



**ATADA**   
**NEWS**

Spring 2017 / Vol. 27-1

Honoring The Artistic Legacy Of Indigenous People

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Classic Cave Shrine Guardian Figure  
Private Collection  
Photo by: Scott McCue



## ATADA NEWS

Honoring The Artistic Legacy Of Indigenous People

### Board of Directors:

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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.



# OBJECTS OF ART

LOS ANGELES



## October 6-8, 2017

THE REEF | 1933 South Broadway, Los Angeles, CA

The Objects of Art Show Los Angeles presents a unique experience for beginning as well as seasoned collectors, showcasing an extensive collection of antique, historic and contemporary material ranging from fashion, jewelry and ornamental items to furniture and books, prints, paintings and sculpture. Spanning the globe, the show brings together fine and folk art, tribal, American Indian and contemporary art all under one roof, creating a visual and cultural feast that is both encompassing and exclusive.

### 2017 SHOW INFO:

Friday, October 6, Benefit Opening Night 6pm to 9pm  
Saturday, October 7, 11am to 6pm  
Sunday, October 8, 11am to 6pm

[ObjectsOfArtShows.com](http://ObjectsOfArtShows.com)

## LETTER FROM THE PRESIDENT

Dear Fellow Dealers, Collectors, and Museum Associates,

As we move forward into a new administration in Washington, D.C., I want to remind all ATADA members of the focus of this organization; regardless of our political affiliations and loyalties, our diverse experiences and backgrounds, we share a common identity. We are arts professionals and arts supporters.

Whether we are art dealers or collectors, each of us is committed to supporting a rich cultural life wherever we live, by fostering appreciation of and access to the art of both foreign and indigenous cultures. ATADA believes in preserving and sharing art and artifacts for the benefit of the public. ATADA advocates for establishing sensible, functional regulatory structures that enable the lawful collection, exhibition, and sale of artworks both in the U.S. and abroad.

These common goals must transcend our political differences and enable us to join in a common effort to find positive solutions when we are challenged. In the last year, we've had to deal with legislation that would empty our museums, limit the right to collect, discourage public interest in both global and Native American art, harm Native artisans as well as gallery businesses, and turn thousands of collectors into criminals overnight.

We've also had to face an onslaught of negative and misleading media coverage on cultural heritage issues, notably the completely false claims that art sales are supporting terrorism. We've not only stood firm to defend our legitimate interests from bad legislation, we've stepped forward through our voluntary donations program to help to address past wrongs (in large part the fault of the US government, though now art dealers are blamed!). ATADA members are very independently-minded, but we are also committed to doing the right thing in the right way.

I was reminded of how important these goals were when I recently attended a meeting with academics and collectors who were at the forefront of politically 'correct' thinking. The topic under discussion was the art activism at Standing Rock. My personal response was that this particular 'art activism' had everything to do with the political passions that have

been stirred by the protests at Standing Rock and that the 'art' element had been minimized by the political context. Nonetheless, there it was, and it was worthy of discussion. As it turned out, the event became an interesting conversation about decolonization.

For me, this experience was an example of the positive results of engaging openly and in good faith with other people who share our passion and interest in indigenous culture, and of sharing ideas across interest groups. We intend to be involved in these conversations – and in many others as they go forward, and to be an active voice in mutual understanding and appreciation for the art created by indigenous peoples.

The ATADA Voluntary Donation program is an example of our commitment to dialogue. This program has now returned a number of spiritually significant items to Native communities, including a Zuni War God, Hopi kachina 'friends' (masks), and Navajo ceremonial materials. These returns enabled an important dialogue with tribal leaders and is building a better understanding with them about how the ATADA community intends to honor the sensibilities of Native peoples. We encourage our members to contact Bob Gallegos to find out more about this program and to participate in bringing key ceremonial materials back to tribes who need them for their spiritual and community health.

On the political front, ATADA expects new legislation pertaining to collecting and dealing in Native American art to be introduced in Congress within the next month. Other legislative campaigns this year will likely attempt to sharply restrict import, trade, and even possession of art from other nations. ATADA representatives are committed to being at the table and part of the discussion, whether it is in recommending changes to legislation or testifying on behalf of our dealer, collector and museum constituencies.

Bob Gallegos and I were recently interviewed by the Government Accounting Office (GAO) which is conducting an investigation into the 'illicit trade in Native American art' at the behest of the House Judiciary Committee. (ATADA members know that it is not acceptable in ATADA member galleries or participant art trade shows to sell illicit works or objects that offend Native American sensibilities.) Both Bob and I made

the point to the GAO that since NAGPRA, any trade in such items has disappeared and that the idea that there is a significant trade in either culturally sensitive or illegally excavated items is a fiction. Sometimes it is difficult to dispel such a myth, but we hope that our testimony was accepted for what it was – the truth.

I want to note that ATADA and the School for Advanced Research are sponsoring a symposium on cultural heritage issues and the STOP Act that will take place in Santa Fe on May 21-23. We hope to bring together our members, tribal spiritual leaders and community activists, legislators, local community and business leaders and the public. We will have at least one public event suitable for a large audience on May 22 at the Eldorado Hotel. Please watch your email boxes for further news on this important event.

Yours truly,  
John Molloy  
ATADA President

## EDITOR'S DESK

The ATADA News serves as a chronicle of what is important right now to our constituents. It is an outlet to investigate shifts in the tribal art market, express new ideas and modes of thinking, and to take a closer look into specific aspects of indigenous art.

In this issue, Mark Johnson, longtime tribal art dealer and one of our newest ATADA board members, offers us a rare glimpse into the art form of a specific tribal group on Borneo Island, known collectively as the Kayanic Dayak complex. This previously undocumented culture is responsible for some of the most compelling wooden carvings found in the Asia-Pacific region. We are grateful to Mark for sharing this early look at a larger publication he has in the works.

In his always eagerly anticipated legal column, Ron McCoy delivers yet again. This time, he explores the final chapter to the story of Kennewick Man, which "Legal Briefs" has been covering since 2009. Has Kennewick Man truly been buried for the last time? And, true to form, Ron's summary coverage of recent NAGPRA repatriations is more interesting than ever. We ask our readers to think about the difference in types of objects being claimed by tribes or offered by museums now from 10 years ago. Just reading the

reports should give reason to pause in order to consider the correlations with the proposed STOP legislation and the future of certain objects in our business.

Scott Hale has graciously added to our ongoing appraisal education column, and we expect to hear more from him in the future. Both Vanessa Elmore and Scott Hale are building a new foundation of appraisal theory and vocabulary to help ATADA members understand why reasoned and credible Qualified Appraisal documents should be the goal for our collectors.

In "On Trend," Mark Blackburn recaps the season's major auctions and art fairs. An astute observer, he delves into current market conditions and explores room for growth.

And finally, our editing team has developed another evolution of the Calendar in order to provide us with upcoming events in a more streamlined, digestible form. We are planning to publish the Summer issue on July 31 and invite all members to submit their events, preferably with images, so that we can provide the most comprehensive and easy-to-use guide for the industry. We particularly hope to create an essential schedule for collectors attending the August markets in New Mexico and want to be sure to promote all ATADA members. If you have more than dates and titles for your events like press releases or articles, we will gladly share them on the ATADA website as well.

As we have talked to dealers, collectors and tribal art enthusiasts during recent months, it has become clear that a deep appreciation for indigenous art continues to bind us as we face uncertainties ahead. Panels at the San Francisco Tribal & Textile Arts Show and the American Indian Art show in Marin established that ATADA has assembled a capable, hardworking team to protect the tribal arts community. ATADA, together with Santa Fe's School for Advanced Research, is sponsoring a series of public and inter-community discussions with representatives of Native American tribes on May 21-23, 2017. These meetings are intended to build relationships and better the understanding between tribal leaders, collectors, and the art trade. We hope that if you cannot attend this forum, you will closely follow ATADA's updates on our website and social media. We look forward to providing greater insight in our next issue.

-Paul Elmore and Elizabeth Evans

# ATADA Legal Committee Report

● ● ● ● Winter/Spring 2017 ● ● ● ●

It's a five-hour drive from Santa Fe into the tall mesas of the Arizona-New Mexico borderlands, but the scenery is spectacular and members of the ATADA Legal Committee have found a warm welcome at the end of the journey. Over the last several months, representatives of the committee have been delivering sacred cultural items back

*“This program doesn't focus on the legal issues...it's about bringing back the key items needed by the tribes for the spiritual well-being of their community.”*

to tribal communities through a new, expanding program of private, voluntary returns. The ATADA returns program is currently developing with the goals of building trust and facilitating communication between art dealers, collectors, and tribes. This program also hopes to encourage and enlist tribal members to be part of ATADA's greater education programming, which seeks to help outsiders in understanding the importance of preserving ceremonial items within the tribal community.

The returns were sparked by a challenge to committee member, Robert Gallegos, from a tribal lawyer at a repatriation conference held in the fall of 2016. During a panel discussion, Gallegos stated that he thought that private individuals could do a better job than the federal government at bringing ceremonial items back to the tribes. The lawyer rejoined, “Then, do it.” It was a motivational spark, and after consulting with the ATADA Board

of Directors, who unanimously approved the project, Gallegos and his fellow legal committee members began to work immediately.

Gallegos and other Board members have been gathering objects from willing donors, long-term collectors, and art dealers, all of whom are in agreement that these objects, considered as living entities for the tribes, should go back to tribal hands. The donations made thus far have been sacred cultural items collected well prior to passage of NAGPRA in 1990. In one case, a Board member who knew of an important Zuni War God in a private collection, bought the item himself and then donated it to the program to facilitate initiative meetings. However, Gallegos says, “This program doesn't focus on the legal issues...it's about bringing back the key items needed by the tribes for the spiritual well-being of their community.”

Gallegos reached out to old friends within the tribes. Some, who had been young carvers and artists when they first met, are now respected elders. “I hadn't seen some folks for thirty years or more,” he said, joking, “We're all a little surprised at how well we've aged.” Humor and reunions aside, his purpose in making these personal contacts was to gain guidance on protocol for handling and transferring the objects. Contrary to the management of items by federal officials and law enforcement, Gallegos wanted to be sure that ATADA's returns were undertaken with respect and the utmost care in physical treatment, for ritual and spiritual processes. Naturally, every tribe has different preferences: some tribes wanted photographs sent before delivery, and in other situations, tribal leaders requested that there be no photographs (drawings were made as a compromise for ease in communication). In all cases, the committee was especially mindful to keep at a minimum the number of people who had

direct contact with the returned item—privacy and discretion are cornerstones of a proper return. The ATADA group also shared what they knew of the history of the returned items. “Tribes, rightfully so, want to be sure that items have not been treated with preservative chemicals or pesticides—that way, no one could be harmed when handling them,” said an ATADA member who accompanied the return.

