possibilities in Leekya's artistic skill, Wallace not only promoted and marketed his work but also supplied him with tools and materials. There is a story that Wallace's wife first came up with the idea of using the small birds and bears as beads, creating the modern fetish necklace. In addition to his relationship with Wallace, Leekya worked for himself, doing business with a number of other traders including the Kelseys, Kirks, McGees, Tanners, Vanderwagens, and Zimmermans.

While a number of other skilled carvers came out of Zuni, Leekya maintained a certain charm and



Leekya family
Fetish necklace, ca. 1950
Turquoise, jet or jet pigment, heishe, cordage
Photographer: Addison Doty
School of Advanced Research
Gift of Henry S. Galbraith
1989-7-196



Leekya, C.G. Wallace, and Teddy Weahkee at the C.G. Wallace Trading Post, 1940s
Courtesy Albuquerque Museum Photoarchives
Gift of Kenneth A. Wallace
PA2005.31.17

individuality to his pieces that is apparent in the various representations of animals and human figures included in the show. His carvings have personality, conveyed through animated postures and distinctive friendly, sometimes puzzled looking faces.

Among the many standout pieces in the exhibit is a silver model of a covered wagon inlaid with turquoise being drawn by two large turquoise oxen carved by Leekya. This extraordinary piece was purportedly brought to the Heard Museum by a Phoenix resident who told of it having been on her breakfast table for many years. Examination of the piece revealed that the wagon's silver barrels were, in fact, salt and pepper shakers, and the canopy of the wagon opened to allow access to napkins kept within.



Leekya, Zuni (1889-1966)
Navajo Bracelet, 1929
Turquoise, silver
Photographer: Craig Smith
The Heard Museum, Phoenix
NA-SW-ZU-J-167



Frank Vacit, Zuni (1915-1999)
Leekya, Zuni (1889-1966)
Wagon and oxen, ca. 1950
3 x 4 1/4 x 4 1/2 in. (oxen)
Photographer: Craig Smith
The Heard Museum, Phoenix
4250-1D

Early seeds for this remarkable exhibition of Leekya's work began to be planted at a chance meeting at Zuni with Sarah Leekya, daughter of the artist. It was learned that she had never been to Phoenix to see the collection of her father's work at the Heard Museum. When this was brought to the attention of the ATADA Board, funds were made available to transport Sarah to the museum and to document her comments on the collection. Segments of these recordings are included as part of the Albuquerque Museum exhibit. Unfortunately, Sarah passed away before the opening, but the recording allowed many other family members in attendance to hear her reminiscences.

At that first meeting years ago, I showed her an abalone horse her father had carved; she responded smiling lightly, "Oh yes, that's the face they all tried to copy."

The show runs through September 24 and offers an unprecedented opportunity to view examples of Leekya's masterful carving. As the largest comprehensive display of his work ever assembled and available to the public, it is not to be missed by anyone with an interest in the arts of the Southwest. □

About the Author:
Robert Bauver is a founding member of ATADA and current president of the ATADA Foundation.



Leekya, Zuni, and John Silver, Navajo
Box with tortoise, 1940s
Silver, turquoise
4 1/4 x 8 in.
Collection of Kennedy Museum of Art, Ohio University. Gift of Edwin L. and Ruth E. Kennedy. KMA89.016.159

Leekya Deyuse (1889-1966), Zuni,
New Mexico
Leaf Necklace, ca. 1935
Silver, turquoise and coral
Length: 33 1/2 in. (85.1 cm)
The Nelson-Atkins Museum of Art,
Kansas City, Missouri. Gift of Mrs.
David T. Beals, 67-44/4



ATADA Legal Committee Report

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A new and revised version of the Safeguard Tribal Objects of Patrimony or STOP Act (S. 1400) was introduced by Senator Martin Heinrich on June 21, 2017. While the new STOP Act (STOP II) is an improvement on the 2016 bill in some ways, it remains seriously flawed.

ATADA representatives have been meeting directly with tribal leaders for months to discuss both legislation and voluntary returns. ATADA will make every effort to work closely with lawmakers to improve the bill. However, as written, STOP II would create dangerous legal uncertainties for private owners of a wide range of American Indian art and artifacts. By failing to provide adequate notice of what items would be illegal to export, STOP II, like its predecessor, would violate the due process guaranteed by the U.S. Constitution.

Due Process Issues

The U.S. legal system is premised on the idea that a citizen must have fair notice of our laws. The items that tribes most urgently seek to repatriate from non-tribal possessors are ceremonial objects and objects of cultural patrimony that tribes claim as inalienable tribal property. These objects are claimed regardless of the geographic and time limitations and grandfathering-in of older private collections under the 1979 Archeological Resources Protection Act (ARPA), and the 1990 Native American Graves Protection and Repatriation Act (NAGPRA). Sacred items are also precisely the objects that many tribes say it is impossible to identify or discuss according to established tribal customary law. Therefore, notice of what items are claimed by the tribes cannot be given to non-tribal owners. The lack of fair warning means that a criminal prosecution or forfeiture of property would be based upon information that cannot be disclosed, which would be a clear violation of due

process of law. STOP II therefore cannot legally achieve its primary goal of returning to the tribes the items they most seek.

No lists of items of inalienable cultural patrimony exist, because the restriction of privileged information is important to tribal traditions. Nonetheless, in Senator Heinrich's June 21 introduction of the 2017 STOP Act at a meeting with Santa Fe Indian School students in Washington, DC, the senator said, "we can also recognize a clear difference between supporting tribal artists or collecting artifacts ethically and legally as opposed to dealing or exporting items that tribes have identified as essential and sacred pieces of their cultural heritage. We need to take all possible action to stop the latter and help repatriate stolen culturally significant items to their rightful owners."

Unfortunately, tribes have not identified specific objects as essential and sacred pieces of their cultural heritage, leaving a knowledge gap that, while respectful of tribal needs for secrecy, fails to provide proper notice to collectors and art dealers.

Lack of Definition Will Result in Error or Abuse

STOP ACT II fails to explicitly place the burden of proof on the federal government, providing Customs with broad discretion which in the past has led to due process abuses.

STOP II also gives Customs wide, unspecified authority to create and enforce regulations, a practice that has led to due process abuses in the past.

There is no way to visually differentiate between Native American objects lawfully collected over the last 140 years and objects obtained in violation of

NAGPRA and ARPA. Under ARPA and NAGPRA, items could look the same but be unlawful if they were collected in certain geographic locations or time frames. An item sold by a tribal member could be later claimed by a tribe as inalienable cultural patrimony that couldn't be sold lawfully, even if the person who sold it was its custodian, and if no theft was reported.

Voluntary Returns

ATADA's Voluntary Returns program has now successfully returned dozens of important items from private collections to tribes on a purely voluntary basis.

ATADA's program was specifically designed to bring lawfully owned items of important current, sacred, communal use from long-held collections back to tribes. All the items so far returned by the ATADA Voluntary Returns program were returned to tribes for ethical reasons alone.

Many such items were sold at the time when the federal government encouraged tribes to give up traditional religious practices. (Native American religions were not recognized as religions until passage of the American Indian Religious Freedom Act (AIRFA) in 1978.) Other items were sold by tribal members for reasons of economic pressure or substance abuse. Thus, many sacred, communally objects entered both museum collections and the legal market.

Unfortunately, the language in the proposed federal voluntary returns program is not narrowly defined. It is so broad that it would affect all Native American made objects. STOP II makes it U.S. government policy to encourage the return of all "significant objects, resources, patrimony, or other items," and "items affiliated with a Native American Culture." This list would cover virtually everything made by Native Americans from the beginning of time to today. It would include commercial jewelry, textiles and rugs, to say nothing of items such as

kachina dolls, ceramics, and other items that have been legally collected over the last 140 years.

ATADA believes that adoption of this language as federal policy would send a message not to collect Indian art that would damage not only art dealers and Indian artists, but also private collectors and the collections of America's museums and cultural institutions. STOP Act II would potentially have the same insidious impact as a regulatory taking by destroying the value of Americans private property and threatening the commercial viability of many businesses and Native American artisans.

STOP II Creates an Unnecessary Federal Bureaucracy

Furthermore, STOP II does not simply create a liaison Between the Department for federal voluntary returns – or invite assistance from the Internal Revenue Service to encourage donation of lawfully held items to tribes.

STOP II invites in the Department of Justice, Homeland Security, the Department of State, the Cultural Property Advisory Committee (which, by law, only deals with requests by foreign nations for import restrictions on foreign art and artifacts).

This unnecessary federal bureaucracy will discourage participation, and put in place a "Trojan Horse" bureaucracy that might at a future date implement a mandatory return program to enforce the STOP Act's aggressive new U.S. policy calling for the return of any, and all, items associated with Native American culture.

Alternative Solutions

Senator Tom Udall has stated that, "Native Americans have been the victims of theft and looting for generations." ATADA agrees. In the past, thefts from tribal and federal lands and exploitation were responsible for many items leaving tribal communities.

