

ATADA NEWS



A PUBLICATION OF THE ANTIQUE TRIBAL ART DEALERS ASSOCIATION

SUMMER 10

Vol. 20 No. 3



Position Papers:
Members Responses

ATADA Briefing Points

Member Close-Up:
Bob Bauver



Dedicated to the Highest Standards of Dealing and Collecting Antique Tribal Art

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SPRING ISSUE 2010 VOL. 20, No. 3

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Policy Statement... ATADA was formed to represent professional dealers of antique tribal art. Our objectives are to promote professional conduct among dealers and to educate others in the valuable role of tribal art in the wealth of human experience. We will develop informed opinions and practices by publications, educational grants and legal activism. Those actions will be supported by newsletters, seminars and the formation of action committees. It is our intent to monitor and publicize legislative efforts and government regulations concerning trade in tribal art and to assess public reaction. To attain our objectives, we will actively seek suggestions from other organizations and individuals with similar interests.

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ATADA NEWS

A PUBLICATION OF THE ANTIQUE TRIBAL ART DEALERS ASSOCIATION

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Arch Thiessen

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Cover Photo: Unusual Zia four color polychrome double shoulder jar from the Robert Bauver Collection

Courtesy - Bob Bauver

Letter From The President,



The past two months have been a busy time for many of us. The Legislative Education Committee has met several times. It was decided that the first action of this committee will be to brief Congressman Ben Lujan, D. NM, whose district includes all of Santa Fe County and Northern New Mexico including the portions of the Navajo Reservation that are in New Mexico. The proposed briefing points are included in this issue of The ATADA News.

We have also completed the long-pending revision to the ATADA Bylaws. This revision is intended to be a series of "catch up" changes to bring the Bylaws into synchronization with the present procedures of the ATADA organization. We encourage you all to read and carefully consider the revised Bylaws. We will open up the Bylaws to changes proposed by the membership. Any proposed amendments to the Bylaws received by executive director Alice Kaufman by December 31, 2010 will be brought before the new Board of Directors and will be acted upon at the first BOD meeting in 2011.

The procedure for elections has been changed somewhat. As in the past, there will be a Nominating Committee, who will prepare a slate of candidates for election to the Board of Directors. This slate must be presented by December 15 preceding an election year and will be posted on the web. Any member in good standing may propose an additional slate of candidates including himself/herself. The member slate(s) proposed must have the signatures of two additional members in good standing as seconds, and will be included in the election if presented to the Secretary by December 31 preceding an election year. (Note that all members of the BOD are up for election each two years except the Executive Director and the Chair/CoChairs of the Legal Committee, which are appointed positions). After the election, the new BOD will elect officers from among the members of the newly elected BOD. We hope that this new election procedure will encourage more active involvement of the Membership in ATADA affairs.

There are lots of things going on. Business is picking up for all of us. This will be an active show season in Santa Fe. We hope to see you all in Santa Fe this summer.

A handwritten signature in black ink, appearing to read "Alice". The signature is written in a cursive, flowing style.



Editor's Notebook

ATADA's board of directors has been very busy this winter and spring, and we hope those efforts are starting to pay off.

The position papers by ATADA's Legislative Committee and an additional paper by Arch Thiessen that were published in the last issue resulted in comments from some members. Those comments are published in this issue. We thank everyone who sent replies, including those members who commented but didn't want their thoughts to be published.

The Legislative Committee has been meeting and preparing for a meeting with Congressman Ben Luhan (D., NM). The committee's bullet points - a useful summary of ATADA's positions on several important issues - are a guideline for the committee's meeting with Congressman Luhan and are published in this issue. These bullet points may be used by all members as they see fit, and all members are invited to make suggestions about improving the bullet points.

Roger Fry and Len Weakley - ATADA's legal committee - are responsible for the update of our organization's Bylaws. Once again, input from the membership is invited. The Bylaws are a constant work-in-progress.

The board's work continues in August, when a day-long board meeting is scheduled. We'll be reporting any news that comes out of that meeting at our annual General Membership meeting, held this year on Tuesday, August 17, at 8:15 AM at the Santa Fe Community Convention Center. ATADA is also sponsoring an Art and the Law update on Monday, August 16, and ATADA members will participate in Scarcity and Rarity, a panel discussion sponsored by SWAIA and moderated by their executive director Bruce Bernstein on August 15 at 2:00 PM, both at the Convention Center.

I hope to see you at the ATADA information tables at the Whitehawk Ethnographic and Antique Indian show and at John Morris and Kim Martindale's new Santa Fe Show: Objects of Art at El Museo Cultural de Santa Fe.

See you in Santa Fe in August

ATADA will have a membership/information table at both the Whitehawk Ethnographic and Indian shows.

ATADA is sponsoring an Art and the Law update, similar to last year's discussion, on Monday, August 16, at 8:15 AM at the Santa Fe Community Convention Center at the corner of Grant and Marcy.

Our annual August General Membership meeting is scheduled for 8:15 AM Tuesday, August 17, also at the Santa Fe Community Convention Center.

Coffee and donuts will be available at 8 AM at both events.

You'll be getting more information via email about both meetings.



Member Close-Up

Bob Bauver

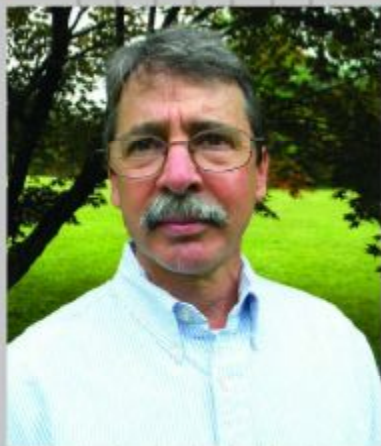
Bob Bauver is a dealer's dealer. He is also a scholar, a writer, a jeweler, and a potter. His knowledge of jewelry and pottery is hands-on, the result of study and practice, and makes him a go-to expert in those fields. At shows, both dealers and collectors ask his opinion of material they are considering purchasing. He is a founding member of ATADA, has held every office in the organization, and is currently a board member and chairman of the Education Committee.

Bauver started college at the University of Massachusetts (close to where he was raised), studying art and anthropology. Then he attended the University of New Mexico for two years, following a similar program. "This was in the early 1970s, during the turquoise and silver boom, and I found myself immersed in a city where every second store was selling Indian material of some sort," He told the ATADA News. "I found I could buy turquoise jewelry in the Southwest and sell or trade for it in the Northeast. I found myself dealing in Indian art."

While in studying at UNM, Bauver spent time on the Navajo reservation "that coincided with my college studies of silver work" with a family of silversmiths. "What I learned during those years gave me an advantage when I buy jewelry, because I gained a deeper understanding of what I'm looking at."

Returning to the University of Massachusetts, he enrolled in the new Art Metals Department. There he continued his earlier work in hol-

A bronze, copper and silver goblet Bauver made in the Art Metals dept at U.Mass.



lowware and enameling.

Bauver's "other interest" is pottery. "When I was in college, I took pottery classes. But when everyone else was throwing clay on a wheel, I was hand-building, -slipping and -polishing pots to teach myself what went into making Pueblo pottery."

Bauver attended his first show in Denver in 1976. "Santa Fe wasn't the center of the Indian art world then, as it is now. Denver was, and there were shows in California that were important too, in Pasadena and Santa Monica. When Don Bennett did his first show in Santa Fe in 1978 – timed then, as now, to take place just before Indian Market – I didn't bother going. But after Don's first show, everyone told me it was an absolute must and I couldn't miss it. I went to Don's second show, and Bob Gallegos and I set up next to each other at every Santa Fe (now Whitehawk) show since. There weren't as many galleries in Santa Fe back then; one of the more memorable was Dewey Gallery, and Bob Ward was at the Original Trading Post."

Bauver started meeting dealers at the 1976 Denver show. "Bob Ashton was running the show, and I met some of the old guard like Fred Casebear who were still active then, and remembers having a long talk with Woody Crumbo, and I got to know some younger dealers, including Michael Higgins, Chris Selser, Don Bennett and Kathy Whitaker".

Still attending college then, Bauver says he had "limited resources, but was doing a little business, as much as a college student could do at that time."

It was at that time that he met Bob Gallegos at a show in the northeast. "We became good friends and have remained so ever since. I started traveling with him to shows, and went with him on the road to see dealers in the Southwest and California. We sold to Don and Nita Hoel in Oak Creek Canyon, sold to the shops at the Grand Canyon, and ended up at the Indian show in Santa Monica (where Iron Eyes Cody was a regular attendee). Bob sold mostly pottery, and it was our interest in pottery that solidified our friendship."