On the first visit to Hopi, ATADA representatives met for several hours with tribal leaders, who explained that primary Hopi concerns lie in retaining, and gaining back, culturally important objects that are necessary to the well-being of their society. They raised issues akin to theft and misappropriation and assigned responsibility to both sides: to tribal members whose weaknesses had led them astray from their own community values and the responsibility they held for protecting and holding these sacred items; and to the outside buyers who exploited the situation and the community members. The leaders were emphatic that it is part of their continued mission to correct present ills related to the past and that there is a duty to find and return the Katsinam masks (referred to as “Friends”), in order to ensure the future spiritual and societal health of the Hopi.

One Hopi leader relayed a valuable experience: he had been to one of the recent Paris Auctions, and there, he met with a French collector who was auctioning Hopi artifacts from his collection. Unable to convince him that giving the items back was the right thing to do, the Hopi leader invited the collector to come visit Hopi, which he did. That experience was enough to turn the collector around and awaken his responsiveness. The Hopi leader's story was formative for the ATADA representatives. They felt such an exchange should be heard again by many more people. An invitation was made to this Hopi leader to share that anecdote, and much more, during a future potential educational program; the invitation was greeted with eagerness and willingness. At the end, Hopi tribal leaders took custody of the returned items with due

ceremony, and all departed with a friendly embrace and a promise to see each other again soon.

On the first visit to Zuni, tribal spiritual leaders and members of the tribal government met with ATADA representatives at a rest stop along the highway, just at the border of Zuni lands. Unlike the previous stop at Hopi, at Zuni the physical transfer of the sacred items took place, in earnest, first and foremost. The returning of a Zuni War God certainly qualified as a situation to be handled carefully, and the items were received with prayers upon arrival at the border. The tribal members later explained that it would be harmful to the Zuni community, and by extension to the visitors and the world at large, if the sacred items were not managed properly. In this case, it was important for the Zuni to take possession of the items before they could be properly transported into and within Zuni boundaries. After the exchange, ATADA representatives were escorted to the Zuni administrative center, ushered into the tribal council's office, and were there joined by additional religious and tribal government leaders.

A tribal representative responsible for the oversight of all NAGPRA, NHPA, and the protection of sacred/cultural sites throughout the Southwest for the Pueblo of Zuni and several other tribal members said that Zuni supported the STOP Act but also acknowledged that there were legal and administrative issues with it. He indicated that the Zuni were already working on a written definition of tribal practice, or tribal law, that would prevent future instances of recognized sacred items leaving Zuni homelands. Passing such a law would have tandem effect both within Zuni sovereign territory and within international venues. Zuni has a greater goal of gaining standing for the tribe in European courts. A tribal member involved with the Zuni Preservation Committee, who is also a Koyemsi religious leader (a Koyemsi Father), added a great deal to the discussion. He described the difficulties he has faced in attempting to convince Europeans, particularly European museums, to return human

remains (“Ancestors”) and sacred objects back to the Zuni. He said that despite their reluctance to return Zuni items, he still had tried to help them by correcting attributions for Zuni objects within their collections (some identified objects were not, in fact, Zuni-made). He expressed being pleasantly surprised by ATADA’s outreach. While conveying gratitude for the voluntary returns, he also acknowledged, “it was about time that the Zuni had a direct line of communication with the private collectors.” He pointed out that dealers and collectors needed to know that Zuni items with spiritual attributes should be of concern to much more than the Zuni community—those items can potentially (and negatively) affect the world at large, and private collectors who unknowingly held Zuni items of religious importance could bring harm or illness on themselves, or even their neighbors, without intending to do so. He, too, expressed a willingness to help with ATADA’s future educational goals.

These trips have given ATADA the opportunity to meet with tribal leaders and to hear their concerns and goals. The occasions were also a good time to explain that ATADA would gladly work with them to support legislation that actually and tangibly furthers tribal interests, including specific provisions that would provide funding for tribal cultural education programs, tribal institutional infrastructure, and for repatriating human remains (“Ancestors”) from within US collections and overseas. ATADA representatives also made clear in these meetings that the organization could not support the current 2016 STOP Act, let alone any other legislation now or in the future, that would seek to expand NAGPRA into the private sphere. Instead, ATADA would work to bring significant objects of contemporary religious importance back to tribes directly because the organization believes that forceful legislative measures would harm US collectors, businesses, and museums, and furthermore, would damage the arts economy that directly supports contemporary Native artists and communities.

These first couple of visits to Hopi and Zuni have been followed by others, and, as it stands currently, dozens of items have now been brought back through the ATADA voluntary returns program. Most recently, a large group of items was delivered to the Navajo Nation in March. “And more to come,” says Gallegos. “The more people who hear about the program, the more have contacted me asking to make returns.” Gallegos says that he shares whatever he can with the tribal recipients and is hopeful that such information is useful for the tribe. “It’s a privilege to be able to do this work,” he said, then started the car for the five-hour drive home.

ATADA, in conjunction with the School for Advanced Research (SAR), is pleased to announce our first educational symposium, Cultural Property Awareness: A Path to Healing Through Communication, to be held on May 22nd, 2017 in Santa Fe, New Mexico. A full day of public presentations focused on topics related to cultural heritage will be given by ATADA members, tribal representatives, museum specialists, and other professionals. The occasion will provide a much-needed opportunity for collectors to hear direct and personal testimony from tribal leaders. ATADA will also share a full report on the Voluntary Returns Program and our greater goals with this initiative. There will be more program details to come—please stay tuned on the ATADA webpage for additional updates and ticket purchasing links. [www.atada.org/events](http://www.atada.org/events)

For now, please save the date and plan on joining us for:

Cultural Property Awareness: A Path to Healing Through Communication  
 Monday, May 22, 2017  
 9am to 4:30pm  
 Eldorado Ballroom, Eldorado Hotel  
 309 W. San Francisco Street  
 Santa Fe, New Mexico 87501

# Save The Date

## May 22, 2017

### Cultural Property Awareness: A Path to Healing Through Communication

An educational symposium focused on topics related to cultural heritage will be presented by ATADA members, tribal representatives, museum specialists, and other professionals

Monday, May 22, 2017 • 9am-4:30pm

Eldorado Hotel Ballroom  
 309 W. San Francisco Street  
 Santa Fe, New Mexico 87501

Information and Tickets:  
[www.atada.org/events](http://www.atada.org/events)

Presented by ATADA, in conjunction with the School for Advanced Research (SAR)



## ARTS OF THE AMERICAN WEST

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Denver, Colorado 80204  
303.825.1855

**LESLIE  
HINDMAN  
AUCTIONEERS**

Among various consignments, the sale will include property sold to benefit the acquisition fund of the Denver Art Museum



**ABOVE:** A Kwakwaka'wakw Painted Wood Mask, a Navajo Sarape Revival Rug, J.B. Moore Catalogue Plate II Variant and a Lakota Pictorial Beaded Vest to be sold at the Arts of the American West May 6-7 auction. Property sold to benefit the acquisition fund of the Denver Art Museum.

## 2017 ATADA Phillips Scholarship Awards

The ATADA Foundation is pleased to announce the recipients of the Jim and Lauris Phillips Scholarship Awards for 2017.

Awarded through the Heard Museum's Young Artists Program and in conjunction with the Heard Museum Guild Indian Fair and Market, these three-year scholarships are given to help talented artists continue to pursue their work and find further success in the art world.



"Santa Fe Tourist" by Spenser Stanaland  
Photo Credit: Craig Smith, Heard Museum

### Best of Show

### Paintings, Drawings, Graphics, Photography

Spenser Stanaland  
Navajo  
"Santa Fe Tourist"

### Best of Class

#### Baskets

Anne Lalo  
Hopi  
Sifting Basket

#### Sculpture

Tara Lujan-Baker  
Taos Pueblo  
"Happy Bear"

#### Jewelry and Lapidary

Temuujin Abeyta  
Santo Domingo Pueblo  
"Rainbow River"

To learn more about the ATADA Foundation's charitable projects, visit: [atada.org/atada-foundation](http://atada.org/atada-foundation)

# FIRST FRIDAYS

*...a behind the scenes look at the collection!*

At the Ralph T. Coe Foundation

Every first Friday  
of the month, 1-4 pm  
Free!



## ART FOR ETERNITY



ART FOR ETERNITY is a leading Manhattan art gallery specializing in Classical Antiquities and Ethnographic art.

**Our collection includes Egyptian, Greek, Roman, and Pre-Columbian art. We also specialize in African and Asian art.**

Howard Nowes, director of Art for Eternity, has been finding museum quality treasures and bringing them to collectors for 25 years. His exceptional eye and excellent reputation have made him a go-to source for connoisseurs of Classical Antiquities, Pre-Columbian, Ethnographic and Tribal Arts for decades. Mr. Nowes is also a certified member and leading appraiser of the Appraisers Association of America.

Actively seeking quality classical antiquities. We pay high prices for pre-existing collections.

### Additional Services

- Art Consulting
- Collection Management
- Certified Appraisal Reports:
  - Charitable Donations
  - Estate Taxes
  - Insurance Schedules
- Authentication
- Carbon-dating
- Thermoluminescence Testing
- Restoration
- Custom Mounting
- Art Historical Research

*Image: Fine Roman Marble Head of a Boy, Asia Minor, c. 1st to 2nd Century AD.*



## Selected Calendar Events

APR 1

**Jody Naranjo: Revealing Joy**  
Museum of Indian Arts & Culture - Santa Fe, NM  
Show runs through Dec. 2017  
[miaclab.org](http://miaclab.org)



APR 4

**Collection Laprugne et à divers amateurs: Arts d'Afrique, d'Océanie et d'Amérique du Nord**  
Christie's - Paris, France  
Sale 12714  
[www.christies.com](http://www.christies.com)

APR 5-8

**Paris Tribal**  
Beaux-Arts/Saint-Germain-des-Prés District - Paris, France  
[www.paristribal.com](http://www.paristribal.com)

APR 6



**Peering Through Taos Light: Jody & Susan Fowell**  
King Galleries - Scottsdale, AZ  
Opening: 6-9pm  
[www.kinggalleries.com](http://www.kinggalleries.com)

Ends APR 7

**A View from Here: Northwest Coast Native American Arts**  
Ralph T. Coe Foundation - Santa Fe, NM  
[ralphcoefoundation.org](http://ralphcoefoundation.org)



APR 8

**American Indian and Western Art**  
Cowan's Auctions - Cincinnati, OH  
Auction: Apr 8, 10am  
Preview: Apr 7, 12-5pm  
Apr 8, 8-10am  
[www.cowansauctions.com](http://www.cowansauctions.com)



APR 11

**Indian-Pop-Politics: The Rise and Fall of a Native American Art Movement**  
Georgia O'Keeffe Museum - Santa Fe, NM  
Musuem talk: 6-7pm  
[www.okeeffemuseum.org](http://www.okeeffemuseum.org)

Ends APR 16

**Jicarilla: Home Near the Heart of the World**  
Wheelwright Museum - Santa Fe, NM  
[www.wheelwright.org](http://www.wheelwright.org)



APR 20

**Virgil Ortiz: Taboo - New Works in Clay**  
King Galleries - Scottsdale, AZ  
Opening: 6-9pm  
[www.kinggalleries.com](http://www.kinggalleries.com)



