

# ATADA NEWS

A PUBLICATION OF THE ANTIQUE TRIBAL ART DEALERS ASSOCIATION



FALL 10

Vol. 20 No. 4



Member Close-Up:  
Deborah and Alston Neal

Eleanor Hancock  
Remembers Ted Coe

Collectors Corner: Karen Sires

Santa Fe Meetings/The  
Federal Raids: Myth and Fact



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

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# ATADA NEWS

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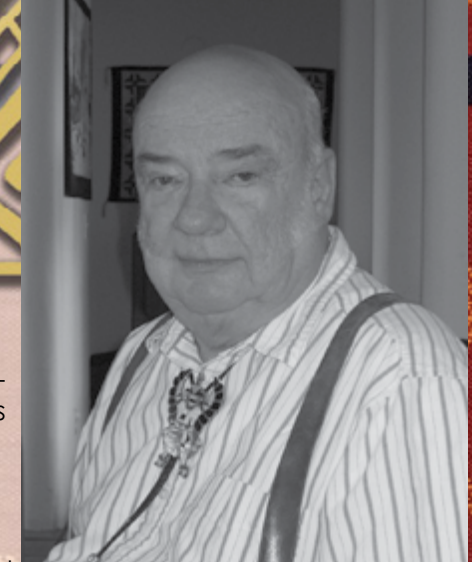
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Cover Photo: Late 19th Century Navajo Squash blossom

Courtesy - Karen Sires

# Letter From The President



The Art and the Law session in Santa Fe on Monday, August 16, was ATADA's most successful presentation in my memory. The first person presentation by Dace Hyatt on Ted Gardiner's questionable tactics and Jim Owens' hard-hitting talk on legal issues made the day.

This meeting was very well attended with nearly 150 people in the audience for an 8:15 AM talk. Notable among them were Susan Montoya Bryan, Associated Press writer, who filed a report that appeared in numerous national newspapers on for the next couple of days. Also in attendance were reporters from the Santa Fe New Mexican, Albuquerque Journal, Channel 7 TV News in Albuquerque and several others whose names I did not catch.

The most complete report that I have seen so far came from Susan Montoya Bryan of AP. Her report is best seen in the Arizona East Valley Tribune at [http://hosted2.ap.org/azmes/788acee4e023427bbfc19d9278ac9378/article\\_2010-08-17-artifacts/id-f31799c0af444e948070bb978c62691d](http://hosted2.ap.org/azmes/788acee4e023427bbfc19d9278ac9378/article_2010-08-17-artifacts/id-f31799c0af444e948070bb978c62691d). You may need to search Google or Bing with search phrase "ap artifacts" to find a convenient link.

Channel 7 News seems to have been the first to have posted a live report at <http://www.koat.com/video/24653325/index.html>. Just paste this link into your address bar. Be patient. It will start

playing in a few moments. You will have to wade through two commercials but you will be rewarded with a view of the Santa Fe Whitehawk show, Jim Owens speaking, and a look at Kate Fitz Gibbon's new ATADA booklet, "Native American Art and The Law: A Collector's Guide."

All in all, we have been making good progress!

Unfortunately, shortly after the antique shows closed, the bubble burst. The Santa Fe New Mexican weekly magazine, Pasatiempo, came out on August 20. To be fair, this issue was quite scholarly and contained ten or more articles covering American Indian art from the far past to the present, and intended to show how we arrived at today's American Indian art scene in Santa Fe. They were partially successful in achieving their goal, but they repeated much of the negativism seen in last year's press.

Two of the articles centered on Craig Child's new book, "Finders Keepers".

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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These articles are excerpted on pages 41 – 52 in this issue. Child's position is that artifacts found in the wild are best left in place, undisturbed. He himself usually, but not always, left them in place. His technique is to dun the reader over and over with one-sided questions that are never answered, in the process leaving the reader with the impression that a lot of what he questioned should be answered his way.

Clifford discussed only Anasazi pots and artifacts found in the field. It has been known for a long time that a few unscrupulous dealers were digging or buying from pothunters and selling these illegal artifacts.

The problem with the Pasatiempo articles is that for the most part, they rest on the unspoken assumption that all prehistoric pots in the Indian art market were found in the wild on Federal and Indian land and are illegal. In other circumstances such as when they were found on private land or de-accessioned from a museum that collected them under permit, they are not illegal. (Of course, even then, if associated with a burial, they are not legal.)

The Pasatiempo articles fail to mention that the vast quantity of American Indian art did not come to the market illegally. Historic art was often bought or sold. Since circa 1880 (or earlier, when the railroads came to the region of interest in the West), American Indian art was created on the Reservation and sold by the artists to traders to ship east or to sell locally. This art is neither ceremonial nor was it illegally removed from the Reservation.

ATADA was founded in 1988 to bring ethics and integrity to what was a largely un-policed trade prior to that time. The requirement of a guarantee of a clear title and the background checks on prospective new members mandated by our bylaws has kept unscrupulous dealers out of ATADA. The fraction of ATADA sales in objects that could be questioned as possibly dug up has been estimated by our Board of Directors as less than 1%. Our members all guarantee that the items they sell have clear title, i.e., that they are legal to buy, sell, or donate under current law. Our dealers are experts in the art that they sell – misidentification and fakery are rare.

All but a tiny fraction of the artifacts circulating on the market today are fully legal to buy, sell, or donate. It is absurd to expect to find documentation that says that so-and-so removed this piece of art from the Reservation on a particular date. The best that is likely to be found is a sales slip for a barrel of Indian pottery shipped by J. S. Candelario or something similar. Until the 1970s, even signatures or hallmarks were uncommon. Even today, many Indian families do not sign their work. Documentation was simply not required, nor requested in this era. Most Indian art ended up in the hands of mom and pop collectors and has descended to their heirs. Sales by the heirs are the main source of artifacts sold by ATADA dealers, not some nefarious black market. The number of such artifacts is huge. Consider that some estimates indicate that 10% of American Indians are artists, each producing many artifacts per year. Even if we say that production was zero in 1880, in the 130 years since it is easy to come up with figures from the hundreds of thousands to more than a million pieces of undocumented art in circulation today.

Those of us who collect this art love it and cherish it. We wear it, touch it, and/or look at it every day. We show it off to others and study it. On occasion, we loan it to museums for display. In my late wife's collection, for example, which consists mainly of jewelry, I can see trends in design, compare materials, and make studies of an artist's growth over his/her lifetime. That these pieces are in circulation in the market enhances their value and inspires young artists to greater achievements. Eventually, the collection will end up in a sale or a museum collection where it will be in circulation or on display for many generations to come. The existence of an aftermarket enhances the value of contemporary American Indian arts and crafts, as these too will grow in value and appreciation over the years.

It is entirely irresponsible for The New Mexican editorial staff to allow unchallenged publication of articles that suggest that the entire antique American Indian art market is somehow illegal or based on an underworld black market. These articles confuse the public, as a letter to the Editor in the September issue of THE Magazine (another local Santa Fe publication) demonstrates. A young couple, also collectors, wrote: We "read Joshua Baer's 'Is Your American Indian Art Illegal!' article in your August issue with a fair amount of trepidation. We also read the six different articles about grave-robbing and Repatriation" (whatever that is!) in the Pasatiempo. Baer's article gave us the information we needed to protect ourselves and obey the law, The Pasatiempo articles left us more confused than ever. Congratulations on THE's decision to publish an article that helps collectors."

It is clear that we have a long way to go in our education campaign. We need to continue to provide the collecting public with information on what is legal and the boundaries that we must not cross. We need to generate a steady stream of positive publicity. We also need to follow up with Museum and Archaeological society meetings, and keep the pressure on our Congressional delegations to clarify the laws and make enforcement more uniform. And, it seems, we still need to educate the local media. We need your help and support to maintain ATADA's place as a voice of reason and integrity in our campaign for an ethical trade in antique American Indian and tribal art.



## Editor's Notebook

In this issue, we introduce a new, on-going feature, Collector's Corner. It was suggested in Santa Fe this August that we focus on our Associate members in the same way we put our Full members in the spotlight in the Member Close-Up. Why didn't we think of this before?

So, in this issue, meet jewelry collector Karen Sires (many of you, especially dealers in Southwest jewelry, know Karen already). It is Karen's beautiful squash blossom necklace illustrated on the cover.

August 2010 can be remembered as a headline-free time. But ATADA was busy, still dealing with the fallout from the 2009 headlines as well as reacting to some new negative stories (see Arch's Letter to the Editor of Pasatiempo in the Media File in this issue). ATADA's Legislative-Education Committee has been at work for more than half-a-year; among their accomplishments was the eye-opening panel discussion, The Federal Raids: Myth and Fact, that was informative and drew a large audience, including the media. If you weren't there, you can read all about it in this issue. A summary of Leg-Ed's Jim Owens' research will be available at [atada.org](http://atada.org).