Then, as now, Bauver lived in Massachusetts, and would travel to the Southwest several times a year to meet with other dealers to buy, sell, and trade; to "do business." In the years since then, he says he has "grown into the business."

It was 1988 when ATADA started as, in Bauver's words, "a loose-knit



Bauver's Acoma jar ca. 1880

group of gypsy dealers who coalesced into this organization." Gary Spratt was a driving force behind ATADA and was its first president, and Bauver was a charter member. Shortly after ATADA was formed, NAGPRA was passed. "That changed the business, and ATADA has spent time trying to develop ways to work with federal officials, and to define the current state of our business ever since."



Acoma canteen ca. 1870s, Robert Bauver collection

Bob Bauver has served on ATADA's board of directors since 1992 ("on and off"), has chaired ATADA's vetting committee ("I was the co-writer of the vetting standards still used in major shows around the country") and has chaired the Education and Museum committees. He was president from 1999-2001. He is a trustee of the ATADA Foundation for Charitable Giving. He conceived of and officiated at the ATADA Lifetime Achievement Awards dinner in 2007. He believes his most significant ATADA-related achievement has been to create annual Native American scholarships and museum endowments, which help not only the recipients of the awards but also "to help open the minds of people who view dealers in less than a complimentary light. This is a very important aspect of ATADA."

Along with being the author of numerous articles, Bauver wrote the catalog for "Masterworks and Eccentricities: Navajo and Pueblo Jewelry and Metalwork 1880 - 1950 (The Druckman Collection)" which accompanied the exhibit at Four Winds Gallery in Pittsburgh in 2002. He is also the author of the 2006 "Navajo and Pueblo Earrings 1860-1945 Collected by Robert V. Gallegos." Both are available on amazon.com.

He has just finished working on "Bridles of the Americas" ("which naturally has a chapter on Navajo silver-mounted bridles, an area of expertise"). He is also currently working with ATADA Lifetime Achievement Award winner Marti Struever, researching the life and work of Daisy Hooe Nampeyo in preparation for a book.

Bauver says jewelry is "the predominant part of my business. I trained as a jeweler and silversmith in the 1970s, working with Joanna K. Stone, who studied at the R.I.T. and Cranbrook Academy, as well as in Denmark. She taught me hollowware and enameling techniques. My interest in silver naturally washed over to Indian work, and it focused my interest on Southwest silver."



Navajo bridle ca. 1890, Robert Bauver collection



Many years later, a friend of Bauver's mentioned that a Navajo silversmith named Liz Wallace was having trouble using traditional Navajo casting techniques. "I said she should come to New England to learn from me. A short time later, she appeared at my door. She returned for a second and third time to work on hollowware and enameling techniques." Wallace has since incorporated the techniques she studied with Bauver into work that won awards at Indian Market.

Bauver still makes his own jewelry "occasionally. My last major project was when Liz was here in 2004. We both made Art Nouveau-Inspired cicada pins with carved horn bodies and moveable wings done in plique-a-jour enamel. I still have mine. In 1989, Dewey Gallery did a show of small replica Indian tomahawks in silver, gold, and ivory that I made. They were perfect scale models with tiny gold tacks instead of brass. Most of my own jewelry was influenced by my early work with Joanna. In addition, I do restoration on early Southwest silver for dealers and museums. This has helped me gain a much deeper understanding of how these things were produced historically."

But first and foremost, Bauver is a dealer. His customers? "Mostly other dealers. Some collectors. Lately, I've been supplying noteworthy pieces to museums." For instance? "The Slender-Maker-of-Silver necklace owned by Chee Dodge. I purchased it at the sale of the Chee Dodge estate at Sotheby's in 1987 and I've been holding it 'in trust' until the proper place could be found for it." That place? The Wheelwright Museum.

But he doesn't give sell or donate everything. "Over the years, I've built a fairly substantial private collection, including a number of pieces that were illustrated in 'Southwestern Silver Jewelry' by Paula Baxter. I'm currently working with Paula on a new book project."

Is there anything he's sold that he wishes he still had? "All of it. I only buy things I like, and I hate to sell them."

When asked about the changes he's seen in the American Indian art business over the decades, Bauver first mentions values, "which have changed tremendously. But the greatest change has been in the awareness of the sensitivity of some objects to Native cultures. In the early days, sacred objects were bought and sold regularly. That simply doesn't happen any more."

And in then future? "The better, rarer pieces will, bring higher and higher prices, as we are seeing in every aspect of the art business."



Tomahawk pins made by Bauver



The cicada pin Bauver made with Liz Wallace

ATADA

Position Papers Responses

Comments on the Position Papers that were published in The Spring 2010 issue

Fellow ATADA Members,

I thought this was a very impressive gathering of opinions and current information regarding the Four Corners Raids, of which I personally needed to know more about. Although I am still unclear on a lot of the issues at stake, I appreciate this attempt to consolidate a lot of the events and concerns into one publication that helps our understanding it all.

Laura Anderson



I was very impressed with this last issue of ATADA News which included many fine thoughtful articles addressing issues that as dealers, collectors, curators, and scholars we should all be following closely. It is my hope that ATADA will take this professionalism into ensuring that credentials implied or stated on the website by our members are accurate. As a Certified Appraiser of Personal Property (CAPP designation) and a former national director with the International Society of Appraisers, I am concerned both with the personal liability and the organization's liability that may be assumed with potential misrepresentation by members.

ATADA has created a brand in the marketplace that has become synonymous with honest dealing and ethical conduct. In maintaining the high standards of ATADA the organization must police its own or it is doomed to have the job done by those determined to have their pound of flesh.

The appraisal business is complex in creating the opportunity often to make uninformed choices that can impact significantly in a very negative way on the both the client and the appraiser. The changes in this field are constant and what was accepted procedure even five years ago is very different today. If you are doing appraisals now or you are considering this option in your future, get some training. It is a relatively short process that could save you many unpleasant and expensive moments in your future.

John Buxton



No to all 4 questions.

Bob Jerich



My business personally is not affected by these issues, as I am really geographically removed from the area where this is going on, and I don't deal in any prehistoric or sensitive material.

I agree with ATADA's positions, and will support your decisions.

Of course the recession has affected my business, did anyone answer otherwise?

John Krena

Four Winds Gallery

The bottom line to this whole question is STAY WITHIN THE LAW. Greed is a great motivator and the want of objects we cannot have and the value placed on them is the root of the problem. I'm not saying roll over and play dead, just use our heads. We haven't the clout or the money to become political activists, but we are certainly due our opinions and should not be afraid to share them in public forum. As long as the rules keep changing in mid-stream and we are the bad guys from the git-go, all we'll accomplish is what we have, a mission statement. We should try to uphold those ideals, and accomplish what we can afford to do, educate the membership, educate, educate, educate. Educate the media and as many as we can, keep up with the laws, and distribute any changes to them, or information that is pertinent, perpetuate the principles we stand for and stay away from the obvious pitfalls of defending the guilty. Thanks for a great job, Arch.

Michael McKissick
Waterbird Traders



How ARPA Works

These remarks were written in response to Bob Gallegos' position paper published in the Spring 2010 Issue of The ATADA News.

Although there have been many statements published about what ARPA makes illegal, these give the collector little or no information about what is legal. To put this all into perspective, consider that nearly all American Indian Art and Crafts produced today are made on Indian lands. This billion dollar per year cottage industry depends on legal removal from these Indian lands and sale to collectors, normally without further documentation. No one questions the legality of these sales, all of which are legal under ARPA.

To understand what is going on, we must read the act. Reading the act takes some persistence as the language used is terse and specialized. Nevertheless, it is English and no words are used which have strange or unusual meanings. I found that I needed to read it several times until I figured out what was going on. It helped when I finally noticed that the most important parts of the law are found in Section 3, which defines "archaeological resource," and Section 6, which defines "Prohibited Acts and Criminal Penalties."

The full text of ARPA, The Archaeological Resources Protection Act of 1979, can be found at <http://www.atada.org/archeores.html> . A discussion of this act is found at http://www.atada.org/art_and_the_law.html .

I have placed here a selected quote from the text of the act which I believe is sufficient to understand how the act works.

From ARPA SEC 3 - The term "archeological resource" means ...(a long list of things)... "at least 100 years of age"...