However, sale of stolen items is already unlawful, under both federal and state law. ATADA has maintained a stolen art database for decades in order to fight traffic in stolen art. Indeed, ATADA has already gone beyond the requirements of the law, by establishing internal rules prohibiting its members from selling known sacred objects essential for current religious practices, even if lawfully owned.

ATADA believes that art dealers, auction houses, and art fairs can work together to regulate and improve the market, providing security to both dealers and consumers. It is sound business practice to complete appropriate steps in due diligence and to weed out stolen or highly sensitive items. ATADA businesses represent the top level of the market. A responsible art market will strongly discourage, and in the end, eliminate the market for stolen items and objects that are important for current, sacred, communal use.

Conclusion

Senator Heinrich and others who support STOP II assert that the bill will halt the export of communally owned sacred objects. They don't point out, however, that STOP Act II's provisions

eclipse the legislation's stated intent for an export ban on items covered by ARPA and NAGPRA as other portions of the law apply to much more than sacred items or cultural patrimony.

ATADA supports returning important objects needed for current tribal spiritual activities. However, ATADA believes that STOP II will not achieve the tribes' goals of bringing back important sacred objects from overseas.

STOP II's passage would discourage the legitimate market, and its ill-considered language setting federal policy will harm Native artists as well as art dealers, museums, and private collectors.

ATADA is firmly committed to working with tribes and legislators to improve this and other legislation impacting tribal communities. Based upon the serious issues which remain with STOP II as written, ATADA has no choice but to oppose it at this time.

Co-sponsors on STOP II are Sen. Jeff Flake (R-AZ), Sen. Tom Udall (D-NM), Sen. John McCain (R-AZ), Sen. Steve Daines (R-MT), Sen. Jon Tester, Jon (D-MT), Sen. Lisa Murkowski (R-AK), and Sen. Brian Schatz, Brian (D-HI).

EDITOR'S NOTE

As many of you already know, on May 22 ATADA hosted a two day symposium in Santa Fe which brought together tribal leaders, dealers, and collectors for a direct conversation about the issues concerning proposed legislation (the STOP Act specifically) and the ramifications for all involved.

For most, it was the first time they were able to hear directly from Native people about their worldview and the reasons that some objects are inalienable.

We are presenting the full report from this symposium here for all to review. It has previously been published on ATADA.org.

We hope that the solutions ATADA has suggested during this landmark event will be a meaningful way to start the healing process with Native people regarding the sale of cultural objects that has gone on for more than a century.

Paradigm Shift - Art Dealers Partner with Tribes on Returning Sacred Objects - 2017 Symposium Report -

ATADA Legal Committee

Art dealers, tribal members, collectors, legislators, appraisers and auctioneers filled a Santa Fe hotel ballroom to capacity and beyond to attend the symposium: "Understanding Cultural Property: A Path to Healing Through Communication." The full day symposium, sponsored by ATADA, a professional trade group, and Santa Fe's School for Advanced Research, centered around issues pertaining to sacred and ceremonially significant objects held in private collections or by dealers. Since 1990, the US Native American Graves Protection and Repatriation Act has required all federally funded institutions, including museums, to inventory and return scared, communally-owned, and funerary associated and unassociated items to tribes. However, a legal trade in Indian artifacts has been countenanced and even encouraged by the government since the 1880s, leaving millions of objects, including a small number of sacred objects, in private hands. The market's challenge is to find a means of bringing these key sacred objects back to tribes, without damaging the art market that supports dealers in both antique and contemporary

fields and is a primary source of income to Native American artisans, especially in the Southwest.

Two primary goals were to increase understanding of tribal perspectives among the dealer and collector communities and to explore alternative proposals for returning key ceremonial objects to the tribes. One proposal was legislative; speakers examined the legal details and economic ramifications of the Safeguard Tribal Objects of Patrimony Act of 2016 (STOP Act) which is expected to be reintroduced soon. The other was to explain and promote the ATADA Voluntary Returns program, which in the last few months has returned several dozen sacred and ceremonial objects to Navajo, Hopi, Zuni, and other Southwestern tribes.

The overall tone of the day was a spirit of cooperation and collaborative beginning, especially in regard to supporting the identification and return of items of ceremonial and religious significance. The audience was responsive, attentive, and aware of the issues; post-symposium emails from audience members raised additional questions, but also stressed how much had been learned from the panelists, especially from tribal representatives Tim Begay, Arlen Quetawki, and Sam Tenakhongva.

The symposium began with remarks from ATADA's Vice President Kim Martindale and School for Advanced Research's (SAR) Brian Vallo. Mr. Vallo is from Acoma Pueblo.

Mr. Martindale framed the conversation by stating, "This is the first time that this gathering has happened with ATADA's involvement and engagement... Today is about sharing and listening and really hearing divergent viewpoints from



Anasazi (Native American). Fourmile Polychrome Bowl, 1350-1400 C.E. Ceramic, slip, 4 1/2 x 9 7/16 x 9 7/16 in. (11.4 x 24.0 x 24.0 cm). Brooklyn Museum

different communities and understanding those viewpoints.”

He told the audience, “I would hope that your questions today are more discerning in regards to trying to understand what is said today instead of making a statement. If you want to make a statement, please send those to ATADA. Today really is about listening and hearing viewpoints from different communities.”

Brian Vallo, director of the Indian Arts Research Center at the School of Advanced Research (SAR) said that SAR wanted to act as a facilitator, noting that SAR was celebrating its 110th anniversary and had been “listening for a long time and responding or trying to respond as a result of that listening.”

He continued, “This partnership with ATADA is really a result of that and our desire to engage with a new community as we think of the future of Native American arts, preservation, and in some cases restoration of Native American traditional art creation, language preservation, historical preservation, all of those things that tribes are working really hard to do in their respective communities. So there is a lot to consider but today is a great opportunity to listen, share and ask questions.”

In the first Session “Framing the Issues: The Changing Art Trade”, Wes Cowan from Cowan’s Auctions, Inc. in Cincinnati, Ohio, Vanessa Elmore from Elmore Art Appraisals, in Santa Fe, NM, Kim Martindale and Brian Vallo explored “The framework of trade, the egress of cultural items, market development, and the current status of the Native American art trade.”

Wes Cowan began by giving a brief overview of the Native American art market:

He noted that auction houses operate globally, and in a transparent matter, with both online and printed catalogs. Anyone can sign up to get email notifications with links to catalogs. Cowan encouraged tribal member interested in tracking sales of Native American objects to register to

receive email notices. He said that just four auction houses – Bonham’s, Cowan’s, Heritage and Skinner’s - deal regularly with the more valuable types of American Indian art, Sotheby’s and Christies having for the most part abandoned the Indian art market. Each of the four auction houses hold two major auctions a year, and each sells about 350-400 objects in an auction. Thus, about 2800-4000 Indian items are sold per year through the major auctions.

There are also hundreds of smaller auction houses that sell one or two Indian items at a time in mixed auctions. These smaller sales amount to a few thousand items per year. None of this counts the most recent and strictly commercial types of Indian art – for example, a quick eBay search for “Zuni jewelry” turned up 15,000 items.

Auction houses didn’t begin to sell Indian art in quantity until the 1970s. The business expanded exponentially through the 80s, but is declining.



Siiseton, Sioux (Native American). Inlaid Pipe Bowl with Two Faces, early 19th century. Catlinite (pipestone), lead, 3 x 5 x 3 in. (7.6 x 12.7 x 7.6 cm). Brooklyn Museum

Cowan said that he now is expecting to receive an “avalanche” of Indian art that will be “coughed up” by baby boomers.

Only a tiny fraction of these objects are considered sensitive materials for the tribes.

If an auction house takes an item on consignment, and there is a complaint from a tribe which says it has better title than the consignor, then the

auction house can withdraw the item from sale, but they cannot give the item back to anyone but the consignor.

An auction house has little in incentive to try to sell an item that will be subject to a claim, and even when an item is unquestionably legal to sell, if a claim is made, the auction house is very likely to withdraw it.

Despite the fact that the Native American art market is centered in the US, and that the US market is far, far larger than the overseas market, the numbers of claims made to US auction houses by Native people is tiny. He said that his auction house, Cowan’s Auctions, has been selling Native American art for fifteen years, and in that time it has had only two claims. They were items clearly legal to sell; one was a Tlingit Chilkat dance blanket given by an institution to the auction house to sell, and another was a group of catlinite stone pipes made around the turn of the century for the tourist trade. In each case, the auction house withdrew the item. He felt it was well known in the Native American art trade that you “don’t sell objects that are known to be objectionable to native peoples. We get it.”

Cowan expressed concern that creating a new law will have unintended consequences as in the case of the American trade ban on the import and export of ivory. This ban has created issues with customs as well as virtually destroying the American trade in legitimate ivory art, due to confusion over what is and isn’t covered under the ban.