Arice

# Member Close-Up

## Deborah and Alston Neal



*Old Territorial Shop is now the oldest Indian arts gallery in the Phoenix area that is still family owned. Says Deborah Neal, "forty-one years in Scottsdale!"*

To paraphrase Shakespeare, some are born into the American Indian art business, and some have the business thrust upon them. Alston Neal is an excellent example of the former. His mother, Rita Neal, worked in the business since the 1930s. But that isn't how Alston and Deborah Neal – who had the Indian art business thrust upon her – knew each other.

When they were both in high school in Phoenix, their fathers worked together, "and we socialized with our families when we were in our teens," Alston remembers. After high school, Deborah got married, moved to San Francisco, got divorced and moved back to Phoenix. Alston moved to San Francisco, but moved back to Phoenix in 1974 to work with his mother, who owned the Old Territorial Shop, which she opened in Scottsdale in 1969.

"She'd had a major armed robbery, and they took everything, cleaned her out. That motivated me to move back and work at the shop (I'd always worked with her when I was growing up)."

And in all that time, the two high school friends always stayed in touch. In fact, after a while, once they were both back in Phoenix, Deborah says, "we were spending all our free time together." Soon, that would change to all their time. Not only did they get married, "Deb needed a job, and Mom loved having family around, so Deb applied. She got the job immediately, and when Mom realized that she was smart and wasn't lazy, Mom told me 'we'd get along a lot better if we all didn't work here.' I took that to mean I should leave and Deb should stay. I became a jeweler and a goldsmith, working with fine jewelry and setting diamonds."



Then, when Rita died suddenly in 1994, Deborah was effectively running the store. "I wasn't going to do it alone," Deborah says now, so Alston gave up his jewelry business and joined her. "It was my heritage," he says now. "I've grown up around it all my life."

Rita Neal started working with American Indian art when she was in her teens in the 1930s in Colorado, first in gift shops in Seven Falls and Manitou Springs ("they had really good jewelry and pottery, more gallery than gift shop," says Alston) and then in her early 20s, at the gift shop at the Broadmoor in Colorado Springs. "She was a born saleswoman," her son says.



The shop at the Broadmoor was owned by Horace and Peggy Smith, who also owned a gallery in Santa Fe at what is now The Rainbow Man, and opened galleries in Scottsdale and Florence, AZ "where Tom Mix and all the movie stars stayed," Alston explains. "My mom moved to Scottsdale in the late 1940s to work at the Smith's Scottsdale shop, but ended up working at fine art galleries after that. She switched back to Indian art when she went for work for Bill McGee at McGee's Indian Den on First Avenue. When a neighborhood shop called the Aztec Studio that sold Mexican and Native American material had to close because the owner disappeared (the mystery has never been solved), "the heirs sold the shop to my mother and took most of the good inventory." When she bought the Aztec Studio, Rita changed the shop's name to Old Territorial Shop and started selling only Native American things.

Alston emphasized that his mother was "very well-known, especially as she was a single woman in a male-dominated business. She wasn't a diva, but whenever dealers would come in and ask when the owner -- 'he' -- would be back, she'd smile politely and say, 'I don't know.'

"Her focus was always on upgrading, and she loved classic Navaho jewelry and antique Navajo textiles. She had a huge network of dealers and collectors in Colorado and Arizona, and would acquire great collections. The jewelry on the cover of 'Skystone and Silver' was from a collection that was sold by my mother."

"When I went to work at the Old Territorial Shop," Deborah says, "I didn't know anything about Indian art. Rita gave me a dust cloth, took me to the pottery area and told me to 'learn about all these new kids.' By that, she meant Joseph Lonewolf, Grace Medicine Flower, Tony Da. 'I have too many potters in my head already,' she told me, meaning Maria, Lucy Lewis, Fanny Nampeyo. I got a great education. Rick Dillingham taught us and sold to us. Rick was close to Rita, she knew his parents, and she was almost a mentor for Rick."

"Although she loved them, Mom wasn't interested in just antiques," Alston says. "She encouraged young Indian artists like Larry Golsh and Carl and Irene Clark, weavers and potters and jewelers. The gallery was about half antique, half contemporary, and she became friends with some of the artists, some of who moved on to fancier galleries. She gave Grace Medicine Flower and Joseph Lonewolf their first show in Arizona in the early 1970s."

"We try to maintain her standards," says Deborah. "We still encourage young artists. We expect quality, and we are not committed to buying everything they show us," says Deborah. "We want to meet new people, both artists and collectors."

"Mom gave us a wonderful foundation for our business," Alston adds, "and she has helped with other people's business too. Terry DeWald is her best friend's son, and she encouraged John Hill and Mark Winter. She was such a fixture, and her knowledge was so broad."

"She was the best possible teacher," Deborah says.

"She set a standard for ethics. She had such a good reputation, we had to follow her lead," Alston says. "We inherited collectors -- and their collections -- from her. And now we work with people who know our reputation for authenticity and integrity and they send us great collections without even meeting us. A high level of trust and confidence is important in the Native American art business today."

After the current generation took over, the only real change for the Old Territorial Shop was a result of "circumstances," Deborah says. "The neighborhood changed. Old Town became a tourist area, where the shops sold t-shirts and souvenirs. The quality galleries moved one block west, to Main Street. When we realized that most of our sales were for less than \$100, we realized we had to do something."

Deborah recalls that it was "very traumatic to think about leaving Alston's childhood home (he and his mother had been in the building since he was two years old) and move just two blocks. But it had to happen, and one day eight years ago, when by chance I took a new route to the shop," Deborah says, "I saw a place for rent. Rita must have been guiding us. I told Alston we were moving, and we moved ten days later. Moving allowed us to do what Rita did: to keep upping the ante of what we carried."

Moving also allowed Alston and Deborah to run the shop themselves, without employees, which has given them the freedom to "just close and go if we want to do a show. That was an eye-opening experience," Alston says. Deborah says shows are "a big change, as Rita didn't do shows."

"But shows are fun for us," she adds. "We get to see the dealers and collectors who have become our friends."



Helen Cordero Praying Grandfather Storyteller



Navajo Indian Transitional Eyedazzler



Bert Robinson Collection Pima Indian "Dream" Basket



# Santa Fe Meetings

**ATADA Board Meeting**  
**Tuesday, August 10, 2010**  
**Hotel Santa Fe**  
**9 AM**

**Present:**

*Anna Bona and Ted Trotta*  
*Kate Fitz Gibbon*  
*Bob Gallegos*  
*Alice Kaufman*  
*Mike McKissick*  
*John Molloy*  
*Ramona and Doug Morris*  
*Arch Thiessen*

*Edith and Roland Flak and Brant Mackley have resigned from the BOD.*

Bob Gallegos gave his Treasurer's report: ATADA has \$32,000, including cash in the bank and \$10,000-\$15,000 in CDs. After expenses are paid and uncollected dues are received, Bob estimates we will have about \$12,000. Two-thirds -- \$8000 -- of that will go to the ATADA Foundation. There is already \$6000 in the Foundation, out of which the Guide will be funded, leaving a balance slightly over \$2000, so ATADA will have \$10,000 to donate. In August, the Foundation published "Native American Art and the Law: A Collector's Guide" by Kate Fitz Gibbon, using Foundation funds for education and promotion.

Kate then told the board about the Collector's Guide. Her aim was to "make ATADA's position available to all interested parties, including arrowhead people, archeologists, etc., not just our members. Ninety-five percent of the material available on the market today is legal to buy, sell and own," she continued. "We want to encourage others to work with us in both legislative and social areas." Kate will introduce the Guide to members and the media at the Monday Art and the Law discussion. ATADA members will receive copies in the mail, and additional copies will be available free to the public, with a \$10 donation to the ATADA Foundation requested. Early copies would be

available at the August Santa Fe shows.

Mike McKissick said that a dealer who is not an ATADA member was "busted" for tortoise shell decorations on a piece of 1930s Spratling jewelry at a show in Florida. Mike added that he saw "lots" of similar pieces at the 12th annual Great Southwestern Antiques Show in Albuquerque in August.

Kate replied that endangered species laws can be both state and federal, and it can be complicated to know about and obey both." But, she warned, a seller must have any permits required by the source country for importation even if the species involved is not endangered. She added, "every Migratory Bird Act case is also a case-by-case situation."