"Prohibited Acts and Criminal Penalties"

"SEC. 6. (a) No person may excavate, remove, damage, or otherwise alter or deface or attempt to excavate, remove, damage, or otherwise alter or deface any archaeological resource located on public lands or Indian lands unless such activity is pursuant to a permit issued under section 4, a permit referred to in section 4(h)(2), or the exemption contained in section 4(g)(1).

(b) No person may sell, purchase, exchange, transport, receive, or offer to sell, purchase, or exchange any archaeological resource if such resource was excavated or removed from public lands or Indian lands in violation of-

(1) the prohibition contained in subsection (a), or

(2) any provision, rule, regulation, ordinance, or permit in effect under any other provision of Federal law.

(c) No person may sell, purchase, exchange, transport, receive, or offer to sell, purchase, or exchange, in interstate or foreign commerce, any archaeological resources excavated, removed, sold, purchased, exchanged, transported, or received in violation of any provision, rule, regulation, ordinance, or permit in effect under State or local law.

(d) Any person who knowingly violates, or counsels, procures, solicits, or employs any other person to violate, any prohibition contained in subsection (a), (b), or (c) of this section shall, upon conviction, be fined not more than \$10,000 or imprisoned not more than one year, or both: Provided, however, That if the commercial or archaeological value of the archaeological resources involved and the cost of restoration and repair of such resources exceeds the sum of \$500, (4) such person shall be fined not more than \$20,000 or imprisoned not more than two years, or both. In the case of a second or subsequent such violation upon conviction such person shall be fined not more than \$100,000, or imprisoned not more than five years, or both..."

Now what does it all mean?

Note carefully. SEC 6 (a) defines an object that is "illegally removed". If the object is less than 100 years old and the terms of removal are not violated (and no other federal, state, or local laws were violated), it is not illegally removed. When is the test of age less than 100 years to be applied? The act does not say. But since what are being questioned are the circumstances of removal, the test is to be applied at the time of removal. If the object is not brought back to the Reservation so that a second removal might occur and if no federal state or local law is subsequently violated, the test of age is never to be applied again.

SECs 6(d-g) apply only to objects that were "illegally removed."

As nothing else is said, objects that are not illegally removed are free to be sold or traded unless another law is subsequently violated...

Nb: the issue of whether state laws were violated in the removal can be complicated and difficult to determine. It may be necessary to seek legal advice depending on the situation.

What ARPA makes illegal is not a property of the object itself, but the circumstances of its removal from federal or Indian land. Thus there is no way to know whether any particular object is legal or illegal under ARPA unless there is documentation of the removal, and there is no way to determine this after the fact. Almost all objects in circulation in the market today were not illegally removed nor were they obtained in violation of any other federal, state, or local law. There can be no airtight generalizations made, howev-



er, all but a very few of these are not illegal under ARPA.

The ATADA position is as follows:

Unless an object can be shown to have been illegally removed from federal or Indian land, or to have been obtained in violation of another federal, state, or local law at any time, it is not illegal to trade under ARPA.

The ATADA position is not legal advice. For legal advice, consult your attorney.

Arch Thiessen



To all the dealers and collectors:

I think its a real shame that with all of the problems we have in the USA, especially with a war in the Mideast, our men and women are stationed there fighting a war that has no real end. Most people don't even know why we are still there. A war created by a former President with Dick Chaney, who are now retired and living very well .

But now with the real disaster in the gulf with our oceans being polluted with more oil than from the Exxon Valdiz, why does the US would waste our time and money going after people who found arrowheads on the ground. I can understand that you have to go after people that steal but come on.

Why can't they focus their time and energy on cleaning up that mess created by BP and prosecute them. They ruined our coastline and our ocean for a very long time. They ruined several entire industries: fishing and travel in that region is now gone.

They (BP) should be the ones that get prosecuted and go to jail, not a few people from a small town in Utah who just pick up arrowheads. A few got so scared that they killed themselves. This really is crazy. Where is the real problem ?

A dedicated dealer and collector



ATADA's Newly Developed Briefing Points

The following is a set of briefing points intended for use in the first briefing by the ATADA Legislative Education Committee. This briefing will be presented to Congressman Ben Lujan, D. NM, sometime in July, 2010. Members: Please use if you wish, and/or make suggestions to improve.

What is ATADA?

The Antique Tribal Art Dealers Association, ATADA, was established in 1988 to provide education for the public and set ethical and professional standards for the trade. ATADA members are pledged to act as honest brokers, to guarantee authenticity and to provide the buying public with the available information on the age, source, integrity and collection history of the objects that they sell.

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.

The ATADA Foundation participates in projects that advance awareness of the cultural, historical and aesthetic importance of antique tribal art of North America and the world and of the peoples who created it. The Foundation gives grants to needy institutions providing education to the public, ranging from small tribal and community museums to major U.S. museums collecting and exhibiting tribal art, and has contributed to the Council for Indigenous Art and Culture's efforts to fight the flood of overseas fakes of Native American arts into the market.

ATADA's print and online publications on art and the law are a resource for students and the general public. In the past, the ATADA Foundation has also supported public interest issues, including litigation that impacts the right of the U.S. public to access, own, donate and view antique tribal art.

What are ATADA's association policies?

Lawful Behavior.

ATADA urges everyone to stay within the law. ATADA condemns all illegal digging and theft of cultural property. ATADA urges all citizens not to buy, sell, trade, or otherwise transfer artifacts taken illegally from federal or Indian lands.

Ethical Business Practice and Professional Integrity.

ATADA forbids commercial misrepresentation and requires guarantees of authenticity.

Support for Native American and Tribal Arts and Artisans.

ATADA supports strong enforcement of laws forbidding the sale of fakes and misidentified copies of Native American arts by non-Indians. ATADA is deeply concerned about the future of Native arts and committed to supporting and sustaining the work of contemporary Native and tribal artists around the world.

Responsible Stewardship.

ATADA urges all dealers and collectors of ethnographic art to document, make public, and share information about their collections. ATADA urges federal agencies to support and participate in this dialog, as mandated by the Archaeological Resources Protection Act of 1979 (ARPA). ATADA supports proper conservation and retaining the integrity of artifacts. ATADA supports laws that protect and preserve both

the natural environment and endangered species.

What are ATADA's concerns?

The buying and selling of Native American art is a huge part of the New Mexico economy. The publication *Indian Trader* recently quoted the director of the Department of the Interior Indian Arts and Crafts Board (IACB) as stating that the contemporary market in Native American art may approach a billion dollars. The director of the Albuquerque-based Indian Arts and Crafts Association stated that the market is 750 million dollars even after the recent decline. There are hundreds of art galleries and thousands of Native Americans, many still living a traditional life, who buy and sell Native American art in New Mexico for their livelihood. This business is important to the state's economy and is unique to New Mexico. Many tourists come here to buy Indian art and the money spent here turns over many times in the community.

The Indian art trade, a crucial industry in Santa Fe, has suffered serious harm as a result of unfair and inaccurate publicity. Buying and selling Indian art is legal, yet fear and uncertainty have directly impacted the local economy.

There has been a spill-over effect resulting from legitimate public concerns over looting and damage to archaeological sites. Due to public uncertainty of the legal status of ancient, old, and even contemporary artworks, the market as a whole has constricted.

Not only art dealers, but also contemporary Indian artisans are now seeing their arts and crafts sales decline.

Casual collectors and tourists do not distinguish between old and new or sacred and profane, and indeed these lines are often unclear to the expert. Questioning the legality of any type of Native American artifact destroys the market for it. If the public thinks they might be arrested for owning a kachina doll, a fetish, a dance rattle, a basket, or a pot, they will not buy them. By destabilizing the American Indian art market, the government is harming native art traditions and culture as well as eliminating the livelihood of Native American artists.

The serious collecting community, which is the backbone of the Santa Fe museum scene and another important factor in Santa Fe's reputation as a tourist destination, is paralyzed by the legal uncertainty. After last year's raids on well-known Santa Fe galleries, none of which has resulted in the filing of a charge, collectors are afraid to purchase new items or to show or share their collections. Misinformation in the press has created tremendous uncertainty in the public mind - many now believe they cannot own older pieces or anything once used in a ceremonial context.

What are ATADA's public policy goals?

ATADA believes in preserving America's past for future generations of Americans.

The United States is justly proud of its history as a melting pot of global culture. Showing honor to traditional art and culture by giving it a place in American museums is an essential part of teaching respect for diversity to new generations of Americans.