Vanessa Elmore emphasized her optimism about the group’s ability to find common ground to build an ethical and sustainable Native American art market. She cited the greatest challenge as the reconciliation of seemingly disparate issues between Native American communities, museums, collectors, and the art market, and emphasized a collaborative approach that would make it clear within the market that there were “inalienable tribal objects” whose trade could and should be ended. As a participant in the Voluntary Returns program, she

felt self-regulation was workable and preferable to government regulation. She later defined self-regulation as establishing and enforcing industry standards, applying codes of ethics, and building consumer confidence while educating the public.

Outlining the economic significance of the market, she explained that according to the New Mexico Department of Cultural Affairs, in 2014, the arts and cultural industry in New Mexico had a 5.6 billion impact on the economy. She said, “beyond numbers, the Bureau of Business and Economic Research made the following recommendation and conclusion: ‘as we invest resources and develop economic policies in New Mexico, we must recognize that arts and cultural vitality are not luxuries in our communities, we must recognize that they are preconditions to economic development.’”

Kim Martindale discussed his experience participating in, and producing art shows for the last 40 years. He emphasized that as the marketplace has changed, the shows have reached out and been more inclusive, engaging in dialogue with SWAIA (the Southwestern Association for Indian



Blackfoot (Native American). Headdress Case, late 19th century. Rawhide, pigment, 17 1/2 in. (44.5 cm). Brooklyn Museum

Arts) which sponsors the Santa Fe Indian Market, the Autry Museum of the American West (which sponsors a big November show in California), and other major markets to collectively encourage the sale of Native American artworks. He said that

some of his incentive is economic (his retirement is in his collection) but that his involvement went beyond economics; he had been deeply inspired by native art and culture his whole life and he was “looking forward to hearing about the objects that are crucial to the Native American communities, that inspire those communities, that are essential for those communities,” and engaging in dialogue to share mutual concerns.

Brian Vallo conveyed his early experiences with NAGPRA and cultural preservation and continued by discussing his role at SAR. He said that he was interested in learning more from the tribes about how best to manage and store collections at SAR, as there was now greater willingness among the tribes to engage in conversations leading to more traditional care of the objects in their collection. Through these experiences the tribes are approaching NAGPRA conversations about the stewardship of artifacts by institutions in a different way than they were just 10 years ago. He expressed hope that the symposium would result in a better understanding of the issues.

The second session “Tribal Perspectives: Contemporary Concerns” brought together Tim Begay of the Navajo Historic Preservation Department, Navajo Nation, Arlen Quetawki a religious leader, former governor, and police officer from Zuni Pueblo, and Sam Tenakhongva, who is a religious leader from the Hopi Pueblos, and who had traveled extensively to communicate the Hopi perspective to museums and collectors in France, in response to the Paris auctions.

Each of the tribal representatives spoke directly to the audience, and with great eloquence, answering a series of questions posed by Brian Vallo. Questions ranged from, “What is your tribe doing to address the continuous removal of material culture and specifically sacred and ceremonial objects?” to “Why did they leave in the first place?” to “Who is the expert? Collectors and museums or the tribes?” and to the tribes’ reasoning for supporting the STOP Act.

Each of the panelists said that there was collective responsibility for the removal of objects from tribal hands. The panelists also talked about how tribes, dealers, and collectors all needed to change their perceptions of the problem and alter their actions in order to make sure that items no longer left the tribal community.

Sam Tenakhongva explained that he came to the panel from First Mesa. He provides leadership and advice for the village of Walpi on religious matters. Mr. Tenakhongva explained that he was a schoolteacher, teaching standard curricula and also inculcating an understanding of proper social relationships and behavior to the children of Hopi. His examples from the school were much appreciated as bearing also on the larger issues of relationships between different cultures. He noted that for the Hopi, addressing the continuous removal of material culture was the biggest question they were facing as a tribe.

Mr. Tenakhongva said that he was aware of who in the tribe was responsible for removing items. He also said that he personally felt responsible for items leaving, because he was responsible for educating members of the tribe so they cared properly for the items. Sacred items had left tribal control through three main avenues – removed by individuals within the tribe who knew they were doing wrong but had lost their way, often through use of drugs and alcohol, by collectors who contacted tribal members directly and pressured them to sell, and through contacts with museums that had taken place over the last 100 to 150 years, as researchers and collectors from museums were sent to collect items from all the tribal cultural and religious societies.

Mr. Tenakhongva said that there were not written rules governing the responsibility for artifacts, but there was an unwritten understanding that certain individuals have rights and responsibilities for being a caretaker of both privileged information and sacred objects. This caretaker role did not give the individuals or families the right to sell

objects; the ownership of these objects still rested with the tribal community. Not all individuals honor or understand those responsibilities; he had gone to France to try to make the Hopi position clear to the French courts, but the courts had objected that there was no written law establishing ownership. Therefore, two years ago, he had asked the Hopi tribal council to start putting some of the information about these objects into legal language in a way that didn’t infringe on the privileged and secret nature of information about the sacred objects. He felt that the STOP Act would encourage people to understand that they should not be taking such objects: items of high cultural value are communal property; everyone has responsibility for such objects. He understood that auction houses are contractually obligated to their consignors not to reveal information, but hoped that the auctions would work with the Hopi to try and secure returns.

He noted that an object’s collection history is important: an object returned from a museum may have been treated with toxic chemicals, which is potentially a danger to anyone handling it. An object that is returned by an individual collector is less likely to have been treated, but this is important information for the tribe to know. Mr. Tenakhongva also said that when an item is returned, the tribe is often able to identify the person or family from which it came, and therefore better able to address the causes for which it left, and to keep a watchful eye over the persons who have responsibility for the object.

Mr. Tenakhongva said that since the publicity that took place with the Paris auction sales, there have been a number of items returned voluntarily, sometimes with items showing up at the tribal offices, as people holding them have become more aware. The next step Hopi will need to work on is how best to deal with voluntary returns. He stressed that it was impossible for a Hopi tribal member like himself to ever put a valuation on returned items [for donation] but that there were pathways to explore to resolve those kinds of documentation issues to further returns.

Arlen Quetawki of Zuni Pueblo said that he has worked for years as a tribal officer, particularly in dealing with police issues involving abuse of women. He has also been a tribal governor, and has been a religious leader and caretaker for his kiva for 41 years. He said that one reason for the continuing problems of the tribes in locating objects that have left the community is the lack of communication between the tribes and art dealers. He suggested that there be meetings [like the symposium] both nationally and internationally so that people outside the tribes would better understand both the practical factors involved and the less-understood consequences for persons who had sacred objects who were not supposed to possess them. These unintended consequences could include drawing harm to themselves, their families, and the world in general. He noted that there were more than 500 tribes and that there will not be understanding unless there are real conversations between collectors and dealers and all of the tribes.

Mr. Quetawki described his personal experience with desecration of archaeological sites and actions disturbing human remains. He noted the impact of drugs and substance abuse in relation to items leaving the tribe; despite the remoteness of Zuni, he said there are serious problems with drugs and alcohol.

He told the audience that tribal individuals “know the consequences but someone is encouraging them to sell.” He said that in 2013, the Zuni council had taken the unprecedented step of amending their constitution to restrict the sale of any religious or ceremonial item by any tribal members. The Zuni voted for that amendment. This non-traditional approach was needed in order to emphasize the seriousness of removing such items, noting that under US law, the traditional Zuni punishments for violating the trust of the community by removing sacred objects were so severe that they would not be lawful. He strongly urged working together with collectors and art dealers in order to create a win-win situation.

Tim Begay, who is the chief Cultural Preservation Officer for the Navajo Nation, said every community is faced with the loss of artifacts and religious items. He talked about growing up with numerous members of his family being singers and healers, and being familiar with what items were actually used for ceremonial. He said that only those people involved in religious activities would truly know and understand the items used, but he recognized that a collaboration with people outside the tribe was needed to bring them back.

Asked how items left the community, he noted the vast land base of the Navajo Nation, and pointed to a network of collectors who were fed information by tribal members about who's who in the tribe, what objects they have, and when to approach them to sell. People know who the medicine men are, and what ceremonies take place. He said that sharing this information was a reason for religious items leaving the Navajo nation, for example, when a medicine man passes away. Families are torn and do not know what to do with items, especially when there is no one following the path of that Medicine Man, or when the family members are on the 'substance abuse path.'

The entire panel discussed in general terms the ceremonial, communal and healing significance of sacred items. Tim Begay perhaps best summed up the tribes' relationship with ceremonial objects by saying; "These objects are given life when they are made because those objects are to heal people, to keep community... For native people these objects give us hope and that hope extends from the past to the present to the future because these objects are the identity of who we are and how we exist on mother earth." Others on the panel also emphasized the role that the return of ceremonial objects plays in the healing of community.

The panelists expressed concerns about divulging sensitive information regarding ceremonial uses of objects in the process of facilitating repatriation. Some felt that NAGPRA put the burden of proof on the tribes to substantiate their claims. In some cases,

the revealing of the information that is required to make a claim can lead to severe penalties for the tribal member.

The tribal representatives all saw the STOP Act as a tool to bring religious artifacts home from overseas, but also supported the voluntary returns undertaken by collectors, and encouraged this as probably the most productive means of directly bringing objects back to the tribes.