Bob Gallegos reported on the Legislative-Education Committee's activities since the committee was created in Kansas City. Members are Bob, Steve Elmore, Wilbur Norman and former attorney/prehistoric ceramics collector Jim Owens. One goal: to enlist the media and Congress, beginning with Rep. Ben Lujan (D, NM), to join with ATADA to encourage the ARPA task force to sit down with all concerned parties and develop procedures that will help agents in protecting our cultural sites. It is ATADA's goal to be at the table when changes to existing archaeological protection laws are proposed, as well as to offer our assistance to agents such as Noel Wagner in seeking proper enforcement of the laws. "The reason the agents are operating undercover stings," Gallegos said, "is that they view these actions as their most effective means of enforcement."

On Monday, the Leg-Ed panel discussion, The Federal Raids: Myth and Fact, will show how the agents are misinterpreting or reinterpreting the laws to their advantage. The Panel will also illustrate how Ted Gardiner, the FBI's now infamous informant, was doing things that were inappropriate. However, it is important to understand what situations exist that cause the agents to "act like they do," Gallegos stated [ed. that since ARPA allows for the legal removal of artifacts from non-grave sites located on private land, this loophole in the law [ed which is required by the US Constitution] has allowed illegally removed artifacts to be washed through legal sites by unscrupulous sellers] while the government must prove that the artifacts in question

came off illegal lands.

In the future, Gallegos concluded, we must be better in our "due diligence" in getting provenance on items we buy. We must start demanding that auction companies provide us with collection history. If we buy prehistoric items, we must get disclaimer statements signed by the selling party. At a minimum the wording should include, "Seller represents that he or she has legal title to the Property such that the legal title can pass to the Buyer free of the claims or interest of any other person. Seller further represents that the property has not been acquired illegally in violation of the Federal Archaeological Resources Act of 1979 or in violation of New Mexico [applicable state] Statutes Section 18-6-11.2 and any subsequent revisions to such Statute." Having a signed document of this nature is a step toward due diligence and shows a buyer's proper intent. It may not prevent the taking of the Property but it will help to protect one from criminal prosecution.

It was decided that a press release should be sent that day to local media. [Editor: After being informed, several newspaper reporters and KOAT-TV Albuquerque covered the Monday meeting.]

An agenda for the Tuesday general member's meeting was discussed and created.

Mike McKissick asked when the next board meeting would take place. The meeting has been tentatively scheduled for Wednesday, February 23 at 4 PM at the Embassy Suites in San Rafael. New officers would be introduced at that time. Officers will be elected at this meeting.

The Foundation will have a separate meeting after the board meeting. If a board meeting becomes necessary before then, the board will meet in Phoenix.

A nominating committee will present a slate of possible new board members by December 15, and members may propose a slate by January 1. Each nomination must have two members to second the nomination.

The board then discussed how to generate positive news stories. John Molloy has begun with an article in

Art & Antiques written by a former curator on Native American art as part of the American heritage, featuring collectors from Thomas Jefferson to John Warnock. John also wrote an article that appeared in the Whitehawk show publication in August. The Leg-Ed committee also made headway in attracting the press to the Monday morning Art and the Law event, The Federal Raids: Myth and Fact.

In addition, Kate Fitz Gibbon and Steve Elmore met with one of first-term Congressman Ben Lujan's assistants, stressing the importance of the Indian art market to New Mexico's economy, and the importance of the market to indigenous artists. There was a one-hour conversation with Lujan's staff which generally followed the ATADA bullet points published in the Summer issue of The ATADA News. The 16 tribal groups in Congressman Lujan's district are a priority for him, Kate told the board.

The board meeting was adjourned.

## The Federal Raids: Myth and Fact

**An ATADA Art and the Law Discussion**

**Monday, August 16**

**Santa Fe Community Convention Center**  
**8:15 AM**

ATADA Legal Committee Chair Kate Fitz Gibbon introduced the new ATADA Foundation publication "Native American Art and the Law: A Collector's Guide," which will be mailed to members and given to the public with a request for a \$10 donation to the Foundation. ATADA, she reminded the assembled group is the Better Business Bureau of the tribal artifact trade, and our concerns go far beyond our membership.

Kate then introduced the panel: moderator Bob Gallegos, restorer Dace Hyatt, who described himself as FBI source "Ted Gardiner's mentor," and Associate member Jim Owens, a collector and retired lawyer.

Bob Gallegos led off the conversation by saying that according to ARPA, there are two kinds of land, legal and illegal.



Bob Gallegos, Dace Hyatt, Jim Owens

After the Blanding raids, Owens said, Gardiner tried to entrap honest dealers and collectors. There is no underground dealing in Indian art. This is a myth perpetuated by Federal agents, Ted Gardiner and anthropologists. The federal agents are acting contrary to the laws and the constitution. The Santa Fe raids trampled on the constitution and on private property rights. "Trying to repatriate material via raids is totally inappropriate," he concluded.

Dace Hyatt spoke next, saying he had known Ted Gardiner ten years ago, and described Gardiner before his suicide as "consumed with guilt for the lies he told. Ted was a visionary," Dace continued, "and a good businessman. But he was a conflicted soul who aspired to be something better, but took a turn for the worse because of greed and money." Dace added that he respected law enforcement "if they stay within moral and ethical bounds. The FBI and BLM chose the wrong man," one who was driven by greed and money. Gardiner was "in financial distress: he owed his clients a lot of money, he was losing his house, his life was in disarray, emotionally and financially. He proposed his undercover idea to the FBI to get out of debt. He tried to paint us all as criminals. He made statements – lies – about high-profile dealers and collectors in order to get on the FBI payroll. The outcome of the raids was 26 indictments in two year period.

"Ted Gardiner was not the man for the job," Dace explained. "He lacked integrity, was a con artist. The proposal he sold to the FBI was riddled with lies about people in this market. The FBI should have done re-

search before raiding anyone. The raids were orchestrated based on Gardiner's lies." Dace Hyatt himself was one of the targets. "Why would your friend try to entrap you," he asked himself. The answer: "For the money."

Gardiner offered Dace some material "at a fair price, but when I asked for provenance, Gardiner told him the pieces had come from the "Arizona Strip" [the part of Arizona lying north of the Colorado River]. But Dace knew that was BLM land, and wouldn't buy. He referred to the experience as "a vague entrapment, trickery to catch the good guys. We need to work with law enforcement. We are not the underworld and don't deserve to be treated like that. There is a huge chasm between the opposing sides. It seems there are raids every ten years – the government needs to embrace the fact that it is okay to collect Indian art. But we definitely will not tolerate illegal activity in this market."

Jim Owens then began to speak. He mentioned a case in Utah where permission was granted by the private owner of the land to explore and dig. He spoke of a dealer digging on a public Arizona site, and the receipt he has for the olla he found there. Then he gave an example of Ted Gardiner's operation: Gardiner offered items to a specific collector, saying they were legally acquired, and actually signed a disclosure statement that the material was not in violation of ARPA, etc. The next day, Gardiner showed the collector "provenance" – a map showing the place where the pieces had been found, but didn't say it was federal land. But the collector wasn't fooled and returned the items. "He had to resort to trickery and deceit to prove his worth to the FBI."

Owens then pointed out that one-third of the cases stemming from the raids involved arrowheads, including "surface-found arrowheads. But when President Jimmy Carter signed ARPA in 1979, he demanded an exclusion for arrowheads, as he was a collector himself. Sherry Hutt, now head of NAGPRA, said that arrowheads were "expressly excepted," yet a count of theft from government property – referring to arrowheads – was part of the justification for the raids. "The law is clear," Jim said. "A newer specific act [ARPA] supersedes the older general theft of government property act. I wish Sherry Hutt's agents would read

what she herself said. It is clear the FRI cannot use the theft act. There are a number of cases arising from the raids where counts should be dismissed. These accusations are being used as a club to get people to settle."

In addition, Owens pointed out, the FBI never mentions the date when some of the material in question "came to market." Anything on the market prior to October 31, 1979, is not covered by ARPA. The federal government is getting warrants and indictments wrong, and going against what their own people say. Also, when a collector buys an item, it becomes personal property. But the rights of dealers and collectors are being trampled on, personal property laws are being ignored. People have a right to possess personal property. The fifth amendment says that property cannot be confiscated without compensation. If the federal agents believe that private property doesn't have good title, they have to go to court and follow rules of civil procedure. "Repatriation" of private property goes against the fourth and fifth amendments.

"But that is what happened in Santa Fe," Owens said. "The agents were not following Hutt's sworn testimony, 'there is no provision in NAGPRA for repatriation... Sacred objects may be owned, are not subject to NAGPRA... This is consistent with American ideas of property rights... Cultural resources are still property.' Collectors still have private property rights to their property," Owens emphasized. "If the government wants it, they have to go to court to get it, not raid and confiscate. There is no question that Federal agents taking personal property is in violation of the Constitution. We need one of these 'good' cases to go before a Federal judge who will follow the law."