The U.S. government should give priority to repatriating human remains to tribes. This process has lagged far behind the timeframe originally envisioned under The Native American Graves Protection Act (NAGPRA). This is the key issue under NAGPRA for most Native American organizations and tribes; many feel that repatriation has been unjustly delayed. This is a case where the tribes should be setting the priorities, not federally funded museums.

Private property rights should continue to be protected, as envisioned under both The Archaeological Resources Protection Act (ARPA) and The Native American Graves Protection Act NAGPRA.

Americans since Thomas Jefferson have collected Native American artifacts as a means of honoring and preserving America's history. Public policy should encourage, not discourage, publication, access and preservation of private collections of art and artifacts.

ARPA's statement of purpose includes as its goal "to foster increased cooperation and exchange of information between governmental authorities, the professional archaeological community, and private individuals having collection of archaeological resources."

U.S. social policy has encouraged private collection and donation to public museums for more than two centuries. We all owe a great deal to the science of archaeology for increasing our understanding of the distant past. Yet privileging archaeology over museum studies, connoisseurship, and public education must not come at such a high social, educational, and economic cost to our state and our country.

There should be some reasonable standard for claims by Native tribes against private owners and museums for "inalienable" cultural objects.

While many tribes have limited claims to culturally important objects clearly associated with communal ritual, others have made blanket claims that virtually all artifacts are culturally "inalienable." Owners should have certainty under the law against unsubstantiated claims of communal ownership contrary to traditional understandings of property in the U.S. Wholesale repatriation of objects from American museums does damage to important American interests in education and preservation.

Grave robbers and diggers who take artifacts from federal or Indian lands should be prosecuted to the fullest extent of the law. Stolen artifacts should be returned.

However, there should be repose for artifacts that have been traded since before ARPA and which have no history of unlawful trade, as envisioned in the statute.

The laws state that artifacts that were illegally taken from federal or Indian lands are illegal to trade in. The laws state that objects from private lands and objects legally sold are legal to trade in, to pass to children, or to give to museums.

Art is legal to buy, sell, donate, and bequeath unless it has been shown to be from an illegal source. The problem is that the source of hundreds of thousands of items simply cannot now be known. If artifacts are held to be guilty until proven innocent, they will remain in legal limbo, without a future.

These objects should not be "orphans" but free for trade, inheritance and donation, as envisioned under ARPA. A federal judge in New Mexico has noted that to punish someone for trading in artifacts unless he knew or should have known he was trading in illegally removed materials would "criminalize a broad range of apparently innocent conduct." Treating trade in objects of unknown origin as illegal would criminalize the innocent actions of thousands of Americans who have purchased Indian items and now wish to pass them on to family or to donate them to museums.

There has been a very active trade in Native American art and artifacts involving hundreds of thousands of artifacts since the 1880s, long before any law regulating collection or trade was passed. For nearly seventy years after passage of the first law in 1906, Indian goods including antiquities continued to be regularly sold by Indians to tourists on reservations, traded through curio and pawnshops and sold at auction. Many of the goods that were circulating openly in the market prior to 1979, when Congress passed ARPA, have no history of their original find-spot simply because none was demanded at the time.

U.S. museums have been encouraged to treat objects as "guilty until proven innocent." This ill-considered policy will continue to harm the public interest into the far future.

Fearful of public criticism, U.S. museums have taken steps to self-police acquisitions that go far beyond the requirements of the law. But these self-policing activities are already backfiring on museums - many cannot accession long-promised collections simply because no records were kept back in the time when no record-keeping requirement existed. To impose a requirement now for documentation on materials purchased in good faith long ago is a task beyond the ability of collectors to accomplish. To move the burden of proof on these issues from government to the individual, while at the same time moving historical goal posts, is bad practice and bad law.

| ATADA FOUNDATION | |
|---|--------------------------|
| 12/31/09 | |
| Donations Received: | |
| R. Edwards | \$ 200.00 |
| Appraisal Day / Schurmeier | 4,592.00 |
| ATADA Association | 5,000.00 |
| Buerger | 1,000.00 |
| Helms | <u>1,000.00</u> |
| | \$11,792.00 |
| Donations Made: | |
| CIAC | <500.00> |
| Museum of Northern Arizona | <1,000.00> |
| Heritage Museum | <1,500.00> |
| Wheelwright Museum | <1,200.00> |
| Museum of Northern Arizona | <1,200.00> |
| Nelson Atkins Museum | <1,000.00> |
| Ft. Nisqually Museum | <1,000.00> |
| Ashiwi Museum | <u><1,000.00></u> |
| | <8,400.00> |
| Cash Flow | <u>+3,392.00</u> |
| Less: Expenses | |
| Bank Service Charge | <\$37.70> |
| Accountant (Larry Cornelius) | <172.56> |
| State Public Reg (Filing Fee) | <10.00> |
| | <u><220.26></u> |
| | \$3,171.74 |
| Plus: Interest Income | <u>+3.84</u> |
| Net Cash Flow | <u>+3,175.58</u> |
| Statement Balance 12/31/09 | |
| | \$9,960.19 |
| Outstanding Checks 165 \$1,000.00 | |
| 166 1,000.00 | |
| 167 1,000.00 | <u><3,000.00></u> |
| | <u>\$6,960.19</u> |
| Checkbook Bank Balance 12/31/09 | <u>\$6,990.19</u> |

Recently Amended ATADA Bylaws

For Member response, see Arch Thiessen's President's Letter in this issue

AMENDED BYLAWS
OF THE
ANTIQUe TRIBAL ART DEALERS ASSOCIATION, INC.
A Nonprofit Association
February 20, 1997
as 1st amended September 1, 2007
as 2nd amended July 2, 2010

ARTICLE I

MEMBERSHIP

Classes of Members

Section 1. There are three (3) classes of members: Full Members, Associate Members and Museum Members.

Voting Rights

Section 2. Each Full Member of the Association shall be entitled to one vote on all matters coming before any meeting of the members of the Association.

Section 2.1. Associate Members and Museum Members may attend general meetings but neither shall have the right to vote on matters of the Association nor to advertise their Associate or Museum Membership status.

Definitions for the Purpose of Full Membership

Section 3. "Tribal" means a group of people with a shared culture.

Section 3.1. "Antique" material means material that is at least forty (40) years old. Exceptions will be defined in the vetting guidelines addendum.

Section 3.2. An Antique Tribal Art Dealer is an individual, partnership or Association actively engaged in buying and selling Antique Tribal Art and Artifacts.

Section 3.3. Book Dealers, museum curators and directors, restorers, appraisers and auction houses engaged in the areas of Antique Tribal Art are considered to be Dealers for the purpose of the Association.

Requirements for Full Membership

Section 4. An individual or business entity of good character, reputation, and credit standing that has been actively engaged in an Antique Tribal Art - Artifact business for two (2) years is eligible to apply for Full Membership.

Section 4.1. Upon death or disability of a Full Member of the Association or dissolution of his/her business, the Board of Directors, in its sole discretion, may relax the otherwise applicable time requirements as stated in Sections 4.0 through 4.1, in the case of an application by (a) any Association Member of the Association affiliated with such Full Member, or (b) any individual who succeeded to the principal controlling ownership in the Antique Tribal Art business operated by such Full Member.

Section 4.2. Upon death or disability of a Full Member of the Association or dissolution of its business, the Board of Directors, in its sole discretion, may relax the otherwise applicable time requirements as stated in Section 4.0, in the case of an application by (a) a Corporation Member of the Association affiliated with such Full Member, or (b) any individual who succeeded to the principal controlling ownership in the Antique Tribal Art business operated by such Full Member.

Procedure for Election to Full Membership

Section 5. Each candidate for membership must apply by completing forms and providing other information as may from time to time be required by the Association and in addition, a recommendation from two (2) Full Members who have been such members for two (2) years must be submitted. The first year's dues and application fees must accompany the application form. The name of the applicant and the name of the recommending members shall be circulated among the members for comment. After thirty (30) days all relevant information and member comments shall be reviewed by the Board for a final decision within a reasonable period of time.

Requirements for Associate Membership

Section 6. Associate membership is available, for yearly dues to be set by the Board, to any interested party, subject to the approval of the Board. The first year's dues and application fee must accompany the application form.

Requirements for Museum Membership

Section 7. Museum membership is available to any museum or museum professional for a yearly dues rate to be set by the Board. Membership is subject to the approval of the Board. The first year's dues must accompany the application, no application fee is required.