APR 21

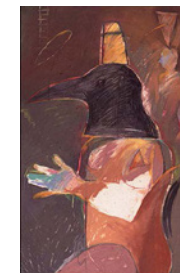
**Artist Workshop: Acrylic Layering Techniques with Kevin Red Star**  
Sorrel Sky Gallery - Durango, CO  
Apr 21-23 • Registration required  
[www.sorrelsky.com](http://www.sorrelsky.com)

\* Visit [sorrelsky.com/workshops](http://sorrelsky.com/workshops) for a full schedule of Artist Workshops at their Durango and Santa Fe locations \*

## Selected Calendar Events

APR 22

**Rick Bartow: Things You Know But Cannot Explain**  
Heard Museum - Phoenix, AZ  
Show runs through July 9  
[www.heard.org](http://www.heard.org)



APR 22

**Cultural imPRINT: Northwest Coast Prints**  
Tacoma Art Museum - Tacoma, WA  
Show runs through Aug 20  
[www.tacomaartmuseum.org](http://www.tacomaartmuseum.org)

Ends APR 30

**A Century of Pueblo Painters: San Ildefonso Pueblo 1900-1999**  
Adobe Gallery - Santa Fe, NM  
[www.adobegallery.com](http://www.adobegallery.com)



MAY 5

**Constant State of Change - Stephen Day & Ray Tracey**  
Sorrel Sky Gallery - Santa Fe, NM  
Opening: 5-7:30pm  
\*Show opens at Durango, CO location on May 12  
[www.sorrelsky.com](http://www.sorrelsky.com)



**American Indian & Ethnographic Art Auction**  
Skinner Auctioneers & Appraisers - Boston, MA  
Auction 3005B  
May 5, 10am  
[www.skinnerinc.com](http://www.skinnerinc.com)

MAY 5

**Kristen Dorsey: Of Earth and Place**  
Four Winds Gallery - Pittsburgh, PA  
Show runs May 5-6  
[www.fourwindsgallery.com](http://www.fourwindsgallery.com)



MAY 12-14

**Madison Ancient and Tribal Art**  
Arader Gallery - New York, NY  
Opening: May 12, 5-8pm  
[www.matanyc.com](http://www.matanyc.com)

MAY 14

**Beads: A Universe of Meaning**  
Wheelwright Museum - Santa Fe, NM  
Show runs through Apr 15, 2018  
[www.wheelwright.org](http://www.wheelwright.org)

MAY 15

**Art of Africa, Oceania, and the Americas**  
Sotheby's - New York, NY  
Sale# N09619 - 3pm  
[www.sothebys.com](http://www.sothebys.com)

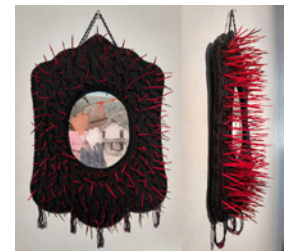
MAY 18

**Mark Bahti - Hopi Katsinas: From The Outside Looking In**  
Museum of Indian Arts & Culture - Santa Fe, NM  
[miaclab.org](http://miaclab.org)

MAY 19

**African & Oceanic Art**  
Christie's - New York, NY  
Sale 14989  
[www.christies.com](http://www.christies.com)

**Luanne Redeye, Artist Talk, Reception and Open Studio**  
School for Advanced Research (SAR) - Santa Fe, NM  
May 19, 6-7:30pm  
RSVP by May 15  
[sarweb.org](http://sarweb.org)



## Selected Calendar Events

MAY 22



**Cultural Property Awareness: A Path to Healing Through Communication**  
A public presentation by tribal, academic, business, and legal specialists in cultural heritage

Presented by ATADA and the School for Advanced Research (SAR)  
El Dorado Hotel Ballroom - Santa Fe, NM  
9am-4:30pm • Open to the Public  
Information and tickets available at:  
[www.atada.org/events](http://www.atada.org/events)

MAY 23

**African, Oceanic and Pre-Columbian Art**  
Bonhams - Los Angeles, CA  
[www.bonhams.com](http://www.bonhams.com)

MAY 27-28

**Native Treasures: Indian Arts Festival**  
Santa Fe Convention Center - Santa Fe, NM



Pre-show Celebration & Benefit:  
May 26, 5:30-7:30pm  
[nativetreasures.org](http://nativetreasures.org)

JUNE 5

**Native American Art**  
Bonhams - San Francisco, CA  
[www.bonhams.com](http://www.bonhams.com)

JUNE 6

**Tribal Art**  
Austria Auction Company - Vienna, Austria  
5pm  
[www.austriaauction.com](http://www.austriaauction.com)

JUNE 7-11

**Cultures: The World Arts Fair - AAB, BAAF, and BRUNEF**  
Various Locations - Brussels, Belgium  
[www.cultures.brussels](http://www.cultures.brussels)

JUNE 10-11

**Brian Lebel's Old West Show & Auction**  
The Amon G. Carter Jr. Exhibits Hall  
Will Rogers Memorial Center - Ft. Worth, TX  
[www.oldwestevents.com](http://www.oldwestevents.com)

Ends JUNE 15

**New Impressions: Experiments in Contemporary Native American Printmaking**  
IAIA Museum of Contemporary Native Arts - Santa Fe, NM  
[iaia.edu](http://iaia.edu)

Ends JUNE 18

**Enduring Splendor: Jewelry of India's Thar Desert**  
Fowler Museum - Los Angeles, CA  
[www.fowler.ucla.edu](http://www.fowler.ucla.edu)



JUNE 23

**American Indian Art Signature Auction**  
Heritage Auctions - Dallas, TX  
Auction #5302  
[fineart.ha.com](http://fineart.ha.com)

JUNE 24

**The Leekya Family: Master Carvers of Zuni Pueblo**  
Albuquerque Museum - Albuquerque, NM  
Show runs through Sept 24  
[www.albuquerquemuseum.org](http://www.albuquerquemuseum.org)

Ends JULY 9

**The Inner Eye: Vision and Transcendence in African Art**  
Los Angeles County Museum of Art - Los Angeles, CA  
[www.lacma.org](http://www.lacma.org)



## Selected Calendar Events

JULY 13

**New Works - Keri Ataumbi & Robert Lee Morris**  
Shiprock Santa Fe - Santa Fe, NM  
2-4pm  
[www.shiprocksanatafe.com](http://www.shiprocksanatafe.com)

JULY 27

**Spanish Market Show - Lawrence Baca & Fred Ortiz**  
Sorrel Sky Gallery - Santa Fe, NM  
[www.sorrelsky.com](http://www.sorrelsky.com)



JULY 29-30

**66th Annual Traditional Spanish Market**  
Santa Fe Plaza - Santa Fe, NM  
8am-5pm  
Market preview: July 28 - Museo Cultural  
[spanishcolonial.org](http://spanishcolonial.org)

AUG 4

**Horse People - Kevin Red Star**  
Sorrel Sky Gallery - Santa Fe, NM  
Opening: 5-7:30pm  
Show runs through Aug  
[www.sorrelsky.com](http://www.sorrelsky.com)



AUG 10-13

**Objects of Art - Santa Fe**  
El Museo Cultural de Santa Fe - Santa Fe Railyard  
Opening Gala - Aug 10, 6-9pm  
Show runs Aug 11-13, 11am - 5pm  
[www.objectsofartsantafe.com](http://www.objectsofartsantafe.com)



AUG 12

**Annual Opening Event - Historic Native American Art**  
Shiprock Santa Fe - Santa Fe, NM  
5-7pm  
[www.shiprocksanatafe.com](http://www.shiprocksanatafe.com)

AUG 11-14

**Whitehawk Antique Indian & Ethnographic Art Show**  
Santa Fe Convention Center - Santa Fe, NM  
[www.whitehawkshows.com](http://www.whitehawkshows.com)

AUG 15-18

**The Antique American Indian Art Show**  
El Museo Cultural de Santa Fe - Santa Fe Railyard  
Opening Gala - Aug 15, 6-9pm  
Show runs Aug 16-18, 11am - 5pm  
[www.antiqaindianartshow.com](http://www.antiqaindianartshow.com)



AUG 17

**Indian Market Celebration - Sonwai, Ken Williams, Jr. & Yasutomo Kodera**  
Shiprock Santa Fe - Santa Fe, NM  
2-4pm  
[www.shiprocksanatafe.com](http://www.shiprocksanatafe.com)

AUG 17-18

**Indian Market Native American Show**  
Sorrel Sky Gallery - Santa Fe, NM  
Aug 17, 5-7:30pm  
[www.sorrelsky.com](http://www.sorrelsky.com)

AUG 18

**SWAIA Indian Market Award Winners - General Preview**  
Santa Fe Convention Center - Santa Fe, NM  
7:30-9:30pm  
[www.swaia.org/Indian\\_Market](http://www.swaia.org/Indian_Market)

AUG 19-20

**96th Annual Santa Fe Indian Market**  
Santa Fe Plaza and Surrounding Streets  
Aug 19, 7am-5pm  
Aug 20, 8am-5pm



*\* A full listing of Indian Market Week Events can be found at:*  
[www.swaia.org/Indian\\_Market](http://www.swaia.org/Indian_Market)  
or [www.atada.org/calendar](http://www.atada.org/calendar)

For an unabridged list of upcoming and ongoing events and exhibitions, please visit [www.atada.org/calendar](http://www.atada.org/calendar)

## Selected Calendar Events

SEPT  
30

**Teotihuacan: City of Water, City of Fire**  
de Young Museum - San Francisco, CA  
[deyoung.famsf.org](http://deyoung.famsf.org)

OCT  
6-8



**Objects of Art - Los Angeles**  
The Reef - Los Angeles, CA  
Opening Gala - Oct 6, 6-9pm  
Show runs Oct 7-8, 11 am - 6pm  
[objectsofartla.com](http://objectsofartla.com)

OCT  
14

**Raven Chacon: Lightning Strike**  
Colorado Springs Fine Arts Center  
Show runs through Jan 7, 2018  
[www.csfineartscenter.org](http://www.csfineartscenter.org)

Ends  
OCT  
22

**Into the Future: Culture Power in Native American Art**  
Museum of Indian Arts & Culture - Santa Fe, NM  
[www.indianartsandculture.org](http://www.indianartsandculture.org)

Ends  
OCT  
24

**Art and Artifacts of the Northern Frontier, New Spain and Mexico, c. 1540-1860**  
Michael D. Higgins Gallery - Tucson, AZ  
[www.mhiggins.com](http://www.mhiggins.com)



Ends  
OCT  
29

**CCNA: Connecting Lines - Brenda Mallory & Luzene Hill**  
Portland Art Museum - Portland, OR  
[portlandartmuseum.org](http://portlandartmuseum.org)

Ends  
DEC  
31

**Over the Edge: Fred Harvey at the Grand Canyon and in the Great Southwest**  
Heard Museum - Phoenix, AZ  
[heard.org](http://heard.org)

**ATADA**  **ORG**

ATADA is pleased to announce the launch of our new, searchable Online Calendar. Visit [www.atada.org/calendar](http://www.atada.org/calendar) to see a comprehensive list of upcoming and ongoing shows, events and museum exhibitions.