Owens mentioned a somewhat similar case, *Geronimo v. Yale/Skull and Bones*, that was dismissed by a Federal judge when then plaintiffs cited the law that the item in question – the skull – was obtained prior to 1990. "We want to stabilize the market," Owens said. "If we get a good case to a Federal judge, we will get a good ruling."

We all need to protect and police the market, Owens added, and we must report bad material when it is offered. Demand written provenance and do due

diligence. "If you get a signed statement of origin, you will not go to jail," Owens said. "And dealers must do paperwork for buyers."

Bob Gallegos said that auction houses should supply forms for buyers. "Disclosure will add to an item's value," he said.

Clinton Nagy spoke next, saying the meeting was "like watching a baseball game with only one team. Where are the Feds?" [Editor: If they were present, they did not make themselves known.]

"The press is here," Bob Gallegos pointed out.

"We wanted a debate with the BLM and FBI, Jim Owens added. "That is our goal for our next meeting."

Clinton asked what the Federal government's goal is. "I want a broader look at what they are trying to accomplish."

Bob Gallegos answered, "If they destroy the market, they will solve the looting problem. The pre-historic market has been chilled. One goal of ARPA was 'to foster cooperation.' This should be a friendly debate."

A dealer who attended the meeting advised "Do not be a partner with the government. That is selling your soul to the devil. It is a no-win situation. They don't want partners, they want victims."

Someone at the meeting asked Dace Hyatt why Gardiner committed suicide. "In my opinion," Hyatt replied, "he was consumed with guilt because he sold the FBI a false proposal. They were paying him \$7500 per month. He was still on the payroll after the raids. He killed himself three weeks before the cases were to come to trial."

Steve Elmore then said that this meeting had been the first presentation of the Legislative-Education Committee, and that there would be more information at the next meeting, the ATADA general membership meeting the next day. "ATADA has done a lot in a year," he concluded. There were three reporters in attendance, he noted. We must speak up for our rights, he emphasized. "Now the agents just listen to the tribes and archeologists. There is good law, but the agents

are overstepping their boundaries. We can turn the tide over time."

A member asked if the documents Jim Owens cited will be available at [atada.org](http://atada.org)? Jim said he will give Arch his documentation. Another member asked what the government's responsibility was for the pieces they take. Owens quoted from the recent Federal Inspector General's report (excerpted in a recent ATADA News) that 1.9 million artifacts have been lost and 65 percent of what remains is un-cataloged. "Collectors who paid for their artifacts will take better care of them than the government."

Another member offered to donate \$5000 to help pay to let a case go to trial. He challenged other members to match his pledge and contribute, so ATADA could "pick cases and start having victories." Bob Gallegos responded that we have had three different cases go to trial in the past, "and we could do so again in the future. It is a scary situation, and will take money."

Legislative-Education Committee member Wilbur Norman ended the meeting saying that ending the market for Native American artifacts would not stop looting, even if there were no market. The issue is a red herring."

The meeting was adjourned.

## ATADA Annual Meeting

Tuesday, August 17

Santa Fe Community Convention Center  
8:15 AM

Arch opened the meeting by saying that the public response to the August 2010 edition of Art and the Law series, "Federal Raids: Myth and Fact, was the "best ever." KOAT-TV, Albuquerque's ABC affiliate, devoted time on their 6 PM local news to the discussion, showing Jim Owens for about 15 seconds and then devoted an additional 15 seconds to a close-up ("in high def") and conversation about Kate Fitz Gibbon's "Native American Art and The Law: A Collector's Guide," published by the ATADA Foundation.

Arch then asked the members to look back to one year ago – "how we got here," as he said. Two weeks before Indian Market, Arch was interviewed by the Santa Fe Reporter for what turned out to be one in a series of "negative stories" about pot hunters and criminals who dealt in excavated and otherwise stolen and/or illegal artifacts. ATADA was put in a defensive position, left to reply to the newspapers that Indian art dealers were "not dishonest as has been printed."

Also in response to the situation, ATADA's board of directors met for a weekend-long retreat in Kansas City to discuss and formulate strategies and rewrite the bylaws. The board established the Legislative Education Committee. The Leg-Ed members – Bob Gallegos, Steve Elmore, Wilbur Norman, and Jim Owens – who have met and made progress in ATADA's attempt to "start to win the PR battle," Arch said. "We need a single clear message, positive and sustainable." To that end, the Leg-Ed committee have created "briefing points for a meeting Congressman Lujan's staff." In addition, there is a new 2010-11 ATADA Directory, and Kate Fitz Gibbon wrote "Native American Art and the Law: A Collector's Guide," a collector-friendly exploration of the current laws. Also, ATADA's members-only insurance program has been updated, and offers "most generous limits for items without a formal appraisal."

Kate Fitz Gibbon thanked "everybody" for their help, and congratulated the Leg-Ed Committee for their Monday program, The Federal Raids: Myth and Fact." "We must capitalize on that, and provide information." Kate said she would write a press release about the Monday meeting, and would like to include Jim Owens' research on [atada.org](http://atada.org). "We must self-police as we represent the highest standards in the trade," she added.

Leg-Ed Committee member Steve Elmore spoke then. "After the June 2009 raids, the market was in disarray. The Leg-Ed Committee started to meet every month. Position papers resulted, and were published in the Spring ATADA News. The Committee met with the press about the negative stories that appeared in the Salt Lake City Tribune, the Santa Fe New Mexican and the Albuquerque Journal. One result: press coverage of the Monday meeting. We also met with a member

of Congressman Lujan's staff, who was surprised to hear about the negative publicity. Other meetings are planned. Lujan's staff said they would 'look into legal discrepancies.' We will give written questions to the feds, asking them to clarify the law. One-third of all cases are over arrowheads – it is not legal to do that. We will try to bring pressure on the government, who are not exercising due diligence. We are 'the elders,' who know the material and have proper standards. This Committee has a multi-pronged agenda: to talk to the media, write letters to the editor. As for the New Mexican – thanks, but what about Owens' legal points? We most get our message out: we are legal and property rights still apply. We support ARPA, a good decent law. But no one else is speaking up for the collectors' point of view. ATADA must shift to an informative mission, and emphasize the joy and legality of collecting." Elmore then talked about and undercover agent named Robert Whitman who worked with Josh Baer. "Befriend and betray," Elmore said.

Elmore then discussed Geronimo's headdress, which the government said must be saved for its heritage. "But we all know Geronimo had many headdresses, and sold them himself." Elmore also recalled attorney Stephen Gruel, who spoke at the Art and the Law meeting in San Rafael in February, 2009. "He said the FBI will use 'Rico' tactics, as if we were part of an underworld/Mafia sting operation." Their agenda, Elmore said, is "to take down this market, first with pre-historic material, then historic. They are listening to tribes and archeologists. No one is speaking for the individual collector. The government won't care if we don't care about preserving our market. We are losing the media war, and we need to counter. If you want our business to be healthy, we must organize in the 11 Western states first. We must reverse or at least stem the tide."

Arch then said that we all need to look at the Committee's briefing points and consider how to get our viewpoint to the press and government.

Natalie Linn said she was contributing to good press for the American Indian art business by appearing in the PBS series "History Detectives," and that John Molloy's story on collectors that appeared in the Whitehawk publication was another contribution. "We need more," she concluded.

Arch then discussed the upcoming ATADA elections. The board will appoint a nominating committee and will present a slate of candidates by December 15. Other slates are welcome from the membership. Members will vote by email/mail. The new board will choose its own officers. "We want fresh voices," Arch said.

Treasurer Bob Gallegos said ATADA would show a \$9000 surplus, from which he will transfer \$6000-7000 into the Foundation. "These funds normally go to grants, but this year, the Foundation published Kate's booklet, our own educational cause. We will have \$7000-8000 in the Association's account by the end of the year, and we have \$12,500 in a CD we can access."

Then Arch asked for comments/questions from the floor:

Wilbur Norman thanked Steve Elmore for "making the Leg-Ed Committee meet and keep going." Norman says the committee members will take their bullet points and have meetings with local newspapers. He described the press as "amenable but ignorant. If they reprint wire stories, they should talk to us too – it is easy to do and would help us fight against wholesale ignorance."

Jack Curtright, who lives in Tacoma, WA, said that the further you get from "an art center" [read Santa Fe], the less we hear from then press. "There is no issue in Washington State." He also suggested the leg-Ed Committee have a dialogue with the National Archeological Association."

Steve Elmore agreed. "ATADA wants a seat at the table with the archeologists, Feds and tribes who are all pushing their agendas. This is what ARPA says," Steve would like to tell them. "We live within it and so should you."

Arch recommended we put together a panel to have a presentation at one of their annual meetings, "but it could be ugly."

Elaine Tucker called the federal raids, etc., "a non-issue in St. Louis. If I even talk about this, collectors get scared. Do most collectors even know?"