The third session, "STOP Act: Legislation, Operation, Potential Outcomes" brought the legal expertise of Gregory Smith from Hobbs Straus Dean & Walker, LLP and Kate Fitz Gibbon from Fitz Gibbon Law, LLC as well as Dallin Maybee's experience as a lawyer and as a businessman operating SWAIA. The panelists discussed the STOP act's goals and intent, operation and implementation through federal agencies and potential outcome as well as raising some alternative approaches to the bill.

Greg Smith, an attorney representing Acoma in drafting the STOP Act, as well as many other tribes on a variety of issues, discussed the history of the STOP Act with respect to an Acoma ceremonial shield that was offered for sale at auction in Paris. Smith said that the sale highlighted a need for a federal export law of Native American sacred and ceremonial art in order to leverage the return of the shield. He noted the passage of a joint resolution in Congress last year: "Protection of the Right of Tribes to stop the Export of Cultural and Traditional Patrimony Resolution." However, a resolution does not have the force of law. Smith stated that the draft of the STOP Act introduced in the last congress included provisions to create an export ban on objects working with the existing definitions within other antiquities laws including NAGPRA, ARPA, and the 1906 Antiquities Act.

ATADA's attorney Kate Fitz Gibbon said that the goal of the symposium was to find pathways for better understanding and to facilitate the return of sacred objects to the tribes. She began by briefly stating the new rules adopted by ATADA in its

Bylaws prohibiting sale of current, important sacred objects by ATADA members. Fitz Gibbon recommended that ATADA and the tribes work together and follow the path of such non-legislative solutions, as the most efficient, rapid, and effective means of bringing the largest number of sacred objects back to tribal communities.

She saw the 2016 STOP Act as fraught with peril, stating that it violated traditional constitutional protections for due process because it had no system to identify which artifacts could be exported and sold, no identification of the objects tribes consider sacred or community owned and no identification of which tribe owns which object. "The 2016 STOP Act also set up a whole new, virtually all-inclusive category of "cultural objects" from three different laws, without making reference to any of the limitations or restrictions in those laws," said Fitz Gibbon. This would have the effect of creating immense confusion about what is a lawful or unlawful "cultural object." The broad categories created a likelihood of seizure of virtually all items on export and thereby resulting in a reversal of the burden of proof, forcing an exporter to defend the legality of an object rather than placing the burden on the government to first show that it was unlawful. Both fair notice of what the law covered and proof of its lawful or unlawful status could be impossible to obtain, as the information regarding the sacred quality or communal ownership of an object was often privileged information held only by initiated tribal members. She also noted the harm to cultural tourism generated by confusion over what is an unlawful or lawful object to acquire and own. Fitz Gibbon felt the bill was also constitutionally unsound in light of constitutional protections for private property, "particularly in the Fifth Amendment's proscription against taking private property of individuals without due process of the law."

SWAIA's CEO Dallin Maybee rounded out the conversation by discussing examples of SWAIA's guidelines that help to regulate sacred and ceremonial items from coming to Indian Market

and emphasized that all concerned should come together to work toward a solution. Mr. Maybee felt that concerns about infringement of due process rights were exaggerated as enforcement would not be broad. He also discussed how SWAIA and Indian Market handled situations in which a tribe was concerned that an artist's work was too close



Girl's Coiled Dowry or Puberty Basket (kol-chu or ti-ri-bu-ku), late 19th century. Willow, sedge root, bulrush root, acorn woodpecker scalp feather, California valley quail topknot feather, oilivella biplicata shell, cotton string, 7 x 14 1/2 x 14 1/2 in. (17.8 x 36.8 x 36.8 cm). Brooklyn Museum

to sacred or ceremonial objects and described a few, rare situations in which items were removed from the show by a tribe, without a challenge by the artist.

The fourth session, "Building Bridges: Cooperative Initiatives", brought to the table Robert Gallegos, ATADA Founding Board member and past President, Shannon Keller O'Laughlin from the Choctaw Nation, and Robert Alan Hershey from the University of Arizona.

Robert Gallegos called on the art trade to step beyond the requirements of the law to create a new paradigm of cooperation and voluntary returns in order to build a respectful relationship between the tribal community and the art collecting community.

Gallegos said that all of us are responsible for a system that has allowed removal of sacred objects from the Native communities. The tribal communities themselves do not have a written law or code that prohibits removal, and the US

government has actually encouraged removal up until NAGPRA was written, as earlier prohibitions did not protect tribal community interests and were instead directed toward preserving archaeological sites for scientific research. The history of the government interaction with the tribes was one of eliminating Indian populations, forcing acculturation and stealing their land. The US government defined the laws under which items were legally collected. He said the least the government could do was to provide adequate funding now to financially support tribal cultural heritage offices and to morally support efforts to bring back important objects to the tribes.

He said that the market also has to realize its potential for harm. The market provides incentives for important cultural items to leave tribal communities. It is the market's challenge to limit itself to exclude sacred objects from trade so that this system is rectified. Certainly, art dealers and collectors have a vested interest in the cultural property debate; people have invested very much in their collections. But the goal of the market should not be to retrench against all change, but to ensure that art dealers and collectors are treated fairly under the law.

This partnership that ATADA is proposing is based on the idea that all people have the right to self-determination. It is therefore appropriate to defer to tribal elders for identification of sacred objects and accept that certain items should never have left the community.

To better define ATADA's position, he said that ATADA does not support an extension of NAGPRA to private collections, but it does support return of the key sacred objects.

Gallegos stressed ATADA's commitment to facilitating voluntary returns, which have so far involved the return of items that were lawfully purchased but are essential to the well-being of the tribes. He said that he understood that everything in Pueblo religious life is important, but there are degrees of important. He felt that both sides will

need to compromise.

Gallegos said that since this information is privileged, it is unrealistic to expect tribes to provide ATADA with a list of sacred items. Without other direction from the tribes, ATADA has returned items generally regarded as sacred. So far, ATADA has facilitated the return of Zuni war gods, Acoma and Laguna flat and cylinder dolls, Hopi 'friends', and Navajo masks. Items generally regarded as sacred include altars and altar elements, and items from shrines belonging to the community. ATADA does not regard items made for commercial or individual use by Native American artisans as sacred, or communal, regardless of age.

Said Gallegos, "We must get away from our notions of who has law on their side, and treat people as human beings." He believed that art collectors often have ingrained misconceptions about the nature of ownership that are incorrect. He said, "We can't undo the past. We should not be held to the bad decisions of our ancestors. But we should act today to do the right thing."

He concluded by saying that we should not rely on the government; every federal agency has its own agenda. We should instead focus on working in good faith with the tribal leaders.

Shannon Keller O'Loughlin stated that she intended to raise uncomfortable questions and began her discussion by defining what was art and what was not art. Among her propositions was that one way of defining art is material that is not signed.

She felt that regardless whether it was legal or not, it is not legitimate to trade in anything taken from the land from underground that could be called an antiquity. She did not separate out finds of archaeological items from private property which may legally be dug in the US with the consent of the owner. She felt that even though laws are restricted in time and geography, these items should not be marketed. She expressed admiration for "brilliant" laws from many other countries that define any item from underground as national

property, asserting that an excavated item without archaeological context is worthless. She felt that there was an opportunity through the Cultural Property Implementation Act to expand the role of the State Department to establish a reciprocal agreement that would keep US artifacts from entering other countries.

Professor Robert Hershey felt that it was not enough to talk about "cultural property." He dismissed all arguments that dealers and collectors could legitimately see collecting and the trade as "honoring" Native culture or that there was true value in appreciating it under non-Native, Western concepts of what art is. The archival model and anthropological model should likewise be rejected. Regardless of how challenging it is to suggest that books and research regarding the tribal communities should be destroyed, this was a legitimate alternative perspective that ought to be recognized as meaningful to tribal communities and a means of protecting their rights in privileged information. Ethical perspectives and attitudes about Native Americans also needed to change in fundamental ways so that not only tangible objects were treated as cultural property, but intangible cultural property also received full recognition. Until Native American perspectives became the lens through which outsiders saw laws pertaining to Native property, there would not be a legitimate framework for addressing Native concerns. Dr. Hershey has been developing a framework for culturally respectful and tribal-community based laws and regulations involving cultural property, which will be published in the near future.

The Symposium ended with a question and answer period followed by closing statements from the panelists. The conference was presented by ATADA and SAR and made possible, in part, by the generous support of TCI Wealth Advisors, Inc. and Heritage Auctions.