To add your listing to the online calendar and the Summer Calendar in the next issue, please submit all relevant information, images and/or press releases using our online 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.*



Lakota Figural Three-Bladed War Club From the Collection of Jim Ritchie, Toledo, Ohio  
Sold for \$96,000



Teton Sioux Beaded and Quilled Hide War Shirt  
Sold for \$51,000



Eskimo Seal Mask  
Sold for \$88,125



Early Delaware Bandolier Bag  
Sold for \$115,000



Great Lakes Pipe Tomahawk with Brass and Silver Inlay From the Collection of Marvin L. Lince, Oregon  
Sold for \$93,000



Metis Quilled Hide Knife Sheath with Dag Knife From the Collection of Marvin L. Lince, Oregon  
Sold for \$90,000



Otoe Ball Club  
Sold for \$102,000



*After Big Game*, Henry Farny (American, 1847-1916), Gouache on Paper  
Sold for \$96,000

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# On Trend

## Recent Tribal Art Auctions and Shows

● ● ● ● Mark Blackburn ● ● ● ●

In this article, I will both summarize a few individual auctions, as there were many in this last period, and also make comment on a largely unknown auction house that is well worth experiencing. Generally speaking, the market at this time is soft due to many conditions, as people continue to chase masterpieces where the sky is the limit. Whether or not this is sustainable is another question.

One thing for certain is that most average collectors continue to feel out priced as the two major auction houses focus on high-end items. Sales at three important houses – Bonham’s, Skinner’s and Arte Primitivo – are the exception to the rule, as these houses embrace collectors at every turn and provide a true sense of discovery, which is lacking at the big two.

What is great about these three houses is that they offer amazing buying opportunities on a regular basis, which cannot be said of Christie’s and Sotheby’s. These houses are focused on a different criterion, and it is all about the numbers. They are not interested in consignments under \$10,000 per object, and in reality, the bar has been set at \$25,000 per lot. Not a very good sign for the average collector or dealer.

During the last few months, Sotheby’s and Christie’s continue to achieve major sums of money for the very best material, with the focus being on African and Oceanic items. It is interesting that both houses no longer hold Native American sales, due to what I have been told is a lack of material and the general sensitivities they feel are attached to the Native American trade (which I strongly disagree with).

Where all of this will go, no one knows, but I can tell you with certainty that major documented masterworks of African art are truly the flavor of the month. I have been told that private offers above the \$20 million mark have been made on objects of importance, and one piece with an important tie to modern painting had an offer above \$50 million. It doesn’t take much to figure out

that at these levels, the offers are being made by modern and contemporary collectors. Is this sustainable? No one knows, but we may have seen a preview of what is to come when Russian oligarch and fertilizer magnate Dmitry Rybolovlev recently took a loss of 74 percent on major paintings including Gauguin’s “Te Fare” and other trophy pieces like works by Picasso, Rene Magritte and Mark Rothko, which are considered blue chip investments.

I compare this to the late Sheikh Saud bin Mohammed al Thani, whose sudden death has deflated many specialized collecting areas, such as Pacific fish hooks, to a mere fraction of what they used to achieve at auction or privately. As a collector of this material, I am not bothered by this, but for dealers and others, a collapsing market is certainly not a good thing.

Let us move on to the most recent shows. In Mesa, Arizona, Brian Lebel’s High Noon Show & Auction in January was a success on the auction side, but unfortunately, many dealers were not happy with the sales in general. Many people have used the election as an excuse, but as a collector, I find this ridiculous and will continue to acquire objects regardless of the political climate. I personally think the lack of sales at this show is because of the lack of new collectors, and believe the trade should be focused on acquiring a fresh audience. With the exception of shows and fairs in Europe and the UK, the scene is made up of aging collectors and dealers, and on the whole, it seems no real effort has been made by dealers and museums to bring in a younger crowd. One of my favorite institutions of its kind, the Metropolitan Museum of Art, is facing huge challenges at the time of this writing, with the director stepping down and leaving behind a crushing debt and lack of vision and leadership.

On the other hand, we have Los Angeles County Museum of Art Director Michael Govan, whose vision and leadership of LACMA has brought record members of young people into the museum in Los

Angeles through the use of social media and other modern platforms. Dealers and others associated with the trade need to take note of this and come up with a new business model, or quite frankly, the collecting and dealing world could be over in the next decade.

Kim Martindale and John Morris’ San Francisco Tribal and Textile Art Show took a stab at this by thinking outside the box, renewing the de Young Museum Gala and supporting the Indonesian government with exhibits and demonstrations by artists and musicians. One element that created quite a stir was the removal of the red carpet to give the show a more “modern, contemporary” look. It actually saved the promoters nearly \$30,000 which they immediately reinvested in advertising and promotion.

Sales at this show were mixed at best, with uninteresting middle-of-the-road African items being the category with the largest sales. The vetting issue at this show also presented some problems, but these should be solved next year by using a host of non-dealer specialists. With time, this show will build, but it will take dealers who realize that times are changing to help do this. You simply can’t do things the way you have done in the past and expect different results.

As a side note from my personal experience with the dealer world, I prefer exhibitions with a minimalist approach at shows and fairs. Fewer objects combined with mindful curation have a better impact and attract a younger crowd. Dealers who just use a shotgun approach by filling their booths with items en masse will, in my opinion, see fewer sales.

In Marin, California, The American Indian Art Show was small compared to the last few years, and many of the high-end Native American dealers and collectors were not present. To me, this and The Great Southwestern Antique Show in Albuquerque, New Mexico are the only two shows that offer a real sense of discovery, and I hope the Marin show will continue. Dealers and collectors need to support it; otherwise, the show will be a challenge for even a seasoned promoter like Kim Martindale. As with the shows mentioned above, sales were extremely mixed, yet several dealers, including

Jack Curtright of Tacoma, Washington, brought some amazing offerings.

As promised, I would like to introduce you to an auction house and ATADA member that many people are not familiar with. Arte Primitivo, under the direction of Howard Rose and based in New York City, has been in business for decades and specializes in online auctions. Their last sale in December contained some very interesting material, especially in the Pre-Columbian area. Among the highlights were a superb Archaic Colima warrior holding a trophy head that realized \$30,000 and a Veracruz figure of a Mexican deity that sold for \$12,600 to a Mexican collector. The cover lot of a kneeling Aztec water goddess brought \$33,000, just above the low estimate of \$30,000/50,000, and – a bargain — a rare two-headed Michoacán pottery pretty lady figure made a mere \$1,920.

Among the antiquities, a beautiful Apulian bell-krater with a winged Eros and a seated lady sold for \$5,700, well below its low estimate of \$7,000. Many of the antiquities were from Robert Cummings, the brother of well-known Pre-Columbian collector Nathan Cummings. To me, the real bargain in the antiquities section was a very large and heavy Roman stele depicting three youths that sold for a mere \$9,240 on an estimate of \$25,000/35,000.

In the African section, the well-known Baga equestrian dance crest from Guinea, from the estate of Sydney Shaper and exhibited in both Baltimore and New York, sold for a reasonable \$8,700, and a Makonde wooden altar head (lot #570) sold for an extremely reasonable price of \$1,200 on an estimate of \$750/1,200. Whether you are a collector or a dealer, Arte Primitivo always has something interesting to offer and is well worth attending.

Despite the mixed successes of these shows I have attended, I would like to state in closing that in the field of collecting and dealing in tribal and Native American art, I firmly believe that persistence, passion, research and a willingness to embrace new business models does promise a bright future for all those involved. □

About the author: Mark Blackburn is a noted author, ATADA board member, 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



# 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, and fine art of all kinds, furniture, books, fashion, jewelry, textiles, and tribal, folk, American Indian, African, and Asian art.

2017 SHOW INFO:

Friday, 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](http://ObjectsOfArtShows.com)

# The ANTIQUE AMERICAN INDIAN ART SHOW

Santa Fe



August 15 - 18, 2017

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

When the world comes to Santa Fe for the best in American Indian Art – Its heritage will be found at The Antique American Indian Art Show, at El Museo in The Railyard.

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](http://ObjectsOfArtShows.com)

# Legal Briefs

## Kennewick Man, RIP; NAGPRA Repatriation Notices Updates; STOP and TAAR Die in Committee, Resurrection Possible

● ● ● ● Ron McCoy ● ● ● ●

The most widely reported controversy stemming from the frequently contentious Native American Graves Protection and Repatriation Act of 1990 (NAGPRA) is unquestionably that of Kennewick Man.

At the end of July 1996 Will Thomas and Dave Deacy, college revelers hoofing it to hydroplane races on the Columbia River near Kennewick, Washington, discovered a human skull in eighteen-inches of water ten feet from shore on land overseen by the Army Corps of Engineers. What first responders thought might be evidence of a recent crime turned out to be the nearly complete skeleton of a man who died some 9,000 years ago with a stone projectile point wedged in his right hip. These remains, soon called Kennewick Man, became bones of contention between the nearby Five Confederated Tribes of the Umatilla Reservation<sup>1</sup>—who claimed him an ancestral Ancient One (*Uytpama Natitayt*)—and anthropologists keen on thoroughly examining a skeleton of great antiquity, an extraordinary rarity from the prehistory of the Americas.<sup>2</sup>

A prolonged, hard-fought legal battle between the tribes and scientists for access to and control over Kennewick Man ensued, drawing attention to NAGPRA's original intent and evolving interpretation. Interestingly, Kennewick Man became a *cause célèbre*, pitting tribal creationists against advocates of freedom in scientific inquiry, with additional spice tossed into the mix by generations of built up grievances and aspirations.<sup>3</sup>

For a while, the anthropologists had their way. This was because for purposes of repatriation NAGPRA requires human remains be “of, or relating to, a tribe, people, or culture that *is* indigenous to the United States” (*italics added*),<sup>4</sup> and no such relationship was established. (In Kennewick Man's case, early forensic findings seemed to tie him most closely to Japan's enigmatic Ainu people.) In 2005, Senator John McCain (R-AZ) attempted unsuccessfully to significantly amend NAGPRA through a “technical

corrections” bill, expanding that passage to embrace “a tribe, people, or culture that is, or *was*, indigenous” (*italics added*).<sup>5</sup> This would have opened the door to modern tribes pursuing a strong NAGPRA claim even without an otherwise demonstrable link to Kennewick Man—thereby avoiding the dicey matter of tracing affinity across more than 400 generations—so long as his remains were found in or within close proximity to the area in which today's claimants live.