Kate says we should stress what we have in common with museums and archeologists.

Jim Owens said we can't put our heads in the sand, and said he would like the board to address how ATADA can respond quickly to negative press with the board's approval. The board would have to respond within 12 hours, but must in the interim give a quick legal review before any response from us goes out to the press.

Basket specialist Terry DeWald said he is asked at every show about feathers, "which we know are legal – we know our parameters."

"Basket dealers," said Steve Elmore, "should meet with their congressman with a written request for clarification of the laws."

Collector Pete Seigel, who runs a Washington PR agency, spoke next. "Every congressman is up for election this year. This is a unique window between now and November. We built a website for our clients where they enter their zip code to get information specifically for them. Yes, Steve is right – some collectors are aware and are deeply afraid. Steve is right that we must get clarification of laws, but go further to supply a draft of a letter. He then said he would volunteer to help ATADA. A round of applause followed his offer.

Steve Elmore added that "they are going after high-profile areas first. The government wants easy headlines that say they are 'saving art.' "

Ted Trotta suggested that dealers tell their clients "how wonderful it is to live with Native American artifacts. To which Steve replied that some of his clients were "nervous about their investment." Ted then said that "the negative is all that is being discussed. Let's say positive things too."

Arch replied, "Museums have wonderful things, most of them donated by collectors."

Cindy Hale, who is an appraiser in Tulsa and is on the Education/Museums Committee, reminded the group that "appraisers are also ATADA members. Museums have no funds now, and must accept donations.

Some are deaccessioning material; let's not alienate museums!"

"Our goal is a partnership with museums, who are our natural allies," Kate said.

"Cindy and Wilbur volunteered to work with museums," Arch said, "and nothing was done. Now something will be done. We will support you and Wilbur." On a different subject, Arch said that we have "ignored our collector side. Now we will have a Collector's Corner in every issue of the ATADA News profiling individual collector members. How can we better serve collectors?"

Elaine Tucker saw two problems. "ATADA needs recognition to be able to fight and have a legal stand. But we can't scare the customers or we will ruin the industry. We must fight without scaring collectors. ATADA must have political power to have clout. Dealers must have legal knowledge so they can answer collectors' questions and allay their fears."

"That's why," said Arch, the Board filters information for the press. "We must have one united voice."

Alan Kessler said that disparate groups are involved: the government, the tribes, archeologists, collectors, and dealers. "We need a dialog among these groups. Some of them seem to be against us, trying to destroy the private collecting of artifacts."

Arch: "Jonathan Batkin wrote that there were complaints about the federal government interfering with our trade as early as the 1880s."

Scott Hale than said "Yea for Kate. And what happened to the idea of engaging a lobbyist,"

Steve Elmore answered: "ATADA has grass roots – we are our own lobbyists. And lobbyists cost \$100,000 per year. Maybe in two years we'll have to work with a lobbyist, but now we have to be involved ourselves."

Ramona Morris spoke next. "A PR professional just offered us pro bono help."

Ted Trotta: "ATADA should be a brand name. We are trying to get it right. Push the positive. Our next publi-

cation should be 'The Joy of Collecting.'"

Steve reminded the group that Jim Owens' research and information will be found at [atada.org](http://atada.org).

Jack Curtright noted that "beginning collectors are coming from eBay, where they were buying bad merchandise.

Arch: "Also some good merchandise."

Steve: "The Indian Arts and Crafts Association forced eBay to change, offering only signed work. This results in restricting the historic trade. eBay sellers should group together."

Deborah Begner said she was feeling the loss of the Allard and Munn auctions, which were "a place to gather. Perhaps we could have an ATADA wholesale market just for members?"

Cindy Hale: "ATADA should have information in appropriate publications, the Indian Trader, etc."

Steve Elmore: "We need to unify the membership, and encourage our members to support committees and work on them. The individual voice is not heard. ATADA must represent the group."

Arch: "We all need to read Kate's booklet."

The meeting was adjourned.

# Repatriation by Raid

**Jim Owens' remarks prepared for the Federal Raids: Myth and Fact discussion, but not delivered then due to time constraints.**

Attempting repatriation by raids, as has occurred against dealers and collectors in New Mexico and Arizona, is simply wrong, wrong, wrong. Not only are these raids illegal, but they are unconstitutional. Further, such raids are in violation of what the federal hierarchy states are protected private property rights. These raids, usually including flak-jacketed SWAT teams, are trampling the legal rights of dealers and collectors and must be stopped. This article will discuss the law, the articles on this subject by Federal employees, and suggests remedies against Federal Agents who continue to violate the Constitution.

The most insidious and typical method used to illegally repatriate items was to target dealers and collectors simply because they owned an item claimed to be cultural property (example: sacred or ceremonial). Without any valid proof or reliable information as to the "find location," the agents involved simply alleged the item was taken from federal or Indian land and a search and/or seizure warrant was obtained. Search warrants so obtained were based on spurious evidence which when legally analyzed lacked the necessary probable cause. The business or home of the dealer or collector was then raided and the item (s) confiscated (actually many more items not covered by the warrant were randomly taken).

When a dealer or collector buys an article in the normal course of commerce, that article is his private property. He is what is legally know as a bona fide purchaser for value (UCC). Such a purchase is no different than buying a car or an article of clothing. The same can be said when one buys an arrowhead, pottery, tableta, or Hopi dance mask.

From the Yearbook of Cultural Property Law 2010, Sherry Hutt, Editor, p.14-15: "Yet, because at their most general level, cultural resources are still property, traditional principals of property law provide a legal framework and body of legal precedent that may tie into an array of cultural resource laws. ...Property ownership, whether of real or personal property, has traditionally been described as a bundle of rights including the right to buy, sell, lease, transfer, donate, alter and destroy. Property laws, including cultural resource laws, at the federal, state, and local levels impact or restrict certain of those private property rights while still respecting the Fifth Amendment prohibition against the taking of property without due process of law and just compensation applicable under the United States Constitution. ...The legal hierarchy places those laws set forth in the U.S. Constitution which reflects America's highest values as a culture, as supreme."

Once one becomes a bona fide purchaser for value, under traditional property laws, legal title vests from a seller who had title to the property involved and ownership of the item sold.

This vesting of title under American principles of ownership of property is valid no matter how culturally significant the item may be. From the Yearbook of Cultural Property Law 2010, Sherry Hutt, Editor, pg. 17: "This reflects the weight of private property rights versus the public interest under American law. Thus, regardless of the potentially national historical or cultural significance of an object, if it, or the land to which it is attached, is privately owned and was acquired by legitimate and legal means, neither the state nor the federal government has any right to the object and any government con-



trols must be consistent with comparable laws governing ordinary personal property within the limits imposed by the Fifth Amendment and the applicable state constitution."

So even for items such as tabletas or dance masks (even if considered sacred or ceremonial) the buyer is still recognized by law as the owner of that personal property. As Sherry Hutt, the head of NAGPRA and former judge noted when testifying before the Senate: "There is no provision in NAGPRA which would require the repatriation of an item for which the possessor holds lawful title. The law expressly avoids creating a 'taking' of private property to effectuate a public purpose in violation of the Fifth Amendment. Sacred objects may be individually owned and be subject to alienation pursuant to the property laws of a tribe. Items which are now considered to be cultural patrimony may not have been imbued with such distinction at the time they were separated from the group and are not subject to the requirements of NAGPRA." (Senate Committee on Indian Affairs-Hearing on implementation of NAGPRA by Sherry Hutt April 20, 1999.)

This being recognized as the law, even by the current head of NAGPRA, casts recent raids as totally illegal and an unconstitutional violation of one's property and civil rights.

Why is the repatriation by raids wrong, illegal and unconstitutional? A bona fide purchaser for value has vested title that can ONLY be voided by PROOF that his title (ownership) is void. An example of voidable title is if the seller stole the item and thereby does not have valid title. In the area of cultural property the question is whether the item was alienable (seller had the right to sell the item). These are questions that can ONLY be answered in a Court of Law. Simply because a BLM agent or tribal elder says an item is not alienable does not make the statement valid. Such statements are unproven and unsubstantiated assertions or contentions-they have no legal affect nor are they of valid basis for probable cause (for issuance of a warrant). As example, stating that an item was "danced" and that it is therefore ceremonial (making it inalienable) legally means nothing. There is no law, and to my knowledge, no legal precedence, which accepts such assertions as true. The BLM or other agencies carrying out raids are not imbued with the right to say what the law provides. Agents enforce the law, Courts determine the law. Under our American system only Courts can make such determinations.