Individuality of Membership

Section 8. Membership in the Association is personal to the Member and cannot be assigned, devised, passed, sold or in any other manner transferred, directly or indirectly, to another individual or any business entity, provided however, that upon death or disability of a Full Member or the dissolution of his/her business, the membership of such Member shall continue for an interim period of six (6) months, during which time, an application for successor Full Membership may be considered by the Board of Directors under Article I, Section 4.2.

Notice of Election to Membership

Section 9. Each applicant elected to Full Membership shall be sent a notice of election.

Notice of Rejection from Membership

Section 10. Each candidate whose application for membership is rejected shall be so notified and first year's dues and application fee returned. No candidate rejected by the Board of Directors shall be eligible to apply again for membership for one (1) year thereafter.

Forfeiture of Membership

Section 11. A Full Member or Associate Member or Museum Member shall be automatically expelled for unexcused failure to pay such dues and assessments as are owing after a period of ninety (90) days after the notice of such amounts has been sent.

Section 12. A member of the Association may be expelled for an action or actions which endanger the good order, welfare, character, or reputation of the organization, or which would have been a ground for denial of membership had the individual not been a member, or for a material misstatement in the member's original application for membership. On receipt of a complaint to the Board against a member, the Board shall determine whether an action warranting expulsion has been alleged. In such case, the Board shall notify the member of the nature of the complaint and afford the member an opportunity to appear in person to present his/her case, in addition to presenting it in writing. After such hearing, the Board may, by vote



Zuni inlay bear pendant by Jesse Monongye from the Challis L. Thiessen collection.

Photo courtesy, Arch Thiessen

of two-thirds (2/3) of the Board of Directors, vote to expel such member and such expulsion shall be effective immediately upon such vote.

Termination of Rights in Property

Section 13. Resignation, death, or expulsion shall terminate a member's rights in the Association, and shall terminate, as well, the right to display the Association's plaque and the right to use the Association's name and registered logo in any way.

ARTICLE II

BOARD OF DIRECTORS

Power of the Board

Section 1. The governance of the Association and the administration of its business and affairs shall be vested in a Board of Directors, which shall have and exercise all power and authority permitted by the Articles of Association and these Bylaws. The Board of Directors may make such rules and regulations for the management of the Association not inconsistent with the Articles of Association and these Bylaws as it may deem expedient.

Membership and Terms of Members

Section 2. The Board of Directors shall consist of the immediate Past President, the Executive Director, the Officers and the Chairs and Co-Chairs of the presently standing committees, and, in addition, up to thirteen (13) At-Large Board Members, all of which must be Full Members of the Association in good standing. Board members shall serve terms of two (2) years each, until their successors are elected. Members of the Board of Directors, except the Past President, the Executive Director, and the Chair or Co-Chairs of the Legal Committee, shall be elected under Article V.

Quorum

Section 3. At least fifty percent (50%) of the Board of Directors must be present to vote at all meetings. Once a quorum is present, each Director shall have one vote except in the event committees have Co-Chairs, there shall be but one vote between the Chair and Co-Chair. In the event that a spouse/partner team is elected to fill one position, there shall be but one vote between them.

Vacancies on Board

Section 4. In the event of a vacancy or vacancies among the Directors by reason of death, resignation, removal, or termination of membership, the vacancy or vacancies may be filled by candidate(s) selected by the Board of Directors to fill such vacancy or vacancies for the unexpired portion of the term or terms.

Removal of Directors

Section 5. Directors may be removed for cause by affirmative vote of three-fourths (3/4) of the members present at any regular or special meeting of the Association, notice of which shall include a statement of such proposed removal and no Director shall be removed without first being given the opportunity to be heard prior to the meeting at which the question of his/her removal is decided.

Limitation on Authority to Incur Debt

Section 6. The Board of Directors shall have no authority or power, except by special vote of the Full Members, to make it liable for any debt



Santo Domingo jars ca.1915
Photo courtesy, Robert Bauer

beyond the amount of money which may be at the time in the Secretary/Treasurer's hands and not needed for the discharge of existing debts or liabilities. The Board of Directors from time to time may establish annual dues and entrance fees for membership in the Association, provided annual dues and entrance fees shall not take effect until at least two (2) months subsequent to the action of the Board of Directors in fixing such annual dues and entrance fees after notice to the membership of the Association by publication on its website or in the ATADA News.

ARTICLE III

Officers and other Committees

Section 1. The Board shall elect Officers from its Board members consisting of a President, Vice President, Secretary, Treasurer, and Executive Director to govern the Association on a day-to-day basis. The President may appoint from its Board, Committee Chairs as he/she deems necessary for the running of the Association.

Section 2. The Board of Directors may establish as the occasion arises, Committees which shall be constituted and which shall have such powers and duties as may be provided for by the Board of Directors. Any member of the Association is eligible for membership on any Committee, but the Chair of each Committee shall be a member of the Board of Directors.

Section 3. The Board of Directors may appoint the following Committees:

1. A Committee on Dealer Disputes
2. A Committee on Fakes. Each member is bound by the decision of the Committee on Fakes.
3. A Legal Committee
4. A Membership Committee
5. A Nominating Committee
6. Such other committees as the Board deems appropriate.

ARTICLES IV

OFFICERS

Number and Term

Section 1. The officers of the Association shall consist of a President, Vice President, Secretary, and Treasurer, who shall also be members of the Board of Directors. The terms of the office of the President, Vice President, Secretary, and Treasurer shall be two (2) years, or until their successors are elected.

All officers shall be elected at or prior to the first meeting of the Board of Directors in an election year. The Board of Directors may appoint an Executive Director to hold office at the pleasure of the Board, who will also be a member of the Board of Directors

Vacancies among Officers

Section 2. In the event of the death, resignation, removal, termination of membership, or inability to act, of any of the elected officers of the Association, a successor to fill the office so made vacant for the balance of the term shall be appointed at the time of a special meeting, phone, or email ballot called by the Board of Directors for the purpose of filling such vacancy.

Removal of Officers

Section 3. Elected officers of the Association may be removed for cause by the affirmative vote of three-fourths (3/4) of the members present at any regular or special meeting of the Board of Directors, provided that the notice of such meeting shall include a statement of such proposed removal and no officer shall be removed without first being given the opportunity to be heard prior to the meeting at which the question of his/her removal will be decided.

Duties of President

Section 4. The President shall preside at all meetings of the Association and of the Board of Directors. In the absence of the President, or if the office is vacant, the Vice President shall preside, and in the absence of the President and Vice President, the Director elected by vote of the meeting shall act as Chair. The President shall perform such other duties and have such authority as from time to time may be assigned to him/her by the Board of Directors.

Duties of Vice President

Section 5. The Vice President shall, at the request of the President or in his/her absence or disability, perform the duties of the President. In the absence or disability of the Secretary / Treasurer his/her duties shall be performed by the Vice President. The Vice President shall perform such other duties and have such authority as from time to time may be assigned to him/her by the Board of Directors.

Duties of the Secretary

Section 6. The Secretary shall keep a record of the proceedings of the Association, and of the Board of Directors shall notify new members of their election shall issue all notices and conduct all correspondence of the Association and of the Board of Directors, except where otherwise provided. If the Secretary is absent from a meeting, a Director, duties of the Secretary shall be chosen by vote to perform the Secretary's duties.

Duties of the Treasurer

Section 7. The Treasurer shall collect and keep all moneys of the Association and disburse them under the direction of the Board of Directors. He/she shall keep the accounts of the Association and shall make a report of its financial conditions at each annual meeting and shall send all notices and conduct all correspondence relating to the financial matters of the Association. The Treasurer's accounts shall be audited in the manner hereinafter provided.

Section 7.1. At the end of each fiscal year, the Treasurer shall make a full financial report to the Board of Directors showing the total amount of cash in bank and on hand, accounts receivable and payable and the income and expenses for the year. The Treasurer shall make such interim reports as may be requested from time to time by the Board of Directors.

Duties of Executive Director

Section 8. The Executive Director, if one shall have been appointed by the Board of Directors, shall perform such duties as the Board of Directors or the Executive Committee may direct.

Auditor

Section 9. The Board of Directors may appoint an auditor who shall not be a Director, whose duty shall be to audit the Treasurer's accounts, either in person or by an expert, and make a report thereon to the Board of Directors when so requested.