In 2015, genetic tests conducted in Copenhagen indicated more linkage between Kennewick Man and North American Indian populations than to any other human groups (although, significantly, not to a specific tribe.)<sup>6</sup> “It's very clear that Kennewick Man is most closely related to contemporary Native Americans,” the lead author of the study published in the prestigious journal *Nature* explained. “In my view, it's bone-solid.”<sup>7</sup>

In the spring of 2016, having accepted those findings, the Corps said it would transfer Kennewick Man to the Five Confederated Tribes.<sup>8</sup> Soon thereafter, Congress ordered the bones turned over no later than mid-March 2017.<sup>9</sup>

By the time you read this there is a good chance Kennewick Man's 9,000-year-old skeletal remains—with that tantalizingly mysterious stone projectile point from a wound he survived still embedded in his pelvis (but not yet sufficiently examined to indicate its place of origin)—will have vanished into a secret gravesite somewhere on the Pacific Northwest's Columbia Plateau.

The objects addressed by NAGPRA that possess serious potential for impacting the art market are not human remains but pieces the law (and those interpreting it) view as objects of cultural patrimony and sacred objects.<sup>10</sup> Ideas about what falls into those categories changes over time. This is why dealers, collectors, and curators of tribal art—in this instance, pieces of Native

American and Native Hawaiian origin—would do well to keep up to speed on precisely what types of items NAGPRA is being relied upon for pressing repatriation claims against what the law broadly identifies as museums.<sup>11</sup>

Notices outlining agreements between the institutional possessors of objects and the people or organizations seeking repatriation appear on an irregular basis in the *Federal Register*. The summaries of announcements below, in the order of most to least recent, take us into 2016. No dates for materials' actual transfer are specified since notices are published pending the filing of competing claims. All quotations are drawn from those announcements.<sup>12</sup>

*Binghamton University, State University of New York, Binghamton, NY (Jan. 27, 2016).* In the mid-1960s the museum obtained “a False Face mask made by an artist from the Six Nations, in Ontario Canada.” (“Six Nations” refers to the Haudenosaunee).<sup>13</sup> It was decided to turn this sacred object over the Seneca Nation of Indians in New York.

*New York State Museum, Albany, NY (Dec. 11, 2015).* In 1898 the museum acquired three “medicine masks”—cornhusk and/or false face types seem likely—from members of the Seneca-Cayuga Tribe of Oklahoma, part of the Haudenosaunee. The museum agreed to return these sacred objects to the Seneca-Cayuga Tribe of Oklahoma.

*San Francisco State University, San Francisco, CA (Dec. 11, 2015).* Prior to 1976 the museum received eight baskets attributed to California's Dry Creek Rancheria Band of Pomo Indians, including: baskets “created for an important occasion,” “used with the traditional stone boiling technique to cook food for the entire tribe,” “used in a ceremony welcoming an [sic] newborn child into the world,” “made to store acorns or other dried foods for the entire community,” and “used during healing ceremonies.” The museum decided these objects of cultural patrimony—two also designated sacred objects—belong to the Dry Creek Rancheria Band of Pomo Indians.

*Los Angeles County Museum of Natural History, Los Angeles, CA (Dec. 11, 2015).* In 1934 the museum obtained a feathered headdress collected between 1895 and 1915 by a dry goods store owner in Needles, California, “possibly the most complete

example currently known of a *Kaitcoxo*” headdress “worn in Chemehuevi traditional religious and tribal ceremonies.” This object of cultural patrimony and sacred object was scheduled for transfer to the Twenty-Nine Palms Band of Mission Indians of California, in whose museum it had been on loan since 2002.

*Dallas Museum of Art, Dallas, TX (Nov. 17, 2015).* In 1988, the museum acquired a pair of case masks, a half mask, twenty-three mask parts, two caps, and a pair of wrist guards from a gallery owner who explained they came from a collector who “purchased them from the son of a former head of the Hopi Badger Clan.” In 2009 the museum received a pair of women's society dance wands from a collector. The museum agreed these sacred objects and objects of cultural patrimony belong to the Hopi Tribe of Arizona.

*City of Bellingham/Whatcom Museum, Bellingham, WA (Oct. 15, 2015).* In 1975 the museum obtained a Tlingit Chilkat blanket from a Seattle gallery. It was acquired the year before at Yakutat, Alaska, by a private collector. The museum agreed to return this object of cultural patrimony and sacred object to the Central Council of the Tlingit & Haida Indian Tribes of Alaska.

*New York State Museum, Albany, NY Aug. 31, 2015).* Between the late-19<sup>th</sup> century and 1961 the museum acquired through gift and purchase sixty-five wood and cornhusk masks identified as “Iroquois.” The Onondagas, keeper of the Haudenosaunee sacred fire, “care for and return to the appropriate National Haudenosaunee cultural objects that are not specifically affiliated with any one Haudenosaunee Nation,” so the museum agreed to transfer these sacred objects and objects of cultural patrimony to the Onondaga Nation of New York.

*Heard Museum, Phoenix, AZ (Aug. 6, 2015).* In 1979 the museum was given a *Hochxo Jish* (Evil Way Medicine Bundle) removed under unknown circumstances from Navajo control five years earlier. “The Navajo people believe that jish are alive and must be treated with respect...In order to possess jish, one must have the proper ceremonial knowledge with which to care for and utilize them.” This object of cultural patrimony and sacred object was scheduled for return to the Navajo Nation, Arizona, New Mexico & Utah.

*Portland Art Museum, Portland, OR (Aug. 5, 2014).* Eighteen medicine bundles taken from the Crows'

Montana reservation between 1970 and 1990 were purchased by a collector who donated them to the museum.<sup>14</sup> In 1994 a tribal representative declared them the property of individuals and not a subject of wider interest. Twenty years later, a member of the faculty at the tribe’s Little Big Horn College brought the bundles to the attention of its Cultural Committee, which lodged a successful claim for their repatriation as sacred objects.

*The University of Iowa Museum of Natural History, Iowa City, IA (Aug. 5, 2015).* In 1983 the museum was given a bear claw necklace which the museum identified as an object of cultural patrimony belonging to the Sac & Fox Tribe of the Mississippi in Iowa. (See the related April 28, 2015 State Historical Society of Iowa notice.)

*Palm Springs Art Museum, Palm Springs, CA (June 9, 2015).* In 2012 a donor gave the museum a “Stone Mountain Lion Fetish” taken from a shrine at the Pueblo San Felipe in New Mexico sometime before 1988. The museum agreed to return the sacred object to the pueblo.

*School for Advanced Research, Indian Arts Research Center, Santa Fe, NM (April 28, 2015).* In 1944 the museum was given two kachina masks and a stone axe with wooden handle, formerly in the possession of the Pueblo of Jemez’s Warrior Society.<sup>15</sup> Fourteen year later, it received a Jemez “round mask.” These objects of cultural patrimony and sacred objects were scheduled for repatriation to the Pueblo Jemez, New Mexico.

*San Bernardino County Museum, Redlands, CA (April 28, 2015).* In the early 1950s “tens of thousands of individual artifacts” – including unassociated funerary objects, objects of cultural patrimony and/or sacred objects – were legally removed by archaeologists from a site in southern California. The museum agreed to give them to the following in-state tribal entities: La Jolla Band of Luiseno Indians; Pala Band of Luiseno Mission Indians of the Pala Reservation; Pauma Band of Luiseno Mission Indians of the Pauma & Yuima Reservation; Pechanga Band of Luiseno Mission Indians of the Pechanga Reservation; Rincon Band of Luiseno Mission Indians of the Rincon Reservation; or the Soboba Band of Luiseno Indians.

*State Historical Society of Iowa, Des Moines, IA*

*(April 28, 2015).* Sometime after the spring of 1931 the society purchased a necklace of thirty-one grizzly bear claws wrapped in otter fur from a member of the Meskwaki Tribe. Between 1920 and 1940 “several bear claw necklaces belonging to different clans were sold or otherwise left the tribe.” Formerly, these “were passed down in the families of the different clans and each clan held a position on the traditional tribal council.” The “necklace is part of a group of necklaces that symbolizes tribal governance and is inalienable... [and the seller], as an individual, did not have the right to sell the necklace.” This put the necklace in the cultural patrimony category for purposes of repatriation to the Sac & Fox Tribe of the Mississippi in Iowa. (See the related Aug. 5, 2015 University of Iowa Museum of Natural History notice.)

*Brooklyn Museum, Brooklyn, NY (April 28, 2015).* Between 1903 and 1910 a clerk at a store near New Mexico’s Laguna Pueblo obtained twenty-four items, including a “mask piece, five Katsina Friends, 11 prayer sticks tied in pairs of two each, and seven single prayer sticks.” The museum agreed these sacred objects and objects of cultural patrimony ought to be returned to the Pueblo of Laguna.

*Logan Museum of Anthropology, Beloit College, Beloit, WI (April 1, 2015).* In 2006, the museum was given “a Jemez Apa’ Kachina mask” purchased from a gallery the previous year, a sacred object and object of cultural patrimony which the museum agreed should be transferred to the Pueblo of Jemez in New Mexico.

*Minnesota Historical Society, St. Paul, MN (Mar. 16, 2015).* In 1926 some Midewiwin material was taken from a cave at northeastern Minnesota’s Crane Lake. The Crane Lake Cache, as the artifacts came to be called, contained fifty-seven objects.<sup>16</sup> The extant array – over the years three pieces went missing – included four birch bark scrolls, a tin can rattle, shells, quartz crystals, glass beads, and a bundle of snakeskin. The notice also dealt with the “Nett Lake War Charm Necklace” the society purchased at Sotheby’s in 1987. These sacred objects were destined to be handed over to the Bois Forte Band (Nett Lake) of the Minnesota Chippewa Tribe, Minnesota.