Legally, under the Fourth and Fifth Amendments to our Constitution, what should occur to determine the lawful owner of questioned property? The party contesting ownership should be required to file a replevin action (action to recover possession of personal property claimed to be wrongfully taken) in civil court. All parties would thereby be allowed to prove their case under the Rules of Civil Procedure, not under the threat of potential criminal action. Civil courts should determine what was properly sold and whether title vested in the purchaser, as it would under standard U.S. law. Strong arm tactics or threats to purchasers are just plain wrong and contrary to U.S. legal tradition. Those claiming adverse title to artifacts should be willing to make such claims in civil court just like other Americans would have to do in similar situations.

When dealers' and collectors' constitutional rights have been violated, there is a remedy. In the case of *Bivens v. Six Unknown Named Agents* (403 U.S. 388, 1971) the U.S. Supreme Court held that there is a right to file an action against government agents

who have violated one's constitutional rights. As would be the case with dealers and collectors, subjected to illegal raids, the Bivens case involved violations of the Fourth Amendment freedom from unreasonable search and seizures by federal agents. The case holds that the victim of agents actions could sue the agents individually for violation of the victims Fourth Amendment rights.

As the Supreme Court noted: "For the reasons set forth below, I am of the opinion that federal courts do have the power to award damages for violation of 'constitutionally protected interests' and I agree with the Court that a traditional judicial remedy such as damages is appropriate to the vindication of the personal interests protected by the Fourth Amendment."

The Court, in an opinion by Justice Brennan, laid down a rule that it will imply a private action for monetary damages where no other federal remedy is provided for the vindication of a Constitutional right, based on the principle that for every wrong, there is a remedy. The Court reasoned based upon a presumption that where there is a violation of a right, the plaintiff can recover whatever he could recover under any civil actions." Wikipedia- Bivens v. Six Unknown Named Agents. 9/28/2010.

If BLM agents or other federal agents continue to trample the rights of dealers and collectors by illegal raids, those agents should be held accountable for violations of the Fourth and Fifth Amendments to the Constitution. Bivens gives that remedy with money damages against the agents involved. Such an action would go a long way to curtail similar activities against other innocent dealers and collectors.

(The above expresses the opinion of the writer and should not be considered a legal opinion. Consult your lawyer if you feel you have been a victim of unconstitutional action.)

**Here are links to two of the articles Jim used in his research, along with a very brief sample of the opening paragraphs for each article.**

[http://www.fittedshoe.com/ARCHAEOLOGY/A\\_Society\\_Of\\_Laws.htm](http://www.fittedshoe.com/ARCHAEOLOGY/A_Society_Of_Laws.htm)

**"A SOCIETY OF LAWS BY TOM BROWNER**

Laws are written when a perception that a societal problem exists, and government makes the determination that the problem must and can be corrected through legislative action. As society changes and evolves, the concerns of society and their related laws also change. The question then becomes, is there a real problem. Are we the problem? Do our actions spur the creation of new restrictive laws on our hobby? Does history support this evolution of mores and law?

Thomas Jefferson is considered the father of American Archaeology. His curiosity caused him to excavate some Adena mounds on his Virginia plantation. In the beginning this fledgling country was struggling for an identity. We lacked the large stone Basilicas, pyramids, coliseums, acropolis, etc. of the old world. We did not even have the stone cities of South America and Mexico. What we did have were earthen works. Due to a manifest destiny need to reduce the importance of the Native Americans, we tended to ignore them and focused on mythical Atlantians, lost tribes of Israel, Norsemen



and other equally ridiculous origins of the earthen mounds and enclosures. There were no laws on archaeology and religious groups, local academies of science, and the curious, all excavated and explored without the restraint of law. Their interpretations of what they found were defined by who they were and their pre-conceived expectations and beliefs. As the American population expanded, so did their contact with the mounds and monuments..."

[http://www.fittedshoe.com/ARCHAEOLOGY/kennewick\\_man\\_and\\_the\\_fight.htm](http://www.fittedshoe.com/ARCHAEOLOGY/kennewick_man_and_the_fight.htm)

"KENNEWICK MAN AND THE FIGHT OVER WHO OWNS AMERICA'S PAST Archaeology, museum collections, even the book or magazine on your shelf will be affected by the ultimate court decision on Kennewick Man. If it is illegal for the Smithsonian to have artifacts, are we to be the next target? Sounds impossible, but in a world of political correctness gone amuck, anything is possible.

It began with the Slack Farm. A field with Mississippian houses, storage pits and an occasional burial. The Archaeologist studied the site almost a hundred years ago and then abandoned the site until some collectors who were tired of walking over broken pottery, arrowheads and the occasional human bone decided to rent the site from the owner. The deal was that they would probe and dig and when done, would fill in all the holes and put the land back to it's original state. Cheryl Munson, archaeologist at the Glenn Black at the time and Indian militants stopped the digging with a police assault and created uproar in the press. The holes were forced by the powers that be, to be left open. The militants and press did the rest with pictures, articles and finally the National Geographic Article which pictured the open house floors and storage pits, Teepee's, Indians in Headdresses doing prayers etc. Within the next month or so, six different bills were sent through Congress and passed on the speed track as addendums to other legislation and were voice voted in. Since National Geographic knows a year ahead of time what they are going to publish, I maintain that there was an orchestrated tidal wave of press to build popular support from the ignorant, liberals and politically correct to create support for injured Indians and pass the bills. The fact that no Indians can make or prove a blood relationship to the Mississippian site has nothing to do with the emotion the liberals wanted to generate to pass their agenda. In a world of super records, most individuals can not tell you where their kin of only three to six generations are buried. We were asked to accept that we could cure the Manifest Destiny mistreatment of the Indians 400 years ago by ignoring that 50 generations separated the site from today's populations and that there are no related survivors. Instead we had militants from tribes in Alaska, New Mexico and Florida all claiming relationship to the Kentucky site and were photographed in feathered costumes with tepees than none of the Mississippian groups had ever used. Legislation passed, the collectors were found to be without sin and were released..."

## From an F.B.I. Perspective

**As part of "Legal and Business Perspectives in the World of Contemporary Art," a symposium held on October 21 and 22, 2010 at the Zane Bennett Gallery in Santa Fe, New Mexico, David Kice, Special Agent, FBI Santa Fe, presented "Theft, Fraud, Forgery: Cultural Property Crime in the U.S. and the FBI Art Theft Program." The two-day symposium, organized by the New Mexico Lawyers for the Arts, was intended for artists, dealers, non-profits, collectors, and visual arts organizations. Thanks to Karen Riley for these notes.**

Other talks in the symposium included: 'Dirty Tricks: Misrepresentation and Fraud in the Crafts and Artifacts Trade' by Pamela Crane; 'Estate Planning for Artists and Collectors' by Kate Fitz Gibbon; 'Gallery and Artist Partnerships' by Timothy Butler; 'Copyright – Ownership, Licensing, and Current Trends in Fair Use' by Richard Mertz; 'The State of Art Criticism vs. Advertorial Content in Today's Publications' by Kathryn Davis, and 'Appraising Art and Its Limitations' by Lorraine Ann Davis.

Mr. Kice, who has a background in archeology/anthropology and who joined the FBI nearly 15 years ago, spoke to an engaged audience, including half a dozen ATADA members.

Mr. Kice is part of the FBI Art Crime Team, a unit of thirteen special agents assisting in art-related investigations in the U.S. and abroad. He worked in conjunction with the two-

year undercover operation in Utah, Arizona, Colorado and New Mexico which recovered thousands of allegedly illicitly obtained Southwestern and Native American artifacts (the Four Corners/Santa Fe raids.)

The FBI Art Crime Team (ACT) was created in 2004 following the looting of the Baghdad Museum in Iraq in 2003. At that time, the FBI realized the need for a group of agents who were specially trained in the area of stolen and looted art. Since then, ACT has recovered approximately 2600 items of cultural property worth around \$140 million dollars. The FBI defines cultural property as: art work (paintings, sculpture, prints); antiques (furniture, clock, garden sculpture, stained glass); antiquities (ancient pottery, figurines, basketry, textile, jewelry, arrowhead and weapons), and rare books and manuscripts.

Art theft is a multi-billion dollar industry involving multi-national groups and gangs who do not necessarily specialize in cultural property theft. Mr. Kice indicated that art crime typically is perpetrated by gangs who are committing traditional crimes such as kidnapping, robbery, extortion, terrorism, drug crimes and murder. The United States is a consumer country for cultural property stolen worldwide.