ARTICLE V**ELECTION OF DIRECTORS****Time and Manner of Elections**

Section 1. All Directors of the Association shall be elected by mail, phone or email ballot in the first month of each odd numbered year. The membership will be given at least 21 days in which to return their ballots. Ballots shall be returned to the Secretary, who will record the results and who will certify the election results to the Board of Directors.

Selection of the Nominating Committee

Section 2. The Nominating Committee shall be appointed by a majority vote of the Board of Directors.



Vintage Zuni jewelry
Photo courtesy, Robert Bauer

Duties of the Nominating Committee
Section 3. The Nominating Committee shall hold such meetings as it deems necessary to insure the discharge of the Committee's obligations.

Section 4. The Nominating Committee shall present a slate of members recommended by it for election to the Board of Directors of the Association. The Nominating Committee shall present its recommendations in writing to the Secretary prior to the fifteenth (15th) day of December prior to an election year and the Secretary shall prepare the slate for presentation to members and post the list on the web.

Section 5. In addition to the slate presented by the Nominating Committee, any Full Member in good standing may submit any name of a Full Member in good standing, including his/her

own, to the Association to be presented along with the Nominating Committee slate, for election. The signatures of two additional Full Members in good standing supporting such nomination(s) must be provided before the additional nomination(s) may appear on the ballot. Any such additional slate must be provided to the Secretary on or before the 31st day of December prior to an election year.

ARTICLE VI

MEETINGS OF THE ASSOCIATION

Time of the Annual Meeting

Section 1. The annual meeting of the members of the Association shall be held in August each year in Santa Fe, NM. The date and place may be designated by the Board of Directors.

Notice of Annual Meeting

Section 2. Notice of the annual meeting of the members of the Association shall be published by mail or email and on the ATADA website no less than twenty-one (21) days prior to the date of the election.

Special Meetings

Section 3. Special meetings of the members may be called by the Board of Directors, by the President, or upon the written request of one-fifth (1/5) of the Full Members. The Secretary shall publish by mail, email or the ATADA website notice thereof thirty (30) days beforehand to each member which shall state the purpose(s) for which the meeting is called.

Quorum

Section 4. One fifth (1/5) of the Full Members, or fifty (50) such members, whichever is less, shall constitute a quorum for the transaction of business at any meeting of the Association and a majority vote shall be necessary for the adoption of all mat-



Pawn jewelry from the four corners area
Photo courtesy, Robert Bauer

ters voted upon except as otherwise herein provided.

ARTICLE VII

MEETINGS OF THE BOARD OF DIRECTORS

Annual Meeting

Section 1. The annual meeting of the Board of Directors shall be held at a time and place determined by it.

Regular Meetings

Section 2. Regular meetings of the Board of Directors shall be held at a time and place determined by it.

Special Meetings

Section 3. Special meetings of the Board of Directors may be called at any time by the President or by written request of three (3) members of the Board. Special meetings shall be held at such place at such time as may be designated in the notice of the special meeting. Special meetings may be held by telephone or email with votes, if needed, sent by email or by telephone which will be recorded in minutes prepared by the meeting Chair or President.

Notice of Meetings

Section 4. Written notice of the time, place, and purpose of any meeting of the Board of Directors shall be sent to each member of the Board at least fourteen (14) days prior to the meeting.

ARTICLE VIII

AMENDMENTS

Section 1. Amendment to these bylaws may be adopted at any regular or special meeting of the Board of Directors, by a majority vote of all Directors actually voting provided that the notice for such meeting shall set forth a summary of any proposed amendments to be considered and acted upon. The President may also submit proposed amendments to the Directors for vote by mail or email.

ARTICLE IX

LIABILITY

Section 1. No director, officer, employee or member of the Association shall have any personal liability whatsoever for any obligation of the Association.

Section 2. The Association shall indemnify and hold harmless any director or officer or former director or officer of the Association against any expenses, costs or attorney's fees actually and reasonably incurred by him or her in connection with the defense of any action, suit or other legal proceeding in which he or she is made a party by reason of being or having been a director or officer of the Association. The indemnification provided herein shall include any amounts paid to satisfy any judgment or to compromise or settle any claim. No such indemnification shall be available, however, if the claim arises out of any act or omission constituting negligence or misconduct by such director or officer in the performance of his or her duties as director or officer.

Section 3. The Association shall have no liability whatsoever for any representation by any member of the Association with respect to any object sold, appraised, or reviewed by such member, and no member shall have any authority whatsoever to make any representation to any person that any statement or representation by such member is attributable to the Association or to its directors or officers, or that the Association or its directors or officers vouches for, guarantees or stands behind any such representation in any manner whatsoever.



Section 4. Neither the Association, its directors or officers, nor the members of the Committee on Fakes, shall have any liability whatsoever for any statement, action, or decision or failure to act or decide by the Committee on Fakes with respect to a determination as to the authenticity of an object submitted to the Committee on Fakes for review or consideration, and any person who submits any object to the Committee or any member thereof for consideration or determination of authenticity, or for any other purpose, shall, as a condition of receiving any advice or opinion from the Committee or any member thereof, agree that such person shall hold the Committee, its members, the Association and its officers and directors absolutely harmless from any claims or demands whatsoever arising out of any opinion, representation, action or omission of the Committee with respect to any such object.

ARTICLE X

TRADE PRACTICES AND GUARANTEE

All members of the Association shall conduct their business in accordance with the following standards:

Prices

Section 1. All merchandise displayed for sale by a member in a show or fair or a store open to the public shall bear a tag clearly stating the price of the item. Old price tags showing prices that are no longer in effect shall be removed, or shall contain a clear indication that such price has been superseded. Items on display that are not for sale shall have that fact clearly indicated.

Condition

Section 2. A. Upon request of the purchaser, Full Members must provide a written report on each item purchased. The report should include a description, history, condition or any other pertinent information. The report must follow the guidelines set in Section 2, A through F.

B. The description of the object shall identify it and include important identifying features, such as size, color, composition, etc. Any reservations as to the object's authenticity should be stated here, and/or under the description of the object's history.

C. The description of the object's condition should include all important physical details, such as damage, restoration, fading, defective mounting, etc. Any defects having a significant effect on the value of the object shall be disclosed in detail. The description of condition shall also include one of the following descriptive terms (having the meaning indicated):

EXCELLENT. Object reflects excellent condition if the state of preservation (i.e., wear and/or losses to decoration, patina, design, paint, weave, etc.) either exhibits original stable condition or reflects stabilization, conservation without altering, in a significant manner, the object's original function or artistic intent. Structurally sound. No significant restoration.

VERY GOOD. Object reflects very good condition if the state of preservation (i.e., wear and/or losses to decoration, pagination, design, paint, weave, etc.) either approaches near original condition, but is not excellent, or exhibits stabilization, conservation which reflects slight deterioration from original function or artistic intent. Maintains structural integrity, slight restoration evident.

GOOD. Object reflects good condition if the state of preservation (i.e., wear and/or losses to decoration, pagination, design, paint, weave, etc.) either exhibits clearly its original function and artistic intent, although having considerable wear, or exhibits stabilization, conservation or restoration which reflects original function and artistic intent. Object maintains structural integrity. Restoration may be evident.

FAIR. Object reflects fair condition if the state of preservation (i.e., wear and/or losses to decoration, pagination, design, paint, weave, etc.) is in tender state of preservation showing considerable wear and deterioration, but clearly indicates the general nature of its original appearance. May be in need of structural stabilization, conservation, restoration.

D. The history of the object should include any important information known to the dealer, such as the culture of origin, the date of manufacture, whether made for tribal use or other use, prior ownership, inclusion in public shows, references in literature, and the like.

E. The failure to mention in the written description of the condition of the object any significant defect that would not be obvious to the uninformed buyer constitutes justifiable grounds on the part of the buyer to believe that no such defect exists with respect to the object. Where the dealer has insufficient knowledge or evidence for believing a fact relevant to the object's condition, authenticity, or history, he/she shall so state in the appropriate place on the form.

F. At the time of sale, the seller shall provide to the purchaser a copy of the written statement of the condition of the object, and shall keep a copy in the seller's file, attached to a dated photograph of the object sufficiently clear to show distinctive features of the object.