Contributors: Bonnie Povolny and Kate Fitz Gibbon for CCP

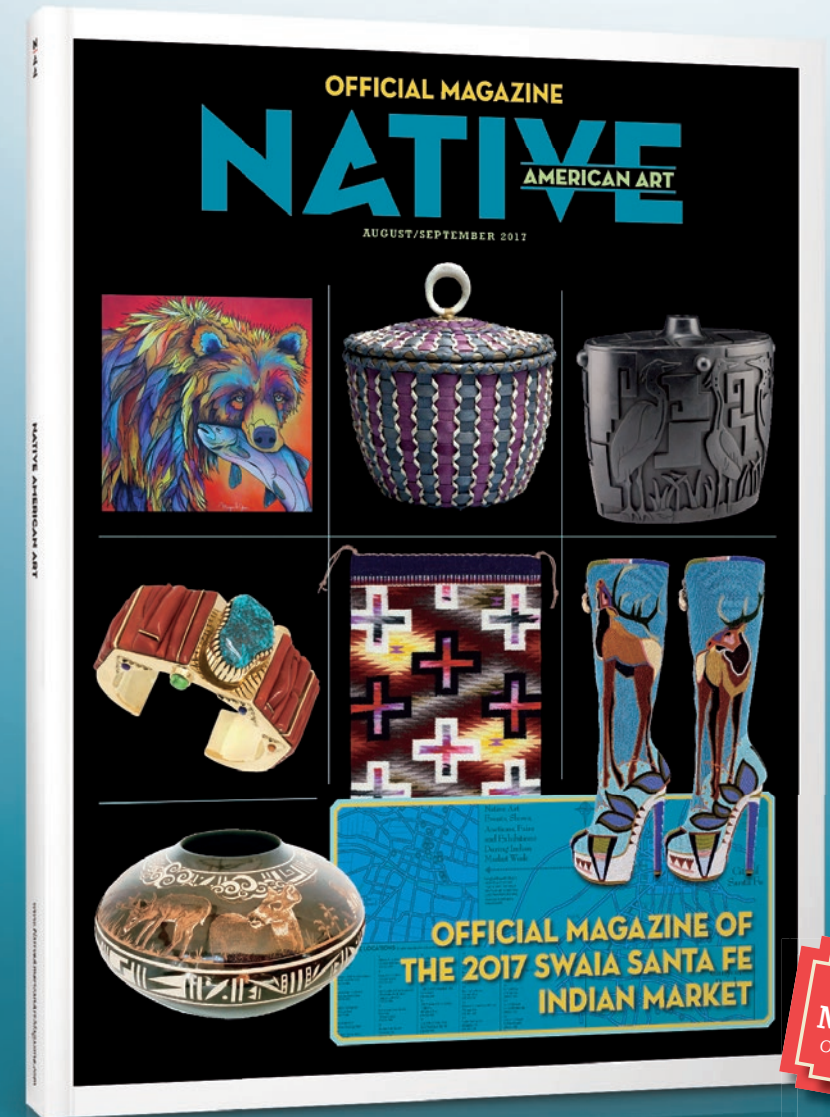
Images; Jenny Hughes (Pomo, Native American). Girl's Coiled Dowry or Puberty Basket (kol-chu or ti-ri-bu-ku), late 19th century. Willow, sedge root, bulrush root, acorn woodpecker scalp feather, California valley quail topknot feather, oilivella biplicata shell, cotton string, 7 x 14 1/2 x 14 1/2 in. (17.8 x 36.8 x 36.8 cm). Brooklyn Museum, Museum Expedition 1907, Museum Collection Fund, 07.467.8308, Brooklyn Museum; Anasazi (Native American). Fourmile Polychrome Bowl, 1350-1400 C.E. Ceramic, slip, 4 1/2 x 9 7/16 x 9 7/16 in. (11.4 x 24.0 x 24.0 cm). Brooklyn Museum, Riggs Pueblo Pottery Fund, 02.257.2562, Brooklyn Museum; Blackfoot (Native American). Headdress Case, late 19th century. Rawhide, pigment, 17 1/2 in. (44.5cm). Brooklyn Museum, Henry L. Batterman Fund and the Frank Sherman Benson Fund, 50.67.30, Brooklyn Museum; Sisseton, Sioux (Native American). Inlaid Pipe Bowl with Two Faces, early 19th century. Catlinite (pipestone), lead, 3 x 5 x 3 in. (7.6 x 12.7 x 7.6 cm). Brooklyn Museum, Henry L. Batterman Fund and the Frank Sherman Benson Fund, 50.67.104, Brooklyn Museum.



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Legal Briefs

The Met Says “Start Spreadin’ the News” About Tribal Art & NAGPRA Repatriation Updates

● ● ● ● Ron McCoy ● ● ● ●

“Start spreadin’ the news” song-and-dance swabbies Frank Sinatra, Gene Kelly, and Jules Munshin joyously belt out during the “New York, New York” number that sets up their Big Apple adventures in MGM’s *On the Town* (1949). Yes, New York’s a “city that doesn’t sleep,” “a wonderful town” (changed from Broadway’s “helluva town”), but for our purposes here’s the ditty’s most relevant part: “A-a-a-nd if I can make it there, I’m gonna make it anywhere.” In a sense, that’s what’s happened with American Indian art (and tribal art in general) in one of the great art centers of the world.

Therein lies the import of the “Native American Masterpieces from the Charles and Valerie Diker Collection” exhibition featured between October 28, 2016 and March 31, 2017 at The Metropolitan Museum of Art’s posh Beaux-Arts palace of wonders at 1000 Fifth Avenue abutting Central Park.¹ The show featured objects created in North America between the second and early twentieth centuries, “recognized masterworks from the [Dikers’] collection...assembled over more than four decades.”²

A week after the exhibit closed, The Met – having described the pieces on view as “exceptional” “outstanding,” and “comprehensive”³ – announced the Dikers’ gift of 91 objects of Native American art: “With this gift, Native American art will now be displayed [starting in the fall of 2018] in The Met’s American Wing, marking The Met’s curatorial decision to display art from the first Americans within its appropriate geographic context.”⁴

As is its wont, The Met’s curators were no slouches when it came to offering up a helping of those dazzlingly descriptive adjectives so often encountered when it comes to art: a Crow boy’s shirt is “graphically beaded”; a dress from the Pueblo of Acoma “vibrantly embroidered”; “exceptional”

California baskets show “the ingenious blending of tradition and innovation in indigenous design”; “dazzling” Southwestern ceramics reflect “a vibrant fine art tradition”; and a Yup’ik mask “is a collage of abstract forms,” so much so that “Surrealist artists including Max Ernst were fascinated by the inventive way in which Yup’ik shamans depicted visionary journeys that brought together dream narratives and imagery.”⁵ In other words, The Met now accords Native American art the sort of treatment usually reserved for anonymous ancient Egyptian sarcophagus painters, Greek krater makers, Renaissance masters, and modernists. (The sort of treatment The Met hitherto extended to the works of art from Africa, Oceania, and the Americas it received in 1976 after Nelson A. Rockefeller’s Museum of Primitive Art, ensconced in a townhouse on West 57th Street, shut its doors after a twenty-two-year run.)⁶

This was not the first major, well-publicized, richly-populated array of American Indian art to find its way into a museum exhibition.⁷ And it certainly won’t be the last such display: in May, The Met launched “American Indian Art from the Fenimore Art Museum: The [Eugene and Claire] Thaw Collection,” a show scheduled to run into early October.⁸

The significance of all this lies less in the mounting of a major Native American art exhibition than in its venue. The Met’s Olympian status and reputation as one of the most influential repositories of art on the planet is such (and so secure) that its director Thomas P. Campbell justifiably and without hyperbole considers it an “encyclopedic museum.”⁹ (It is also a supremely public place, as evidenced by the title Thomas Hoving, perhaps the institution’s most transformative director, gave his memoir: *Making the Mummies Dance*.)¹⁰

Anything that gets past the front doors and finds

its way into the massive collections and cavernous galleries hasn’t just made it, or made it anywhere; it’s made it at The Met, thereby automatically receiving the glittering cachet of über-Establishment approval. This is, after all, New York.

This welcome – albeit somewhat tardy – development places American Indian art on the same aesthetic plateau as other world art and opens the door for well-earned, thoroughly deserved, increased (and long overdue) study and appreciation. As is often the case, glad tidings do not come without a few strings attached, attendant conditions that merit serious consideration because they present dealers, collectors, and curators with both beckoning opportunities and daunting challenges.

The beckoning opportunity lies in the business of familiarizing a wider audience than has heretofore been the case with the astonishing breadth, depth, diversity and beauty of the finest Native American art.

The daunting challenge requires that buyers, sellers, and curators not only consider but embrace and make a serious attempt to adhere to the highest standards when it comes to what major private and institutional collectors of important art expect: informed connoisseurship, attention to provenance, and an interest in authentication. (Areas in which ATADA has played a major role in leading the way.) As tribal art assumes its rightful place in the canon of world art the inhabitants of that milieu have no choice but to explore the concepts and ramifications of connoisseurship, provenance, and authenticity.

This column was intended to be about those ideas, coupled with an exploration of their professional and legal ramifications. But, as frequently happens, other developments may overtake even the best laid plans. In this case, that would be the mounting pile of notices published in the *Federal Register* announcing the repatriation of American Indian objects from institutional collections under the provisions of the Native American Graves Protection and Repatriation Act of 1990 (NAGPRA). “Spreadin’ the news” must await another time, while we catch up.