He highlighted some of the FBI's "Top Ten Art Theft Crimes," including the well-publicized 1990 robbery of the Isabella Stewart Gardner museum in Boston in which thieves made off with \$300-\$500 million dollars' worth of paintings by Vermeer, Rembrandt, Degas, and Monet. Some 20 years later, the crime

remains unsolved and there currently is a \$5 million dollar reward for the safe recovery of the artwork. In December 2000, three men entered the National Swedish Museum in Stockholm, one threatened the guard with a sub-machine gun while the other two, fully armed, within minutes removed three paintings, Rembrandt's Self Portrait and Renoir's Young Parisian and Conversation with a Gardner, and escaped by motor boat. Explosions they had set off around the city served as a successful diversion. The \$36 million dollar theft was solved in 2005 with the final recovery of all of the paintings. In July 2006, ACT agents in Miami recovered 169 artifacts from Ecuador valued at \$2 million dollars. Another 600 plus artifacts were recovered by Ecuadorian police.

Most art stolen within the United States is obtained from non-organized residential burglaries seldom involving violence, where lower value items are targeted often for drug money, and the theft of art is a "theft of opportunity."

With regard to art theft from museums, approximately 80% of the cases reported to the FBI are committed by insiders - by museum staff or by those in a position of trust. Museum thefts are most often from collection storage areas and not exhibition spaces.

FBI jurisdiction in art crimes includes interstate transportation of stolen property aka the National Stolen Property Act 2314/2315 which prohibits the transportation in interstate or foreign commerce of any goods with a value of \$5,000. It also prohibits

the receipt, possession, concealment, and fencing of such items, if it was known that they were illegally obtained. Interestingly, this statute can extend to internet and cell phone calls, given that service providers are often located in multiple, out-of-state locations.

Jurisdiction also extends to mail fraud and swindle by wire, radio and TV. The mail fraud statute prohibits using the mail or a private or commercial interstate carrier to execute a scheme or artifice to defraud. The wire fraud statute prohibits transmittal in interstate or foreign commerce by wire, radio, or television of the communication of writings, signs, signals, pictures, or sounds to execute a scheme or artifice to defraud.

The Theft of Major Artwork Statute makes it a federal offense to obtain by theft or fraud any object of cultural heritage from a museum. It also prohibits the fencing or possession of such objects, if they are known to be stolen or obtained by fraud. The statute does not require movement of stolen property across state lines for a federal offense, and there is a 20 year statute of limitations.

Mr. Kice then detailed the best ways to protect cultural property, which include keeping insurance and inventories up-to-date, and, in order to avoid theft, cataloging all collections and maintaining a backup copy of object records. Included in the catalog should be a physical description of the type of object, its title and maker/artist, its date or period, the materials and techniques used, measurements, notations as to inscriptions and

markings and distinguishing features, and a short description of the object. He went on to describe that before a theft occurs, it is imperative to review security procedures, update authorization levels and access procedures to collection areas, monitor or escort people entering storage areas, assess exhibit areas for security of display cases, and evaluate security measures outside of the building. Institutions should check employment references and perform criminal history checks on all employees, prepare an institutional emergency plan that addresses property theft, and ask law enforcement to walk through and advise on security measures. Also, it is a good idea to keep in touch with law enforcement about criminal activity or events that would endanger collections, consult with insurance companies about improving security, to make staff aware of security concerns, and perform visual inventory and spot checks.

When a theft does occur, the police should be notified immediately, and the crime scene should be left completely undisturbed. The FBI should be called if any stolen objects fulfill the Theft of Major Artwork Statute (the collection is a public museum collection, objects are over 100 years old and over \$5000 in value, or are over \$100,000 in value.) Determination should be made as to the last time the stolen object was seen, and what happened to the area where the object was since then. If possible, witnesses should be used to gather pertinent information, and a written description of the stolen objects, with images, if possible, should be prepared. Even if there is no FBI jurisdiction,

the agency can assist local and state authorities in getting stolen works entered into national and international databases.

In order to recover from a theft, one should evaluate the theft and determine continuing threats to the collection and upgrade security as necessary. Statements should be prepared for media and a strategy should be formulated for how to deal with public relations. A theft report and photos to circulate to libraries, dealers, and auction houses should be prepared, and a follow-up with law enforcement should follow.

With regard to art fraud, the most common scheme is simple insurance fraud involving theft or damage claims. More complex investment fraud schemes involve the appraisal of art at an artificially high value, later used as bogus investment or collateral. Straight forgery is also another common form of art fraud. Forgery, the intentional or unintentional sale of fraudulent fine art, is extremely common, and some experts estimate that as much of 30% of all fine art sold in the world was not created by the artist to whom it is attributed. Instances of forgery can be reduced by authentication by art historian, dealer or curator who uses qualitative analysis that relies on scientific material analysis and provenance.

In the Southwest, antiquities crimes is a more significant problem for the FBI than fine art theft or fraud. Federal jurisdiction includes the Archaeological Resource Protection Act (ARPA), the Native American Grave Protection and Repatriation Act (NAGPRA), and the Theft of Gov-

ernment Property, Theft of Tribal Property, and ITSP. A continuing significant case for the agency is that of the Four Corners area.

The Indian Arts and Crafts Act makes it a federal crime to market any art or craft in a way that suggests it is Native American made if it is not actually made by a registered member of a federally or state recognized Native American tribe. This is a potential five year felony, carrying a \$1 million dollar fine.

In his final remarks before the talk broke up into a question and answer session, Mr. Kice took full responsibility for the remark recently quoted in the Northern New Mexico press, attributed to an anonymous federal agent who said "It is potentially problematic to deal in this stuff. You don't always know the provenance of an object. All the more reason for the public to avoid buying antiquities. I'd like the trade to dry up." Mr Kice explained that this was an entirely personal remark and not the policy of the FBI or any other Federal Agency.

Mr. David Kice can be contacted at (505) 428-7003/david.kice@ic.fbi.gov

Bert Robinson Collection Mary Snyder Snake Basket  
Photo courtesy, Deborah and Alston Neal



## Remembering Ted Coe

***Eleanor Tullman Hancock reminisces about the man behind the groundbreaking Sacred Circles exhibit (and much more). Coe's New York Times obituary appears in the Media File in this issue.***

I first met Ted Coe in London in 1976 at the opening of the Sacred Circles exhibit, our formal introduction. In 1977, when the show opened in the United States, Ted was in Boston, following his favorite pursuit, finding material.

He was looking in a shop that carried used furniture, and spotted a native American artifact, which he purchased. Michael Kaddish, who owned the shop with his family, looked up when he saw the Kansas City address on Ted's check and asked Ted if he had seen the Sacred Circles show, and if it was any good. Ted laughed, introduced himself, and told Michael to come and see for himself as Ted's guest.

When Michael, who I knew had a passionate interest in Native American material, told me this story, I convinced him to drive to Kansas City with me and really meet Ted Coe. We spent several days as Ted's guest – very memorable – going through the exhibit with him, hitting it off, with my old Dodge hitting 77,777 as we drove back to New York (remember, it was 1977).

Ted became my mentor, my discerning client, and my friend, as he was to many others. Fortunately for me, since his sister, Nancy, and her husband, William Wixton (then director of the Metropolitan Museum's Cloisters), lived in New York, Ted always came to visit me when he visited them. His delight, whether purchasing items or explicating or just gossiping about his travels, is something I will miss terribly.

Ted's enthusiasm was infectious and benefited us all. His background in Fine Art, which was deep, communicated itself to Clare and Eugene Thaw, who, among others, helped bring respect and admiration for the field of American Indian art, which had languished too long as a Cowboy and Indian trade. I do believe we have Ted to thank for the great Cooperstown museum centered on Thaw's great collection, and some of Ted extraordinary collection can be seen at the Metropolitan Museum.

I have many fond memories of Ted, of his passion, of his deep enthusiasm – which extended to contemporary artists – and of his modesty. When I told him I was a friend of Dr. Dorothy Keur, the first Anglo to enter Mesa Verde as an anthropologist (it helped that she was only five feet tall), he insisted on meeting her and took time from a very busy schedule to have me drive him up to Riverdale, where she lived. She was then in her 70s, and frail, but she made him popovers. Over the years, until she died, he always asked me about the popover lady.

# Introducing the Collectors Guide

**This cover letter from Kate Fitz Gibbon was sent to introduce ATADA's Collector's Guide to members of the local, state and federal government. We hope that members will contact ATADA to recommend sending this letter and the Guide to one or more specific legislators.**

Dear Senator,

I write on behalf of the Board of Directors of the Antique Tribal Art Dealers Association, a national organization serving contemporary and antique tribal art dealers, collectors, and museums since 1988. Our organization is deeply concerned by the highly publicized raids on well-known art dealers in New Mexico in June 2009 and their aftermath. These raids appear to have involved overly broad applications of federal law and have had a far-reaching, negative effect on the trade in Indian art as a whole.