Guarantee

Section 3. All members of the Association shall guarantee the title, condition, and authenticity of every object sold by them, and shall agree to arbitration of any dispute over a sale transaction, in accordance with the following provisions, which provisions shall be made known to each buyer in such manner as the dealer sees fit:

GUARANTEE. In the Seller's judgment as a dealer in objects of this kind, the information set out above is accurate. If the Buyer shows that such information is inaccurate in any significant way within one year from the date of purchase, the Seller will accept a return and offer a full refund, which the Buyer agrees to accept as full satisfaction. The return of the object must be in the same condition as sold. The Seller guarantees that the Buyer receives good title to the object. If there is evidence showing that Seller did not provide good title and the Seller is promptly so informed by the Buyer, the Seller will either remove any cloud on the title or accept return of the object and give the Buyer a full refund, at the Seller's option. These guarantees extend only from [DEALER'S NAME] to the Buyer named in this invoice.

ARBITRATION. Any disagreement relating to this transaction shall be decided by an arbitrator chosen by agreement between the Buyer and Seller. If the Buyer and Seller cannot agree, the dispute shall be decided by an independent arbitrator or arbitrators chosen by the Board of Directors. The Seller and the Buyer agree to be bound by that decision and the Association shall not be held liable for the Arbitration Committees' decision.

Catalogue/Internet Sales

Section 4. Dealer catalogues/Internet or advertisements for purchase by mail order shall contain a statement of who bears the cost of shipping and insurance. All goods purchased by mail order may be returned by the buyer for full refund in the event the buyer is dissatisfied with the item on any ground, although a dealer may delete from his/her mailing list any customer who in his/her judgment take unreasonable advantage of this privilege. Any returns should be made promptly after receipt and inspection of the object. All objects should be properly packaged for shipping, and buyers should be cautioned that an object to be returned should be packed as well as it was when sent.

Transactions Between Dealers

Section 5. Any order placed by a dealer is, unless otherwise stated, not returnable, unless the



Made by Della Woody in the 1970s. Her weavings were featured in the Arizona Highways July 1974 edition. Photo courtesy, Geoff and Rita Hill

object is not as described. An object may not be considered to be ordered subject to customer approval unless the selling dealer understands and agrees to such terms prior to shipment. Dealers are expected to grant reasonable credit terms to other ATADA member firms, and all members are expected to pay their obligations promptly, when due. Discounts of at least 10% are customarily offered to other dealers. In the absence of arrangements to the contrary, terms of payment are normally thirty (30) days from the date of invoice for sales within the United States and on receipt of parcels shipped overseas. Special arrangements may be sometimes necessary when dealing with publicly-supported institutions.

Appraisals

Section 6. It is the professional responsibility of every dealer to carry out appraisals with the utmost integrity. Fees for appraisals should be based on professional services rendered and expenses rather than on a percentage of the appraised value.

Dealer Purchases

Section 7. An offer by a dealer for the purchase of an object at a stated price shall be effective only for the time at which the object was offered for sale, unless the dealer states otherwise. Whenever a dealer purchases in good faith an object that is later proven to have been stolen from another dealer, the object shall be returned to its legitimate owner, but the dealer from whom the object was stolen should repay to the purchasing dealer a sum up to full amount of the price paid by that dealer.

Miscellaneous

Section 8. A. No dealer shall approach or solicit a customer in another dealer's shop or show booth without the implied or express consent of the owner of the shop or booth where such customers are found.

B. Where any dispute over a business matter arises between two or more members of the Association, those members will seek mediation first then binding arbitration by the President and the Board of Directors of the Association and agree not to take any such disputes into the courts or other outside forums.

ARTICLE XI

VETTING GUIDELINES FOR ATADA

Sponsored Shows

Section 1. Because of the diversity of material handled by Full Members, exceptions to only pre-1970 material have been made.

A. Southwest Indian and Mexican jewelry and objects are admissible up to 1970.

B. Material from other than North America (Africa, Indonesia, Amazon River, etc.) may be less than forty(40) years old if it conforms to traditional design and was made for use within the group and shows evidence to that use.

C. The post 1970 work of innovators in their field will also be acceptable. For example, Maria Martinez, Margaret Tafoya, Alan Houser, Helen Hardin, Charles Loloma, Kenneth Begay, Helen Cordero, etc.

D. Items adorned with illegal feathers or parts from endangered species will not be allowed.

E. Items adorned or made of human body parts such as finger bones, etc. will not be allowed. This does not include hair.

Calendar

July - September 2010

As a service to our members, we post a calendar of events of interest to collectors of either Antique American Indian Arts or Tribal Arts on this page. Please send any suggestions for additions or corrections to Alice Kaufman at Alice@ATADA.org. The Antique Tribal Arts Dealers Association, Inc. can take no responsibility for errors or omissions in this calendar.

July 2 - 4, 2010, Flagstaff, Arizona

The 77th Annual Hopi Festival of Arts and Culture will be hosted by The Museum of Northern Arizona. The MNA Hopi festival was started by museum founders Harold and Mary-Russell Ferrell Colton in an effort to encourage the survival of Hopi arts and crafts. July 2nd is member preview, Public Festival July 3-4, 2010. Contact the museum for further information at (928) 774-5213.

July 9 - 11, 2010, Taos, New Mexico

Taos Pueblo Pow Wow Second weekend in July, gathering of Indian Nations at Taos Pueblo. Competition dancing, drumming, Native American food and arts and craft booths. Location: Taos Pueblo Pow Wow Ground, Taos, New Mexico. For more information, please call (575) 758-1028

July 13 - 18, 2010, Brimfield, Massachusetts

Brimfield Antique Market hosts Antiques and Collectibles dealers in the center of Brimfield, Massachusetts. Known as the largest outdoor antiques and collectibles gathering in the world, Brimfield attracts tens of thousands of dealers and buyers every May, July and September.

July 17 - 18, 2010, San Juan, New Mexico - Cancelled for 2010

The Eight Northern Pueblos Indian Arts and Crafts Show is held annually on third weekend in July at their permanent home in San Juan (north of Santa Fe), New Mexico. This show has been a tradition for 38 years. CANCELLED FOR 2010.

July 24 - 25, 2010, Eagle Nest, New Mexico

The High Country Arts and Crafts Festival - Last weekend in July. Enjoy Americana and Native American Arts and Crafts in the mountains of New Mexico. Blue skies, food booths and events for children. Phone:(575) 377-2420

July 25 - 26, 2010, Taos, New Mexico - event and dates to be confirmed

Taos Pueblo Feast Days of Santiago and Santa Ana. Saints' days celebrated with traditional Corn Dances on the plaza. No cameras. Location: Taos Pueblo, Taos, New Mexico.

August 6 - 8, 2010, Flagstaff, Arizona

The 61st Annual Navajo Festival of Arts and Culture will be hosted by The Museum of Northern Arizona Heritage Program. An authentic presentation of the Navajo "Beauty Way" philosophy of living in harmony is offered by more than 55 Navajo artists, storytellers and cultural interpreters from many clans. Contact the museum for further information.

August 6 - 8, 2010, Albuquerque, New Mexico

The Great Southwestern Antiques, Indian and Old West Show, at the LUJAN BUILDING AT EXPO NEW MEXICO (STATE FAIRGROUNDS). Early entry is Friday, August 6th from 2pm to 7pm, General admission 9 am - 5 pm, Saturday, August 7th; The show hours are 10a.m. to 4p.m. Sunday, August 8th. Two-day passes available. Please contact Terry Schurmeier at (505) 255-4054, e-mail: cowgirls@rt66.com, web site www.cowboysandindiansnm.com for information and special hotel rates. The Lujan building has been updated with a new cooler system and the leaks have been fixed.

Many ATADA members/dealers historically participate in this show - come and meet them in person!

August 12 - 14, 2010, Santa Fe, New Mexico

The 27th Annual Antique Ethnographic Art Show. Ethnographic and tribal art from around the world. Held in Santa Fe Community Convention Center, Santa Fe, NM, corner of Marcy and Grant St. Preview Opening: Thursday, August 12, 6:00 - 9:00pm. General Admission Friday, August 13, 10:00am - 6:00 pm; Saturday, August 14, 10:00am - 5:00pm. For information e-mail mberridge@whitehawkshows.com, phone (505) 992-8929 or visit the website at www.whitehawkshows.com for updates.

Many ATADA members/dealers historically participate in this show - come and meet them in person!

August 12 - 16, 2010, Red Rocks State Park, Gallup, New Mexico

The 88th Annual Inter-Tribal Ceremonial will be held at Red Rock State Park, Gallup, New Mexico. Please call (505) 863-3896 for details after about June 1, 2010. More than 30 tribes throughout the US travel to Gallup for this annual event.