Notices of intent to repatriate Native American objects under the Native American Graves Protection and Repatriation Act of 1990 (NAGPRA) appear

irregularly in the *Federal Register*. They reflect an institution’s decision to accede to one or more claimants’ appeal for the return of objects to tribes, tribal groups, and individuals. These items fall into one or more of NAGPRA’s categories of repatriatable material. For those involved in the world of tribal art, the most interesting and relevant of these categories are sacred objects and objects of cultural patrimony.

What follows are summaries of notices, picking up where we left off last time and running up to the current year. Quotes come from those notices. The fate of repatriated works goes unreported: claimants are not required to report back, and the government appears uninterested.

Tlingit and Haida Clan Material: Objects of Cultural Patrimony

Peabody Museum of Natural History, Yale University, New Haven, CT (Nov. 28, 2016): Between 1902 and 1966 the museum accessioned two Chilkat robes (one obtained in southwestern Alaska in the late 19th century and the other purchased in Juneau in 1931); a “Chilkat Woodworm pipe” (collected with the first robe); and a Raven rattle acquired in the late 1920s in southwestern Alaska.

The Central Council of the Tlingit and Haida Indian Tribes of Alaska determined the first robe illustrated the *Wooshkeetaan* Clan’s Sea Monster crest; the second presented the Killerwhale crest of the *Dakhl’aweidi* Clan; the pipe’s Wormwood crest decoration linked it to the *Ghaanaxhteidi* Clan; and Jack Gamble (Dl’eet’) of the *Woshkeetaan* people carved the rattle.

Collectively identified as “Four Clan Objects,” the pieces “are especially revered and feature prominently in traditional and present day ceremonial contexts.” This made them sacred objects under NAGPRA. In addition, “according to tribal custom no individual could have legally alienated the Four Clan Objects from their respective clans.” This earns them NAGPRA’s objects of cultural patrimony label. The Four Clan Objects were set aside for repatriation to the Central Council of the Tlingit and Haida Indian Tribes of Alaska.

Zuni (*A:shiwí*) War God (*Ahayu:da*): Sacred Object

Albion College, Albion, MI (Nov. 9, 2016): Prior to 1973, at a time and under circumstances unknown, a wooden effigy was taken from among the Zuni (*A:shiwí*) of northwestern New Mexico.

The sacred object is a cottonwood cylinder, 71 cm. [28-inches, more or less and 23.7 cm. [a tad under 9 ½ inches] in diameter. It is rounded at both ends and carved to resemble a human figure with a face, ears, hair and cap or helmet at one end and hands at the other end. There is a hole in the front center at a place where some scholars suggest is an umbilicus [and other would identify as the place where a penis effigy fits]. The wood is significantly weathered and shows signs of aging. Based upon the form and condition, the object has been determined to be a Zuni *Ahayu:da* or war god.¹¹

The presence of Zuni War Gods in collections subject to NAGPRA has been *verboden* under the law since day-one, which is why the museum decided to return it to the Zuni Tribe of New Mexico.

Tolowa (*Taa-laa-wa Dee-ní*’ or *Smith River Rancheria*) Ceremonial Gear: Sacred Objects

Field Museum of Natural History, Chicago, IL (July 5, 2016): In 1916, tycoon Edward Ayer¹² gave the museum a buckskin dance skirt of Tolowa origin from northwestern California. Two years later, Ayer presented it with another buckskin dress and headband, also Tolowa. The dresses were “used [both historically and presently] by young women in a number of Tolowa ceremonies, including the World Renewal Ceremony (*Nee-dash*) and Puberty Ceremony.” The buckskin headband was “used by men and boys during the same ceremonies.” The museum agreed these are sacred objects belonging to the Tolowa *Dee-ní* Nation (formerly the *Smith River Rancheria*) of California.

California Rancheria Ceremonial Basket: Sacred Object

Catalina Island Museum, Avalon, CA (June 8, 2016): In 1961 and 1996 the museum received two baskets “with no contextual information”: a Yokuts

Rattlesnake basket of a type utilized “by current religious practitioners” for the Rattlesnake and Spring Ceremonies, and “a cooking basket for the Spring Ceremony.” The museum agreed to return them to the *Chukchansi* Indians, *Santa Rosa Indian Community* of the *Santa Rosa Rancheria*, *Table Mountain Rancheria*, and the *Tule River Indian Tribe* of the *Tule River Reservation*, all in California.

Timbisha Shoshone (*Panamint*) Cremation Basket: Sacred Object

Catalina Island Museum, Avalon, CA (June 8, 2016). In 1961 the museum was given a basket unaccompanied by collection information which members of the *Timbisha Shoshone* tribe of *Death Valley*, California, identified as “a cremation basket and part of a living ceremonial tradition.” (“[A]s part of their final death rites, after cremation occurred, the ashes were collected and placed in a specifically designed basket.”) The museum decided the basket belonged with the *Timbisha Shoshone* Tribe of *Death Valley*.

Anishinaabe (*Ojibwe/Chippewa*) Midewiwin Birch Bark Scroll: Sacred Object

Robert S. Peabody Museum of Archaeology, Phillips Academy, Andover, MA (April 29, 2016). In 1908, President Theodore Roosevelt appointed Warren K. Moorehead,¹³ widely regarded as the “Dean of American archaeology,” to the Board of Indian Commissioners, the federal entity overseeing the Interior Department’s Bureau of Indian Affairs.

The following year found Moorehead on the *White Earth Reservation* in northwestern Minnesota – home of the *White Earth Band* of the *Anishinaabe* or *Anishinaabeg* (also called *Chippewa* or *Ojibwe* and now referred to as the *White Earth Nation*) – looking into, among other matters, “various forms of land and other theft during a period of significant economic, cultural and religious oppression...[when] numerous objects of cultural and spiritual significance were removed from *Anishinaabeg* communities.”

It was in this chaotically transformational environment that Moorehead received a *Midewiwin* (*Grand Medicine Society*) birchbark scroll inscribed with ideographic imagery from a “*Shaman of the White Earth Reservation*” so it could be “protected in the

museum at *Andover*.” The museum agreed the scroll belonged with the *White Earth Band* of the *Minnesota Chippewa Tribe*.

Western Apache (*Indé*) War Cap: Sacred Object & Object of Cultural Patrimony

Peabody Museum of Archaeology and Ethnology, Harvard University, Cambridge, MA (April 29, 2016). In 1963 the museum received a “leather war cap” collected between 1901-1904 somewhere in the Southwest. More recently, the institution determined this is both a sacred object and an object of cultural patrimony. The cap was slated for repatriation to the *San Carlos Apache Tribe* of the *San Carlos Reservation*, *Tonto Apache Tribe*, *White Mountain Apache Tribe* of the *Fort Apache Reservation*, and *Yavapai-Apache Nation* of the *Camp Verde Reservation*, all in Arizona.

Meskwaki (*Sac & Fox*) Bear Claw Necklace: Object of Cultural Patrimony

Illinois Historic Preservation Agency, Springfield, IL (April 5, 2016). Around 1918, a member of the *Meskwaki* tribe (*Sac & Fox Tribe* of the *Mississippi* in *Iowa*) gave a bear claw necklace to the collector for whom the *John Hauberg Museum of Native American Life* in *Rock Island, Illinois*, is named. The necklace’s status as an object of cultural patrimony mandated its transfer to the *Sac & Fox Tribe* of the *Mississippi* in *Iowa*.

Hopi Wedding Sash: Object of Cultural Patrimony

Mount Holyoke College Art Museum, South Hadley, MA (Feb. 18, 2016). In 2014 the museum received a woven cotton sash “used primarily by the bride in the traditional *Hopi* wedding ceremony...[and in] the *Powamu* Festival, centered on the seasonal planting of beans.” The museum agreed this object of cultural patrimony and sacred object should be given to the *Hopi Tribe* of *Arizona*.

Having begun this column with some lines about *New York* from *On the Town*, it seems entirely appropriate that the next time we revisit the art world’s holy trinity of connoisseurship, provenance, and authentication it will be to the accompaniment to *Fred Astaire* and *Ginger Rogers* wondering in *RKO’s* Depression-era lifter-upper *Shall We Dance* (1937) about whether they

Please note: This column does not offer legal or financial advice. Anyone who needs such advice should consult a professional. The author welcomes readers’ comments and suggestions, which may be sent to him at legalbriefs@atada.org

should “call the whole thing off” because, “You like potato and I like potahto. You like tomato and I like tomahto.” □

1 “Native American Masterpieces from the Charles and Valerie Diker Collection,” *The Metropolitan Museum of Art* (2017), <http://www.metmuseum.org/press/exhibitions/2016/diker-collection>

2 “Masterworks of Native American Art to Be Donated to The Met by Charles and Valerie Diker” *Metropolitan Museum of Art* (April 6, 2017), <http://www.metmuseum.org/press/news/2017/diker-collection>

3 “Native American Masterpieces.”

4 “This transformative gift marks a turning point in the narratives presented within the American Wing,” said a museum spokeswoman. “With the addition of these works, The Met will be able to offer a much richer history of the art of North America, one that will include critical perspectives on our past and represent diverse and enduring native artistic traditions.” *Ibid*.