Last year, a couple of pieces of federal legislation with potential for significantly affecting the tribal arts community were introduced in Congress: the Safeguard Tribal Objects of Patrimony Act (STOP) and the

Terrorism Art and Antiquity Revenue Protection Act (TAAR), an amendment to the National Stolen Property Act (NSPA). The bills were summarized and concerns about them set forth in a recent, highly informative ATADA legislative alert to which I refer you for further details.<sup>17</sup>

STOP and TAAR were forwarded to the appropriate committees where, absent further action, they died at the end of the last Congress.<sup>18</sup> However, pressure for the incoming Congress to consider such legislation has not evaporated and those involved in the tribal art universe could do worse than keeping their eyes peeled and ears open during the coming legislative session. □

1 The Colville, Nez Perce, Umatilla, Yakima, and Wanapum.

2 The few ancient human remains recovered in either of the Americas – those comparable in age to Kennewick Man, some even older – include: Arlington Springs Woman from California’s Channel Islands; Nevada’s Spirit Cave Man and Wizard’s Beach Man; Leanderthal Lady in Texas; Buhl Woman from Idaho; and Alaska’s Prince of Wales Island Man. For background see “Kennewick Man, The Ancient One,” Burke Museum (Dec. 16, 2016), <http://www.burkemuseum.org/blog/kennewick-man-ancient-one>; Joel Connelly, “Bones of ‘Kennewick Man’ Returning Home for Burial,” *Seattlepi.com* (Sept. 28, 2016), <http://www.seattlepi.com/local/politics/article/Bones-of-Kennewick-Man-the-Ancient-One-9395924.php>; Ann Fabian, “Bones of Contention,” *Common-Place*, Vol. 1, No. 2 (Jan. 2001), <http://www.common-place-archives.org/vol-01/no-02/kennewick/>; Andrew Murr, “The First Americans,” *Newsweek* (April 25, 1999), <http://www.newsweek.com/first-americans-164950>; Douglas Preston, “The Kennewick Man Finally Freed to Share His Secrets,” *Smithsonian.com* (Sept. 2014), <http://www.smithsonianmag.com/history/kennewick-man-finally-freed-share-his-secrets-180952462/>; Helen Thompson, “Genome Analysis Links Kennewick Man to Native Americans,” *Smithsonian.com* (June 18, 2015), <http://www.smithsonianmag.com/science-nature/genome-analysis-links-kennewick-man-native-americans-180955638/>

3 Kennewick Man also attracted the attention

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](mailto:legalbriefs@atada.org)

of people who thought his reconstructed face, which some compared to actor Patrick Stewart’s appearance as Captain Jean-Luc Picard in the *Star Trek: The Next Generation* television series, didn’t “look” Indian. Not without reason, one of the anthropologists’ attorneys in the case was heard to say, “This is beginning to seem like a Monty Python movie. The only thing we don’t have is a guy in the background clapping two coconuts together.” Mike Lee, “Stirring Bones of Contention Corps Wants To Bury Kennewick Man Site, Says Bones Missing,” *The Spokesman-Review* (Mar. 14, 1998), <http://www.spokesman.com/stories/1998/mar/14/stirring-bones-of-contention-corps-wants-to-bury/>

4 “NAGPRA Glossary.” The investigating anthropologists’ findings are in Douglas W. Owsley and Richard L. Jantz, eds. *Kennewick Man: The Scientific Investigation of an Ancient American Skeleton* (College Station: Texas A&M University Press, 2014).

5 “Another Bone of Contention Over Kennewick Man,” *The Seattle Times* (April 4, 2005), <http://www.seattletimes.com/opinion/another-bone-of-contention-over-kennewick-man/>

6 “First DNA Tests Say Kennewick Man Was Native American,” *The Oregonian* (Jan. 18, 2015), [http://www.oregonlive.com/pacific-northwest-news/index.ssf/2015/01/first\\_dna\\_tests\\_say\\_kennewick.html](http://www.oregonlive.com/pacific-northwest-news/index.ssf/2015/01/first_dna_tests_say_kennewick.html)

Some “scientists stressed that the new study didn’t have enough data to establish a tight link between Kennewick Man and any of the tribes in the region where he was found.” Carl Zimmer, “New DNA Results Show Kennewick Man Was Native American,” *The New York Times* (June 18, 2015), <https://www.nytimes.com/2015/06/19/science/new-dna-results-show-kennewick-man-was-native-american.html?r=0>. For the study, see Morten Rasmussen, Martin Sikora, Anders Albrechtsen, et. al., “The Ancestry and Affiliations of Kennewick Man,” *Nature*, Vol. 523, No. 7561 (July 23, 2015): 455-458, available online at <http://www.nature.com/nature/journal/v523/n7561/>

[full/nature14625.html](http://full/nature14625.html)

7 Zimmer.

8 Tom Banse, “Army Corps Decides Kennewick Man Should Be Turned Over To Tribes,” *NW News Network* (Northwest Public Radio) (April 27, 2016), <http://nwnewsnetwork.org/post/army-corps-decides-kennewick-man-should-be-turned-over-tribes>

9 The denouement came in language attached to the Water Infrastructure Improvements Act for the Nation (WIIN) via “S. 1979 – 114<sup>th</sup> Congress (2015-2016) – Bring the Ancient One Home Act of 2015,” <https://www.congress.gov/bill/114th-congress/senate-bill/1979> and “H.R. 4131 – 114<sup>th</sup> Congress (2015-2016) – Bring the Ancient One Home Act of 2015,” <https://www.congress.gov/bill/114th-congress/house-bill/4131>

10 Definitions of these terms are in “NAGPRA Glossary,” National NAGPRA, National Park Service, U.S. Department of the Interior (n.d.), <https://www.nps.gov/nagpra/TRAINING/GLOSSARY.HTM>

11 Ibid.

12 These summaries use “cultural patrimony” and “sacred object” as defined under NAGPRA because that is how pieces are described in the notices. This is not necessarily an endorsement of the involved parties’ interpretations of those terms.

13 The members of the Haundenosaunee, also called the Iroquois League or Confederacy, are: the Cayuga Nation, Oneida Nation, Onondaga Nation, Saint Regis Mohawk Tribe, Seneca Nation of Indians, and Towanda Band of Seneca, all in New York; Oneida Tribe of Indians of Wisconsin; Seneca-Cayuga Tribe of Oklahoma; and the Tuscarora Indian Nation of North Carolina.

14 The collector was Elizabeth Cole Butler, a regular, colorful, impossible-to-miss fixture at Indian art auctions for many years. See “Online Collections: The Elizabeth Cole Butler Collection,” Portland Art

Museum (n.d.),

<http://portlandartmuseum.us/mwebcgi/mweb.exe?request=record;id=261179;type=801> and

15 The donor was the widow of artist Frank Applegate (1881-1931) of the avant-garde New Mexico Painters, a group whose members included Ernest Blumenshein, Gustav Baumann, Victor Higgins, and Walter Ufer. After 1927 some of them, including Applegate, formed the Santa Fe Society of Artists.

16 For the Crane Lake Cache, see Matt McKinney, “Sacred Items Prepared for Return to Bois Forte Band of Chippewa, (Minneapolis, MN) *Star Tribune* (April 13, 2015), <http://www.startribune.com/sacred-items-prepared-for-return-to-bois-forte-band-of-chippewa/299638791/?page=all>

17 “Update on the Safeguard Tribal Objects of Patrimony Act (STOP Act) and the Terrorism Art Antiquity Revenue Prevention Act,” Atada.org (Nov. 28, 2016), <https://www.atada.org/legal-issues-blog/2016/11/21/update-on-the-safeguard-tribal-objects-of-patrimony-act-stop-act-and-the-terrorism-art-antiquity-revenue-prevention-act>. See also,

“Legislation Proposed in US to Seize and Forfeit Cultural Property,” Committee for Cultural Policy (Oct. 19, 2016), <https://committeeforculturalpolicy.org/legislation-proposed-in-us-to-seize-and-forfeit-cultural-property/>. See also “Legislation Proposed in US to Seize and Forfeit Cultural Property,” Committee for Cultural Policy (Oct. 19, 2016), <https://committeeforculturalpolicy.org/legislation-proposed-in-us-to-seize-and-forfeit-cultural-property/>

18 “Two Dangerous Bills Fail: STOP and TAAR Die in Committee,” Committee for Cultural Policy (Dec. 31, 2016), <https://committeeforculturalpolicy.org/two-dangerous-bills-fail-stop-and-taar-die-in-committee/>



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# PEYTON WRIGHT

Peru, Inca Culture, *Mantle*, 1450-1550, cotton, 74 x 63 inches  
Stanton Macdonald-Wright (1890-1973) *Still Life with Abalone Shell*, 1946, oil on canvas, 15.5 x 26.5 inches  
Daniel LaRue Johnson (b. 1938) *Untitled*, 1972, acrylic on canvas, 60 x 60 inches

# THE SCULPTURAL TRADITIONS OF THE KAYANIC-DAYAK PEOPLE FROM EASTERN BORNEO ISLAND

By  
Mark Johnson

The archaic wood sculptures of the Kayanic Dayak cultural complex from Borneo Island are arguably the most powerful and enigmatic carvings found in the Asia-Pacific region. Unfortunately, there are very few examples in Western or Asian museums and almost no specific information published on the subject.

The Kayanic Dayak ethnic group, which consists of the Kayan, Bahau, Modang, Busang, and numerous other related linguistic, cultural, and artistic sub-groups, comprises a complex and stratified society with noble, commoner, and slave classes. They lived communally in raised village structures (longhouses), cultivated rice, hunted, fished, and engaged in regular life cycle rituals. They were once fierce warriors and headhunters,

who were often employed by the local coastal sultanates as mercenaries. At the peak of their power they controlled most of the inland trade in forest products and transportation routes in the eastern part of the island.

Like all Dayak groups the Kayanic people had a respect and fear of the spirit world, which they believed played a role in all aspects of their lives. It was important to placate spirits with rituals and sacrifices. Most notably, they incorporated these images into a wide range of fantastic art objects and artifacts, including wood sculptures, architectural pieces, funerary structures, protective charms, masks, beadwork, basketry, shields, and weapons that were often decorated with images of guardian spirits. These protective images were not representational but actual manifestations of the spirits, existing in proximity with the human world.

As part of the Austronesian cultural wave that spread out from southern China about 5000 years ago to Formosa Island (Taiwan) and then across insular Southeast Asia and most of the Pacific, it is likely proto-Kayanic groups reached coastal north Borneo Island in the Baram river basin at least 1000 years ago. From the Baram, a region in the northern part of what is today the Malaysian state of Sarawak, groups of Kayanic invaders moved northeast towards the Sulu Sultanate and then south over the mountains into the Kayan, Bahau, and Mahakam river basins of eastern Kalimantan

Map of Borneo with political borders and major river systems. "The Architecture of Life and Death in Borneo", by Robert L. Winzeler.

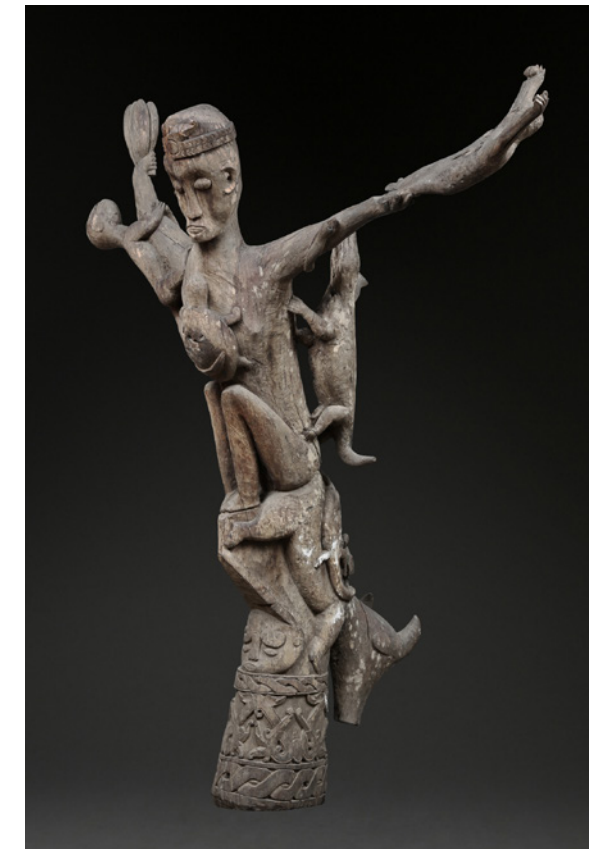


Classic Kayanic Mandau. Unknown

(Indonesian Borneo), eventually expanding into the mid-reaches of the Mahakam River and areas of central Kalimantan. Previous field research, based primarily on oral traditions, indicates this final migration of Kayanic people into Kalimantan began about 300 to 350 years ago. However, a recent slew of carbon 14 test results on a variety of wood sculptures in the Kayanic style, suggests these people arrived much earlier, possibly moving in and out of the region over centuries.