August 13 - 22, 2010, Santa Fe, New Mexico

The Santa Fe Show: Objects of Art at El Museo Cultural de Santa Fe from August 13 to August 22, 2010, covering two weekends. There will be a break when building will be closed to the public, but available for private exhibitor showings. The show will include Asian, Fine Art, Furniture, Indian, Jewelry, Modernism, Textiles, Tribal and Objects of Art from many centuries, countries and cultures, all to be presented with an artful estheticism. For more information, please contact John Morris or Kim Martindale at (310) 456-2120 and (310) 822-9145 or visit www.TheSantaFeShow.com

Per show's organizers, the event is NOT cancelled! This show was marked CANCELLED FOR 2010 in previous versions of this calendar and was omitted altogether in the upcoming issue of The ATADA News; however, the show's organizers confirmed that this is not the case and the show will go on as scheduled. Please accept our apologies for any inconvenience the misinformation may have caused.

August 14, 2010, Santa Fe, New Mexico - event and date to be confirmed

Splendors of the World Gallery (the site is currently is under reconstruction) is pleased to present: "A Festive opening for the Summer Season" on August 14th 2010, at 7:00 p.m. At 7:30 p.m.; contact Inbal Bailey, tel: 505-995-1100, inbal@splendorsoftheworld.com for more details.

August 14 - 15, 2010, Santa Fe, New Mexico

Doug Allard's Best of Santa Fe 2010 Auction will be held at Scottish Rite Hall, 463 Paseo de Peralta, in Santa Fe, NM; The 17th Annual premiere auction event in Santa Fe! Day 1: Preview: 8 am. Auction Start: Noon; Day 2: Preview: 8 am. Auction Start: 10 am. For more information, please call (888) 314-0343

August 15, 2010 Santa Fe, New Mexico

Scarcity and Rarity To kick off Santa Fe Indian Market Week, SWAIA's executive director Bruce Bernstein moderates a panel discussion from 2 - 4 PM. Panelists include dealers, collectors, academicians.

ATADA members/dealers will participate in this event - come and meet them in person!

August 15 - 17, 2010, Santa Fe, New Mexico

The 32nd Annual Invitational Antique Indian Art Show. Oldest and largest antique event in the world. Location - Santa Fe Community Convention Center, Santa Fe, NM, corner of Marcy and Grant St. Preview Opening: Sunday, August 15, 6:00-9:00pm. General Admission: Monday, August 16, 10:00am - 5:00pm.; Tuesday, August 17, 10:00am - 5:00pm. For information e-mail mberridge@whitehawkshows.com, phone (505) 992-8929 or visit the website at www.whitehawkshows.com for updates. *Many ATADA members/dealers historically participate in this show - come and meet them in person!*

August 16, 2010, Santa Fe, New Mexico

Art and the Law Update. We will meet from 8:15 AM to 9:45 AM at the Santa Fe Community Convention Center. Coffee and donuts will be provided at 8:00 AM. Those who attend this meeting should park in the Convention Center Underground Parking. It will be quite convenient for those who wish to get to the Convention Center in time for the show opening at 10 AM.

If you plan to attend, please email Alice Kaufman (Alice@ATADA.org) with your name and the number of persons planning to attend so that we can reserve the proper size room.

August 16 - 20, 2010, Santa Fe, New Mexico

Numerous gallery openings and shows related to Santa Fe Indian market will be held this week. Check web sites and gallery news for details. www.santafeindianmarket.com

August 17, 2010, Santa Fe, New Mexico

Santa Fe ATADA General Meeting: Please join us at 8:15 AM on Tuesday, August 17, 2010 for a brief meeting. All members are urged to attend, and guests are welcome. We will meet until 9:45 AM at the Santa Fe Community Convention Center. Coffee and donuts will be provided at 8:00 AM. Those who attend this meeting should park in the Convention Center Underground Parking. It will be quite convenient for those who wish to get to the Convention Center in time for the show opening at 10 AM.

If you plan to attend, please email Alice Kaufman (Alice@ATADA.org) with your name and the number of persons planning to attend so that we can reserve the proper size room.

August 19 - 20, 2010, Santa Fe, New Mexico

The 34th Wheelwright Museum Annual Silent Auction and Live Auction Preview Party will be held Thursday, August 19th 4:00-6:00pm, and the Collector's Table and Live Auction of American Indian Arts and Crafts will be held on Friday, August 20th

August 21 - 22, 2010, Santa Fe, New Mexico

The Santa Fe Indian Market, The Santa Fe Indian Market is the city's biggest and most prestigious event. Held on the third weekend in August every year, Indian Market draws more than 100,000 collectors, gallery owners and fans of Indian art from around the world. The crowds buy art directly from more than 1,200 artists representing over 100 tribes. Indian market is held on the Plaza in Santa Fe, New Mexico. www.santafeindianmarket.com

September 2 - 5, 2010, Baltimore, Maryland

The Baltimore Summer Antiques Show is the largest summer antiques show in the U.S.A., Now in its 29th year, 550 International Dealers, 60 Dealer Antiquarian Book Fair. Held at the Baltimore Convention Center, Downtown at the Inner Harbor, One West Pratt Street. 2 main entrances: West Pratt Street Lobby, Charles Street Lobby. Thursday, September 3: 12 pm - 8 pm; Friday, September 4: 11 am - 7 pm; Saturday, September 5: 11am - 7 pm; Sunday, September 6: 11am - 6 pm. Tickets: \$12.00; Good for all show days. For more information call the Palm Beach Show Group at (561) 822-5440 or visit www.baltimoresummerantiques.com.

September 5 - 12, 2010, Window Rock, Arizona

The 64th Annual Navajo Nation Fair with rodeo, arts, and crafts at the fairgrounds in Window Rock. The Fairground is located on approximately 100 acres, located 0.9 mile west of BIA Junction N12 & Highway 264 in Window Rock, Arizona Phone: (928) 871-6647.

September 7 - 12, 2010, Brimfield, Massachusetts

The Brimfield Antique Market hosts Antiques and Collectibles dealers in the center of Brimfield, Massachusetts. Known as the largest outdoor antiques and collectibles gathering in the world, Brimfield attracts tens of thousands of dealers and buyers every May, July and September.

September 18, 2010, Hubbell Post, Ganado, Arizona

Friends of Hubbell Native American Arts Auction, Fall 2010 Preview 9-11:00 am. Bidding begins at noon, Mountain daylight saving time. Auction helps indigenous artists to sell their hand made ceramics, katsinas, Navajo rugs, and other items. Your purchase benefits not only the artisan, but the park as well. Native American vendors also offer food, handmade jewelry, musical instruments, recordings, folk art, and much more. For more information please call (928) 755-3475.

September 30, 2010, Taos, New Mexico

Taos Pueblo San Geronimo Day. Experience this centuries old trading event and shop for authentic American Indian arts and crafts on the Taos Plaza. Concludes with ceremonial pole climbing at Taos Pueblo. Please call (575) 758-1028 for additional information.

Recent Postings to the ATADA Theft Alert Page

- Zuni Needlepoint Concho Belt Stolen from Gallup NM motel, April 15, 2010
- Artist's Trailer Stolen from Phoenix, AZ hotel, March 4, 2010
- Eskimo Ivory Carving Stolen During Vetting of Tribal & Textile Arts Fair in San Francisco, CA, February 11, 2010



See you in Santa Fe in August

ATADA will have a membership/information table at both the Whitehawk Ethnographic and Indian shows.

ATADA is sponsoring an Art and the Law update, similar to last year's discussion, on Monday, August 16, at 8:15 AM at the Santa Fe Community Convention Center at the corner of Grant and Marcy.

Our annual August General Membership meeting is scheduled for 8:15 AM Tuesday, August 17, also at the Santa Fe Community Convention Center.

Coffee and donuts will be available at 8 AM at both events.

You'll be getting more information via email about both meetings.



Directory Update

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Welcome New Members

ATADA would like to welcome...



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Baskets_Old_and_New/Home.html](http://www.basketsoldandnew.com/Baskets_Old_and_New/Home.html)

Specialty: Restoration and conservation of antique American Indian baskets and Tlingit dancing blankets

Daniel Rootenberg

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daniel@jacarandatribal.com

www.jacarandatribal.com

Specialty: Art from Africa and Oceania. Specialty is art from south-east Africa as well as non-figurative works of art. Jacaranda works with museums and collectors.

Services: Traditional African and Oceanic art consultation and appraisal services. Gallery visits by appointment.

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Check out the ATADA web site! www.atada.org



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