5 *Ibid*. This observation reflects ongoing fascination with the influence anonymous tribal artists exerted on modernists such as *Paul Gauguin*, *Pablo Picasso*, and *Paul Klee*. See, for example, *William S. Rubin’s “Primitivism” in 20th Century Art: Affinity of the Tribal and the Modern* (New York: The Museum of Modern Art, 1984), 2 vols. MoMA boasted this was “the first exhibition to juxtapose tribal and modern objects in the light of informed art history.” “‘Primitivism’ in 20th Century Art: Affinity of the Tribal and the Modern Fact Sheet” (New York: The Museum of Modern Art, 1984). See, for a less sanguine perspective, *Wihad Al-Tawil, ““Primitivism” in 20th Century Art: Affinity of the Tribal and the Arrogant,” ∞ mile: a journal of art + culture(s) in Detroit*, Issue 32 (Oct. 2016).

6 *Nelson Rockefeller’s* ideas about collecting what was then called “primitive art” – an ethnocentrically-based term later replaced by such monikers as *tribal* or *ethnographic art* – seem well ahead of their time. *Rockefeller* eschewed what he called “an intellectual approach,” embracing, instead, what struck him as

“strictly aesthetic.” “Don’t ask me whether this bowl I am holding is a household implement or a ritual vessel...I could not care less!” Rockefeller explained. “I enjoy the form, the color, the texture, the shape. I am not in the least interested in the anthropological or the ethnological end of it. That is why I founded the museum: to show that the art of primitive people could be treated on purely esthetic and formal grounds.” Rockefeller quoted in Kathleen Bickford Berzock and Christa Clarke, eds., *Representing Africa in American Art Museums: A Century of Collecting and Display* (Seattle: University of Washington Press, 2010), 125. One may wonder what Rockefeller, a rather adaptable man who passed from the scene nearly forty years ago, would make of our current concerns about the very “anthropological or the ethnological end of it” that he claimed figured in his calculus not at all.

7 The Dikers, for example, provided selected works for The Met’s “Native Paths: American Indian Art from the Collection of Charles and Valerie Diker” exhibition in 1998-2000. In 1976, Ralph T. Coe, then director of the Nelson-Atkins Museum of Art in Kansas City, MO, staged the international traveling “Sacred Circles: 2,000 Years of North American Indian Art” exhibit; a decade later, he produced “Lost and Found Traditions: Native American Art, 1965-1985,” “the first major exhibition dedicated to the work of contemporary Native American artists.” Dennis Hevesi, “Ralph T. Coe, 81, Advocate for Native American Art, Is Dead,” *The New York Times* (Sept. 26, 2010). “He was kind of the beginning player,” The Met’s curator of the arts of Africa, Oceania and the Americas explained, “enormously significant in the growth of appreciation of Native American art in the 20th century.” Ibid. Earlier still, back in 1941, New York’s Museum of Modern Art (MoMa) staged “Indian Art of the United States” with nearly a thousand pieces created over a period of some 20,000 years. Frederic H. Douglas and René D’Hrnoncourt, *Indian Art of the United States* (New York: Museum of Modern Art, 1941).

8 “American Indian Art from the Fennimore Art Museum: The Thaw Collection,” The Metropolitan Museum of Art (2017), <http://www.metmuseum.org/exhibitions/objects?exhibitionId=b0790aa6-485c-46b4-b7d2-4822fcbec5ae>

9 “Native American Masterpieces.”

10 Thomas Hoving, *Making the Mummies Dance: Inside the Metropolitan Museum of Art* (New York: Simon and Schuster, 1993). See Randy Kennedy, “Thomas Hoving, Remaker of the Met, Dies at 78,” *The New York Times* (Dec. 10, 2009).

11 Harking back to Note 6, an interesting comparison

may be made between an *Ahayu:da* and Paul Klee’s “Mask of Fear” (1932). Céline R. Gateaume, “Respecting Non-Western Sacred Objects: An A:shiwí Ahayu:da (Zuni war god), the Museum of the American Indian–Heye Foundation, and the Museum of Modern Art,” Smithsonian Institution, National Museum of the American Indian (April 15, 2013), <http://blog.nmai.si.edu/main/2013/04/respecting-non-western-sacred-objects.html>

12 Edward E. Ayer (1841-1927) was a major supporter of and donor to Chicago’s Newberry Library and Field Museum of Natural History, for which he served as the institution’s first president. He was the uncle of artist E[dward]. A[yer]. Burbank (1858-1949), who painted numerous portraits of Native Americans, including Geronimo, Red Cloud, and Chief Joseph. “Edward E. Ayer Digital Collection” Newberry Library, n.d., http://collections.carli.illinois.edu/cdm/landingpage/collection/nby_eeayer; “Founders & Advocates,” The Field Museum of Natural History, n.d., <https://www.fieldmuseum.org/about/history/founders-advocates>; Frederick E. Hoxie, “Businessman, Bibliophile, and Patron: Edward E. Ayer and His Collection of American Indian Art,” *Great Plains Quarterly*, Vol. 9, No. 2 (Spring 1989), 78-88 (online at <http://digitalcommons.unl.edu/cgi/viewcontent.cgi?article=1401&context=greatplainsquarterly>).

13 Between 1902-1920, Warren K. Moorehead (1866-1939) headed Andover’s Peabody Museum of Archaeology. During his career, Moorehead was instrumental in excavations the mounds at Cahokia and Etowah. Douglas S. Byers, “Warren King Moorehead,” *American Anthropologist*, N.S., Vol. 41, No. 2 (April-June 1939), 286-294.



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No Free Appraisals

Vanessa Elmore

First order of business, in the last installment of No Free Appraisals, we were honored to have ATADA member and professional appraiser, Scott Hale, jump in and seamlessly add to this ongoing column—hey Scott, thank you very much for your insight and clear perspectives. We hope he'll contribute again in the future!

While Scott was pinch hitting, I was busy preparing for the ATADA-SAR Cultural Property Symposium that was held back in May and which focused on topics related to cultural property and proposed legislative measures. Lest you think I have shirked my duties with this column, hold up—there is an important connection happening here! As an ATADA Legal Committee member, I will emphasize why these issues are so important, and more so, why qualified appraisals by qualified appraisers will be all the more crucial to our art industry moving forward from here on out.

In the current proposal of the STOP Act, the federal government is showing an acknowledgment that a voluntary returns program might be a more viable way for sacred and inalienable religious objects to find their way home to Native communities—this new awakening is thanks, in great part, to the efforts of ATADA. But, just how exactly that system would work, and what types of items it might encompass, is still very much a work in progress and will be for a long time—no doubt! However, what is currently clear is that objects within the parameters of the voluntary returns program would (and should) be considered by the government (and, eventually by the Tribal Nations) as a form of non-cash charitable donation from the private individual.

Disclaimer: This column is not intended to provide any type of formal education or legal advice: please consult with an established professional appraiser, appraiser's association, or the appropriate lawyer, for professional advice and guidance regarding your particular situation.

That means, that the receiving Native Nation (or representing tribal museum, tribal council, or cultural preservation officer) will act as the receiving “qualified institution,” in the eyes of the IRS. Naturally, any tax credits associated with a voluntary return, aka: a non-cash charitable donation, will be based on the property's Fair Market Value. Those of us on the ATADA Legal Committee truly believe that this component is the key to making the voluntary system work.

Beyond public outcry, industry pressures, and the tactics of moral suasion, we believe that the tax credit incentive is the small offer towards remuneration of legally-held objects in the private realm. In essence, a voluntary returns initiative will acknowledge, at a base level, two things—1) that Native Nations desperately want certain important items back and, 2) the private realm most often holds these items legally, and that there is financial investment embedded. To be clear, I want to emphasize that the IRS does not see a non-cash charitable donation, or the tax credit claimed in tandem, as a financial gain. Therefore, by extension, we could say that a voluntary return should not be considered as financial gain. This is the very point that our Legal Committee has been trying to relay in our discussions with tribal communities—some of who would otherwise rather not acknowledge any economic value for certain items, or who would otherwise believe that an individual is seeking to gain an economic profit for the return. Not all tribal nations feel the same way though, and there are already tribes that have expressed an interest in participating—those tribes obviously understand and see that the tax incentive involved with a voluntary returns program is the single best means to expedite sacred items coming home.