It is believed that the Kayanic peoples introduced the Mandau, the primary headhunting sword used by most Dayak groups well into the 19th and early 20th century. With a slightly concave metal blade, the longer, stronger and sharper Mandau was a more effective weapon. Armed with this improved fighting sword, along with a relatively advanced military and highly structured social organization, the Kayanic groups easily spread across many areas of northern and eastern Borneo, conquering, absorbing, and enslaving most of their neighbors. It is believed the Kayanic leadership was adept at creating complex political alliances (often through marriage) with other Dayak groups as well as the noble families of the nearby coastal sultanates. Only the interference of the colonial authorities in the 19th century ended this expansion.

The Kayanic art form is unique, even amongst other Borneo ethnic groups, which tend to a more "realistic" style that often represent important ancestors.



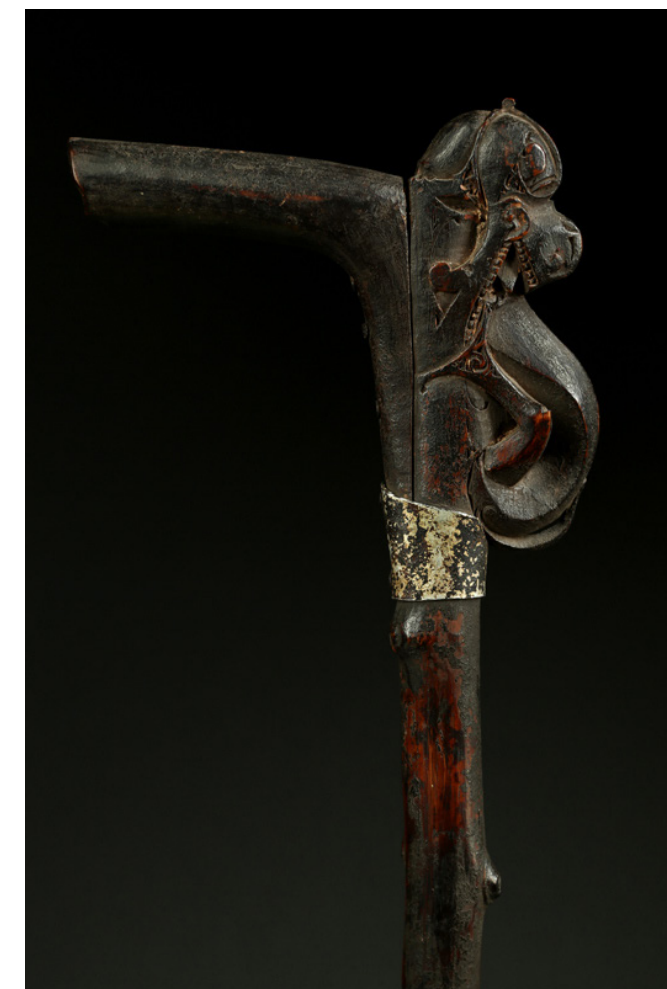
Realistic style post figure from the Bena Dayak of South-Central Kalimantan. Photo credit: Scott McCue



Classic cave shrine guardian figure  
900 to 1000 years old (c.14)  
Private Collection  
Photo: Scott McCue

Classic features in the Kayanic style include: “steroidal” muscular bodies, usually in squatted or crouched stances, with expanded chests and oversized forearms and calves; a heavy emphasis on elbow and knee joints, with sharp angles or points; clawlike hands and feet; heart-shaped faces, pentagonal-shaped heads or scooped faces with eyes inset high in the forehead; diamond-shaped mouths, often with bared teeth, fangs, and/or protruding tongues (that may reach up and touch the tip of the nose or downward to touch the chin); round, glaring eyes (occasionally emphasized with shell discs, cowries and imported porcelain cups); ears that connect to the shoulders (representing long earlobes with ear weights); and triangular-shaped noses, sometimes with horizontal cut marks or grooves. These figures tend towards powerful, explosive postures with aggressive (protective) expressions.

Animal forms, typically carvings of dragons (often identified as “Aso”) reveal compacted forms with thick bulbous noses; long rows of teeth, bared fangs; pointed elbow and knee joints; sharp talons; long torsos and tails; all bending and twisting back on themselves, often with the mouth of the dragon appearing to devour its own body.



▲ “Aso” figure with contorted body. From top of walking stick. Photo: Scott McCue

▼ Dart Case Clip with abstracted images of an “Aso”. Photo: Scott McCue

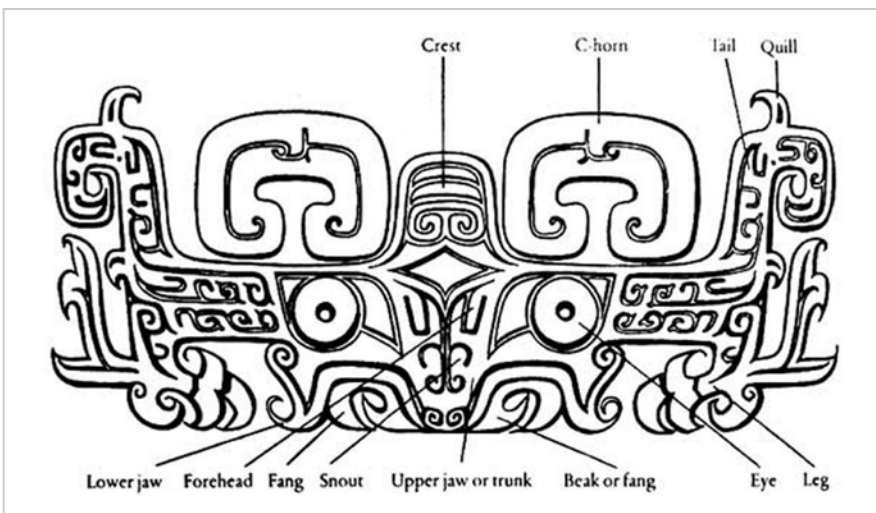


An important feature of Kayanic art is the sophisticated use of deconstruction, abstraction and negative space. Carved ancestral figures, deities, spirits and mythical animals may be shown in full or in part with most of the figure hidden in the wood, perhaps a head exposed in one area, an elbow elsewhere, and a leg emerging from another part of the sculpture. Heads, limbs, and torsos are often carved in bizarre and impossibly contorted shapes or are so abstracted that the original form is completely obscured.

Figures may morph into other figures: the head of one creature becomes the head of another, a human shape merges into the form of a dragon, and a dragon takes on the attributes of a hornbill. For example, an image that most likely originates in ancient China and can be found on early Shang

Dynasty bronzes (the classic “Taotie” mask) combines two opposing dragon motifs shown in profile, nose to nose, that create a secondary frontal image of a human or ancestor face/mask. Each eye of the dragon becomes the two eyes of the mask, the two half mouths become the full mouth, and so on.

The use of negative space for additional imagery is also employed, especially in beaded panels and two-dimensional works, with creatures subtly incorporated into the “blank” space of the background. Although some examples appear rigid and balanced, it is more common for images, especially the most archaic figures, to be rendered asymmetrically with facial features and limbs in seemingly random placement with unnatural movement.



When planning a sculpture, Dayak carvers hike into the forest to select the proper tree, offering sacrifices and incantations to appease the spirit world. The tree is cut to size and roughly sculpted of excess wood before hauling the log back to the village for the finish work. Native ironwood (Belian) is the preferred medium for most woodcarving as it sculpts relatively easily when freshly

▲ Chinese version of Taotie mask. Unknown

▶ Dayak version of similar mask structure.

“The Traditional Architecture of Indonesia”, by Barry Dawson and John Gillow



Guardian Spirit  
Fowler Museum at UCLA Collection  
photo courtesy of Fowler Museum

cut. More importantly, its density and tight grains prevent most insect infestation, and it can last for decades if not centuries, especially when protected from the harsh environment of the Borneo rain forest. In regions of Borneo lacking easy access to ironwood a medium reddish wood (Kayu Aru) has also been used for traditional ancestral shrines. All manner of objects are created: statues depicting powerful protective guardian spirits usually placed in front of villages, along river banks, near rice fields, trails, and cemeteries; architectural structures and ancestral crypts; ossuaries; canoes; as well as small magic charms. Other softer woods are used for masks, war shields, baby carriers, and utilitarian objects.

The sculptural objects of most interest are the woodcarvings used for secondary “burial” containers and funerary structures. These include: ossuaries; support posts; side panels; guardian figures; and architectural pieces (usually roof finials and side panels) from

crypts and shrines. They range from simply decorated pieces to huge structures on ironwood pillars, covered with carved figures of dragons, hornbills, and protective monster faces. At the time of construction, these sculptures were usually painted in bright pigments. However, within a few decades most of these colors have faded from view and only the natural surface erosion and lichen growth remains.

Most Dayak groups practice secondary “burial” rites, wherein the deceased is first placed in a simple container and allowed to deteriorate, leaving only the bones and skull. The larger primary bones are cleaned and then placed in a more elaborately carved wood box or heirloom jar for final internment. In some areas the bones are burned to ashes before placement in the sacred funerary vessels. The status of the deceased determines the quality, size, and design of the ossuary, with guardian spirits, hornbills and dragon motifs reserved for the highest castes. Images of crocodiles, buffalo,

deer, snakes and botanical motifs may also be incorporated into the carving.

Cemeteries are located away from the village, usually downstream. They may erect funerary posts and crypt houses in an open, raised field along the riverbank, store coffins above wood support structures built into the side of a cliff, take advantage of shelf outcroppings, or place ossuaries inside nearby caves. Other Dayak structures, such as protective posts, are found in front of the village longhouse. Over time, many of these structures collapsed into the river when water levels rose and then were recovered (sometimes centuries later) when water levels dropped or rivers changed course.

It is within dry caves or buried in deep river mud that the oldest objects are usually found, due to the near perfect conditions for preservation.

Over the last decade, because of a new surge in carbon dating, it is becoming quite common for certain types of archaic-looking sculptures to date back hundreds of years. At this time, the oldest known carbon dated Kayanic wood sculpture, a shrine guardian figure recovered from a cave, is about 1200 to 1300 years old. A handful of similar guardian figures of this type have dated to about 900 to 1100 years old.

About every 80 years or so, most Dayak villages or longhouses (large communal buildings) are abandoned, usually due to the lack of usable agricultural plots (which have since gone fallow), lack of easily available game and other jungle resources, as well as the need to rebuild their deteriorating living quarters. Another location is found, often miles from the previous site, where a new longhouse is built and new fields are sown. Families bring personal possessions and necessities, but not much else, abandoning their old longhouses and cemeteries. Over time, the old sites are forgotten and any remaining wood objects and structures are slowly covered



Old wood ossuary inside cave. Unknown.

over by foliage, hidden from view, eventually dissolved back into the jungle.

It is long overdue for publications and exhibitions that focus on the Kayanic Dayak material culture. Individual examples with simple descriptions have made their way into museum publications, art catalogs, and research journals, but never organized as a separate body of work. Nor has there been a concentrated attempt to classify the various styles or interpret the motifs. It would take more than one publication to properly cover the wide range of known objects, so any planned are welcome. With this mind, at least one book project is in the works and hopefully others will follow. □

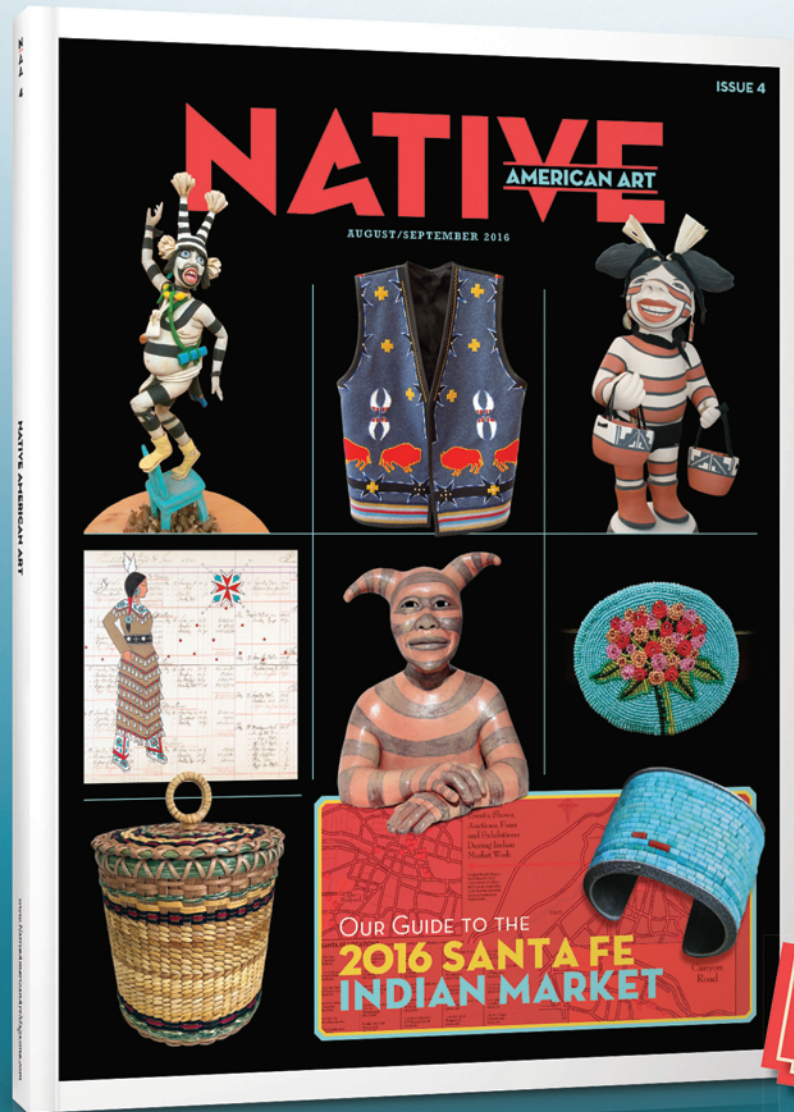


Ossuary with protective masks and “Asos”.  
Fowler Museum at UCLA Collection

About the author: Mark A. Johnson has been a collector and dealer of traditional tribal art since the early 1970s. He specializes in the arts of Asia and the Western Pacific, with an emphasis on the Austronesian cultures of Indonesia, Philippines, and Formosa. You can learn more about Mark or contact him through his website: [www.markajohnson.com](http://www.markajohnson.com)

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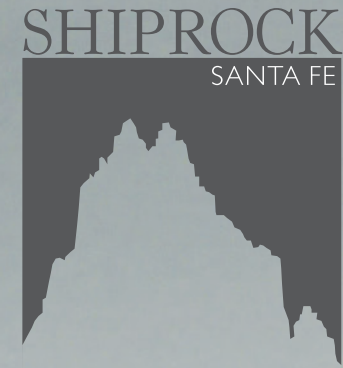
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# No Free Appraisals

●●●● Scott W. Hale ●●●●

The last column examined some of the differences between what the Uniform Standards of Professional Appraisal Practice (USPAP) refers to as “Valuation Services” and a “Qualified Appraisal.” It presented but a few of the many requirements of a Qualified Appraisal. But, the take-away is that what makes a Qualified Appraisal credible is best expressed in two simple words: *research* and *reasoning*.

As with any argument, a Qualified Appraisal is only as persuasive as the research and reasoning that the Qualified Appraiser provides. And, this should amount to a client asking: exactly what does a “free appraisal” present? Preparing a Qualified Appraisal requires a great deal of both effort and thought. Research takes time, especially when it must all be documented. And, of course, this may also involve some cost.

But it is the rhetorical components of a Qualified Appraisal that tax the Qualified Appraiser the most: the construction of an argument that can withstand the scrutiny of a buyer, an insurer, opposing counsel, a judge, jury, or government agent. A Qualified Appraisal is a researched and documented argument, specifically an evaluative argument, and evaluative arguments compare and contrast at least two (often more) properties that are of the same classification (i.e. Santa Clara blackware pottery, Kiowa beaded moccasins, Cherokee baskets).

Let’s put in another way: to properly evaluate a documentary film requires that it be compared against other documentary films, as opposed to science fiction films or animated short films. Likewise, the comparisons of the documentary films should be parallel and consistent—all being analyzed for their narratives, as opposed to faulting one for its sound, while lauding the other for its cinematography. The point here is that comparisons are based upon a set of multiple criteria (i.e. artist, age, materials, size, quality, condition, etc.), and Qualified Appraisers must actively reason that one property better fulfills those criteria than the other

property. The appraisal industry refers to this as justified reasoning through the use of comparables.

Comparables are the other properties against which the appraised property is compared. “Comps,” as they are sometimes called, are researched sales

## WHAT MAKES A QUALIFIED APPRAISAL CREDIBLE IS BEST EXPRESSED IN TWO SIMPLE WORDS: RESEARCH AND REASONING

results, asking prices, or expert opinions (other than the appraiser’s). These are not always easy to come by and, no, they are not always available online. Comparables should identify the value characteristics of the property as well as the sources, locations, dates, and amounts, and must be included in a Qualified Appraisal Report. However, it is not enough to simply provide comparables—they must be juxtaposed and analyzed with the appraised property, and that process must then be communicated in the report.

For example, in some cases an older, unsigned turquoise bracelet may be more valuable than a newer one. But, what if the newer bracelet, has better stones and/or, is signed by a well-known artist like, say, Fred Peshlakai, Charles Loloma, or McKee Platero? Here, the age, materials, and artist are the criteria upon which the evaluation should be based and because there are multiple criteria, privilege must be given to one above another. The criteria must be hierarchical. Which of those attributes is most important and why? Is the age more important than the artist? Are the materials more important than the age? Is the artist more

important than the materials? And how do these considerations affect the value conclusion? These are the questions that a Qualified Appraiser must not only ask but also answer in developing a Qualified Appraisal.

Comparables and justified reasoning are required of *all* Qualified Appraisals, not just Federal function Appraisal Assignments. Too often it’s assumed that resale or insurance appraisals do not require the same type of documentation and argumentation as do Appraisal Reports prepared for the courts or the IRS. Though a Restricted Appraisal Report may not present all of this information in the report itself, the Record Keeping Rule in USPAP still requires the research and reasoning be included in the Appraisal Work file, which must be kept for at least five years after the Appraisal Assignment.

While the idea of a “free appraisal” might prove tempting, it is unlikely to provide the evidence needed by the Client, let alone the documentation required by USPAP. Equally suspect is the analysis of an Appraiser who will only appraise for some Intended Uses and not others. The Qualified Appraisal requires both research and documented reasoning.



### VOCAB RECAP

**Credible (USPAP)** Worthy of belief.

**Comment:** Credible assignment results require support, by relevant evidence and logic, to the degree necessary for the intended use.

**Intended Use (USPAP)** The use or uses of an Appraiser’s reported Appraisal or Appraisal Review Assignment opinions and conclusions, as identified by the Appraiser based on communication with the Client at the time of the Assignment

*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.*

**Research** Qualified Appraisals involve two types of research: property and market. Property research investigates the object appraised and other objects of the same type (genus) with similar characteristics (differentiate). Market research investigates the state and condition for the offerings and sales of such properties, and their amounts, as of a specific date and time frame.

**Reasoning** The analytic process of developing a conclusion from both a general and specific premise. [I.E. Men are mortal (general). Socrates is a man (specific). Therefore, Socrates is mortal (conclusion)]. Deductive reasoning moves from general premises to make specific conclusions while Inductive reasoning moves from specific premises to make general conclusions.

**Work file (USPAP)** Documentation necessary to support an appraiser’s analyses, opinions, and conclusions.



Questions or comments are invited:  
Scott W. Hale, MA, ABD, ISA AM  
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References:  
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[www.michaelhamson.com](http://www.michaelhamson.com)

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The Dancing Rabbit Gallery  
[thedancingrabbitgallery.com](http://thedancingrabbitgallery.com)

References:  
Alston Neal  
Al Anthony, Jr.

### New Associate Members

**Bruce Hartman**

**Douglas Drew-Campbell**

**Joaquin Blanco y Peralta**

**Michael Bernstein**

**Michael Shewmaker**

**Ryan J. Huxtable**

**Stephanie Porter**

**Harry Fonseca Trust**

### New Museum Members

**Colorado Springs Fine Arts Center**  
[www.csfineartscenter.org](http://www.csfineartscenter.org)

# What Do You Mean, I'm Not Covered?!?!



*Appeal to the Great Spirit,*  
Bronze. ©1916-1920  
Cyrus Edwin Dallin

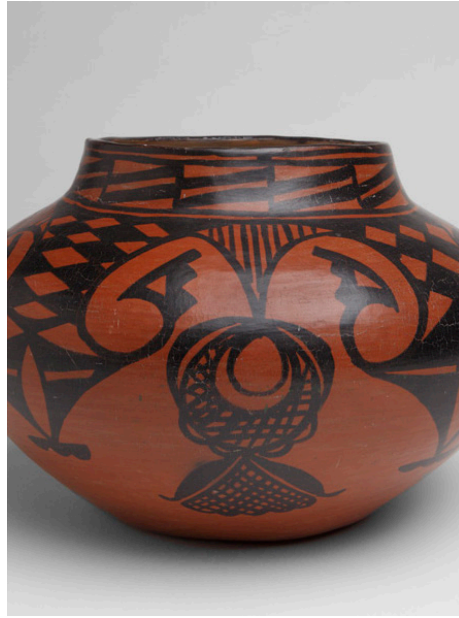
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