No surprises here: my harping about qualified appraisers building USPAP directed appraisals comes into clearer focus now, more so than ever, especially when we have such a delicate and emotionally-charged matter at hand with tribal nations. A qualified appraiser always has to perform “due diligence” with every assignment, and the

business of building a qualified appraisal for an item to be returned through a voluntary program will not be the average evaluation, to say the least. It will be an utterly complex endeavor that will need to show clear logic and, even perhaps, a bit of creativity in the documentation process. For example, one simple bit of logistics comes to mind: photographs figure prominently in a qualified appraisal, however, in some cases, sensitive cultural items cannot be photographed. How then, will a qualified appraiser fulfill that requirement, not to mention, including the written physical description, as well? Needless to say, the actual monetary evaluation of potentially sacred items is also a conundrum unto itself, and will only get more difficult as the art market pushes in its discouragement of the buying and selling of such items. How then, would one proceed with putting a Fair Market Value on something that is otherwise shunned for sale and purchase? Issues of over or under inflation of values in these complex cases will be all the more prominent for the IRS during their review processes. Trust me when I say this: as an industry, the last thing we want is for this voluntary return program to be based on shoddy valuations built on thin market analyses by unqualified appraisers lacking USPAP training, and who otherwise show a lack of due diligence in their reports. This, my colleagues, is a no-brainer. □

Questions or comments are invited:
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Native Pottery Masterpieces and Artist Voices Combine in New Book

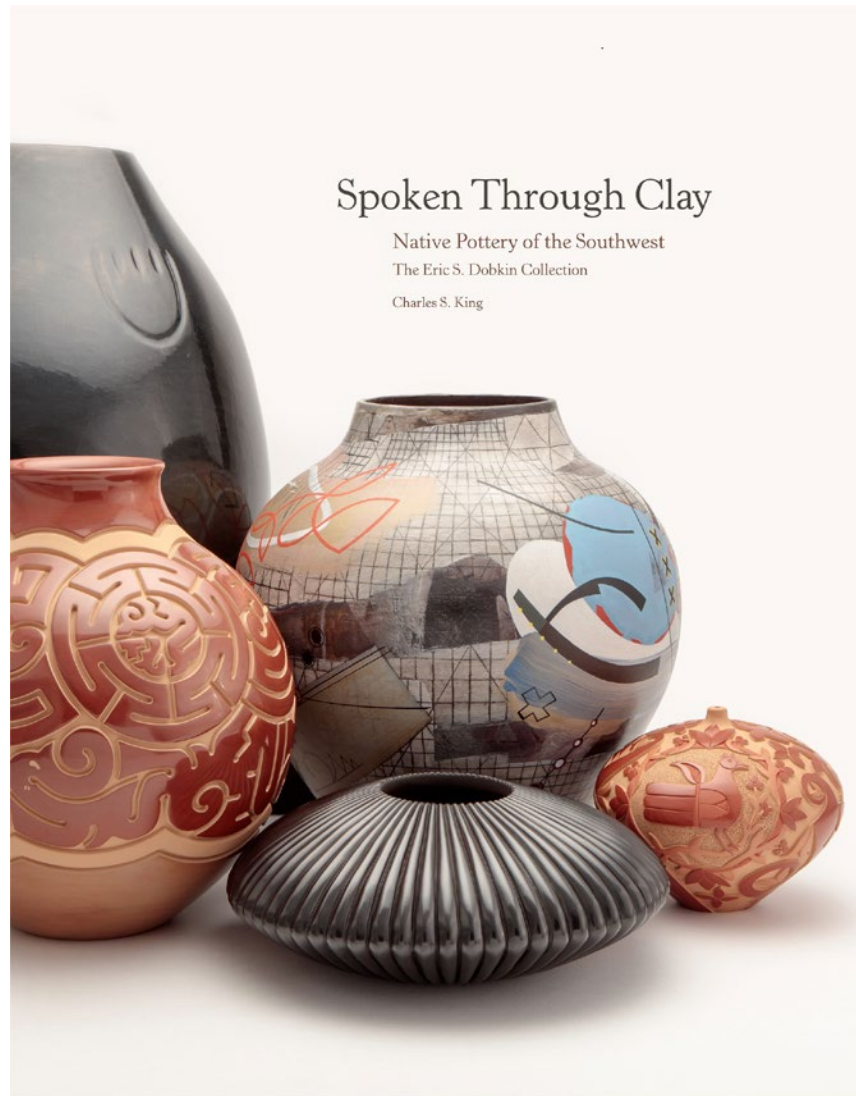
Spoken Through Clay: Native Pottery of the Southwest

The Eric S. Dobkin Collection

by Charles S. King

Essay by Peter Held

Artist portraits by Will Wilson



The pottery of iconic Native American artists from historic potters Nampeyo and Maria Martinez, to contemporary ceramicists Tammy Garcia, Virgil Ortiz, and many others are featured in a new book *Spoken Through Clay: Native Pottery of the Southwest*. The publication showcases nearly three hundred pottery vessels from the acclaimed Eric S. Dobkin Collection, covering a wide range of mostly Pueblo artists from the Southwest. Published by the Museum of New Mexico Press, *Spoken Through Clay* catalogues this impressive feat of collecting for the first time.

Dobkin, who has been called the “father” of modern initial public offering of stock and who served as partner and managing director of Goldman Sachs in a career spanning 49 years, first became interested in Native pottery two decades ago when he joined the board of directors of Santa Fe’s School for Advanced Research. His introduction to artists and their pottery led him to begin collecting important pieces and commissioning

others. Many of these commissions would result in the largest pots ever produced by the artists.

“The physical scale of the vessels combined with the depth of the contemporary collection [is] breathtaking,” says author Charles S. King. The book is part of a “transitional process of looking to the clay, the vessel, and the potter’s voice and allowing the pieces to stand on the merit of their artistic integrity.”

The book includes portraits and voices of renowned potters speaking about their artistry and technique, families, culture, and traditions. Many of the artists are connected by Pueblos, generations, or family members. For example, works by five generations of the Tafoya family of Santa Clara Pueblo are featured: Sara Fina Tafoya, Margaret Tafoya, LuAnn Tafoya, Nancy Youngblood, and Jordan Roller. Dynamic color photography captures the depth and dimension of the pieces while the artists provide an illuminating

perspective through narrative captions. Artists, academics, collectors, family members, and gallerists add additional insight about the lives, historical context, and importance of these potters and their work.

Author Charles S. King was in a unique position to bring these stories to the page, incorporating years of scholarship of Pueblo ceramics with the actual voices of the artists. Through his business, King Galleries, he has fostered relationships with many of today’s leading Native ceramicists and the family members of renowned historic potters. He is also the author of *Born of Fire: The Life and Pottery of Margaret Tafoya*, *The Life and Art of Tony Da*, *Virgil Ortiz: Revolt 1680/2180* and numerous articles on Pueblo pottery.

“Combining the strength of tradition with the adventure of a changing art form is the essence of the collection,” says Dobkin. More than a catalogue of the collection, this publication “is an expression of friendships and love of the clay...celebrating the artists who are the icons of this movement and presenting a portrait of their heritage.”

Book Signing Events:

August 15, 6pm - El Museo Cultural de Santa Fe
Book signing with author Charles S. King
Free with admission to the Antique American Indian Art Show

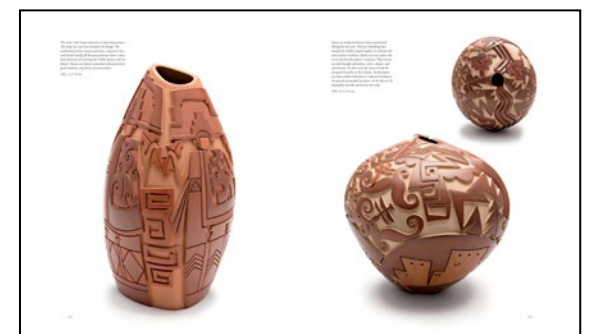
August 16, 1pm - El Museo Cultural de Santa Fe
Book signing with collector, Eric S. Dobkin
Free with admission to the Antique American Indian Art Show

August 18, 8:30-10:30am - Museum Hill Cafe
Salon breakfast, presentation and book signing with authors Charles S. King & Eric S. Dobkin and Native American potter, Nathan Youngblood
\$35/person (\$30/ MNMN members) includes full breakfast and museum admission

August 19, 11-12:30pm - Indian Market Merchandise Tent - Santa Fe Plaza
SWAIA sponsored book signing with authors, Charles S. King & Eric S. Dobkin
Free

FEATURED ARTISTS

Grace Medicine Flower • Dextra Quotskuyva • Autumn Borts-Medlock • Jody Naranjo • Harrison Begay Jr. • Jordan Roller • Sara Fina Tafoya • Lonnie Vigil • Margaret Tafoya • Steve Lucas • LuAnn Tafoya • Loren Ami • Toni Roller • Popovi Da • Linda Tafoya-Sanchez • Mark Tahbo • James Ebelacker • Yvonne Lucas • Jeff Roller • Lisa Holt • Harlan Reano • Nampeyo • Jacquie Stevens • Nathan Youngblood • Jacob Koopee Jr. • Jennifer Moquino • Christopher Youngblood • Maria Martinez • Tony Da • Tammy Garcia • Virgil Ortiz • Joseph Lonewolf • Johnathan Naranjo • Nancy Youngblood • Les Namingha • Russell Sanchez • Christine McHorse • Richard Zane Smith • Rondina Huma • Susan Folwell • Dominique Toya • Jody Folwell



American Indian Past & Present

Whispering Wind Magazine

Established 1967

Material Culture and Crafts of the American Indian
A Bi-Monthly Magazine of
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- John Molloy
President, ATADA

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