In order to reassure the public that trading in Indian art is in fact legal, and to inform buyers and sellers how to stay within the law, the ATADA Foundation recently published the enclosed "Native American Art and the Law: A Collector's Guide." This guide lays out the rules for collecting lawfully. It also points out contradictions in current application of U.S. law that place thousands of Americans engaged in actions expressly permitted under a specific federal law at risk of violating another general federal law.

ATADA's legislative outreach is focused on two key issues:

Improper application of the Archaeological Resources Protection Act of 1979 potentially places hundreds of thousands of Indian artworks of unknown origin into legal limbo, unable to be sold, transferred, or even to be donated to museums by their owners.

Hobbyist collectors of arrowheads are being penalized for acts that are expressly permitted by the Archaeological Resources Protection Act under another federal law, 16 U.S.C. 641. The penalties for either one of these apparently innocent activities are severe. A charge for illegal transfer of an artifact or collecting on federal lands can result in a fine of up to \$250,000 and five year sentence under the Archaeological Resources Protection Act (ARPA).

The trade in Indian art is important to the Western states' 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 annually. The director of the Albuquerque-based Indian Arts and Crafts Association stated that the market is at least 750 million dollars annually. There are hundreds of art galleries and thousands of Native Americans, many still living a traditional life, who buy and sell tribal art for their livelihood.

Legitimate public concern over looting of archaeological sites has unfairly focused on the Indian art market. The Indian art trade as a whole has suffered because of unfair and inaccurate publicity, some coming directly from federal agencies, which have lumped art dealers together with looters. Tourists are nervous about buying even contemporary art and serious collectors, whose philanthropic activities are essential to support of U.S. museums, fear that they will be targeted as wrongdoers.

All those who support legitimate collecting believe that 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.

The problem is that the source of hundreds of thousands of items that were in the market decades before passage of ARPA in 1979 simply cannot now be known. Tourists have come to

the West to buy Indian art since the 1880s - many more generations of artisans have created and sold art that is unsigned and untraceable. At least one of the raids on art dealers recently in Santa Fe was based on the sale of an object with an unknown history, a pot from the earliest period of contact with Spanish colonizers when pots were first widely traded. This pot came from a famous collection from the early 1970s and had passed through several dealers hands over the years. If such 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.

It is well-documented that since 1906, when the American Antiquities Act first made it a crime to excavate on federal and Indian lands, thousands of Americans have purchased antique Indian arts from trading posts, galleries, shows, and public auctions. In the many decades since passage of the Antiquities Act, there were no prosecutions under that law for trading Indian artifacts unless there was clear proof that objects had been illegally removed. A federal judge in New Mexico recently noted that making trade in objects of unknown origin illegal would criminalize the innocent actions of thousands of Americans who purchased Indian items before passage of ARPA and now wish to pass them on to family members or to donate them to museums. Yet today, federal agencies appear to assume that any object whose history is not known is stolen.

The second matter of concern to ATADA is the contradiction between two federal laws regarding collection of arrowheads from the surface of public lands. There are close to a hundred thousand U.S. hobbyist collectors of arrowheads who are members of societies that support only legitimate collecting. Collection of arrowheads from the surface of federal lands was expressly permitted by the Archaeological Resources Protection Act of 1979, 16 U.S.C. 470ee(g). Today, however, hobbyists

collecting legally under ARPA are ticketed and threatened with prosecution under another general federal law concerning theft of government property, 16 USC 641.

The ATADA Board of Directors urges you and your legislative staff to take a hard look at the anti-trade, anti-collector, and anti-museum perspective taken by some federal administrative agencies and propounded as "positive social policy" today. We think you will find that moderation, good stewardship, care for "orphaned" objects, educational interests and respect for traditional American property rights have been set aside in favor of extremist policies. These actions are harming our future generations' access to American history itself.

Please share our ATADA guide to federal laws with your staff. We hope you will raise questions of your own with the Department of Justice, the FBI Art Crimes Unit and the enforcement divisions of the Bureau of Land Management and National Park Service. ATADA would be happy to provide additional information at any time.

Sincerely,  
Kate Fitz Gibbon, Esq.  
Member of the Board of Directors  
Antique Tribal Art Dealers Association



# Collectors Corners

## Karen Sires



**ATADA Associate/jewelry collector Karen Sires' email address -- knifewinggal -- says it all.**

I got the bug in the early 1970s, during the big Indian craze. I was buying in earnest in 1970/71. I have the collector gene – I'm convinced collecting is genetic, and once you start...

"When I moved to Boston in 1974," Karen continues, "the first thing I did was to look for places where I could buy Indian jewelry. I started with the Yellow Pages and then continued through word-of-mouth." It was the word-of-mouth that led her to Teal McKibben. At that time, McKibben was living in Boston. She later moved to Santa Fe, where she operated La Bodega, a legendary shop on Canyon Road. The two women bonded over silver and turquoise, and Karen began to help McKibben when she exhibited at shows in Washington D.C., Chicago and Boston.

Karen's friend/mentor Teal McKibben passed away in 2006. "I learned a lot about collecting from Teal," Karen says. "I didn't have enough money to buy everything I liked, so I had to agonize over every purchase. And when I couldn't get something I really wanted, she would say, 'Don't worry, there will be another one, and it will be better.' And she was right! Teal taught me to be patient."

Circa 1974, at a show in Amherst, MA, Karen met Bob Bauver, and "we have been friends ever since." In August, Karen can frequently be found seated at the Bauver/Gallegos booth at the Whitehawk show.



Art Deco style Navajo pin – 1930's

Along with her jewelry collection, Karen also has a small collection of what she calls "tacky pottery, little touristy pieces" from Tesuque and Cochiti, mostly old but some contemporary. Karen, who grew up in Durham, NC, also collects cowboy boots and North Carolina pottery ("made in the central part of the state by descendants of English settlers. They have really beautiful glazes. Jugtown pottery is the best-known type.").

After she lost some of her collection in a home burglary in 1993, Karen keeps everything that she isn't wearing stored away. "That's the nice thing about collecting jewelry," she says, "You can wear it. I've worn Native American jewelry every day for 40 years."

Karen, who retired in 2006 as a Senior Manager at the IRS, says she "saves all year to do my major buying at the Whitehawk Show in Santa Fe in August. People bring their best to that show, and that's where I can find the best of the best." But a serious collector can't wait a year to shop, so Karen also buys at online auctions. "One of my best online finds was the huge, beautiful Leekya ring [illustrated here] that I bought for \$25. I also bought an early Navajo squash blossom necklace online that still has its wax-sealed tag from the Alvarado Hotel in Albuquerque. It came from an estate in England. Last year, I loaned it to the Albuquerque Museum for an exhibit on the Alvarado."

Karen says she is "always adding" to her collection. "I sell so I can buy more. There is always rotation as my taste changes. Some things I loved in the 1970s, I don't love now." Does she look for anything in particular? "I don't limit myself to one period or one tribe. I look for well-made pieces, good examples of their type, with quality stones."

But buying jewelry has become more expensive recently, and Karen can trace



Hopi bracelets by Ralph Tawangyaouma ca. 1950's



Cast Navajo bracelet – 1930's

DEDICATED TO THE HIGHEST STANDARDS OF DEALING AND COLLECTING ANTIQUE TRIBAL ART

the spike in prices to a specific event. "I'm astonished at the latest rise in prices for older jewelry. The recent Bonham's auctions of Lynn Trusdell's estate [December 2008, June 2009, where Bonham's Native American art specialists say "the best of the jewelry" was sold, and December 2009]. These auctions set a new bar, just as the auction of the C. G. Wallace collection at Sotheby's in 1975 changed the price structure then. It makes it much harder for me as a collector to buy good jewelry. On the other hand, I can command better prices when I decide to sell items in my collection.

"I guess the value of my collection has gone up substantially," she continues, "but I try not to think about it. I chose to collect jewelry so I could have the pleasure of wearing it. It has never been about the investment value for me.

lot looking at things piece by piece. I think a lot of people in the business don't spend enough time learning. There are so many fakes that it is scary."

Adding a new line to her collecting resume, Karen says she has started to sell on eBay. "I don't have a large and varied enough inventory to take a booth at one of the antique Indian art shows, but I do consign several items to established dealers at those shows. My sales at the shows are mostly to other dealers. I've met a lot of nice people through eBay, and I sometimes get to meet them at shows.

"I enjoy the people in this business," Karen concludes. "I've made good friends over the years, and that is important to me." Also important: "I have begun to donate items to the Wheelwright Museum for their permanent collection. I would like to think that my small contributions will help to perpetuate a love of Native American jewelry for future generations."



Turquoise and coral rings by Zuni Dan Simplicio ca. 1930 - 50's



Navajo bracelet ca. 1920

"On the flip side of this," she adds, "there are some items that aren't much more expensive than they were in the 1970's, good Santo Domingo heishe, for example. Heishe was very expensive and sought after until the introduction of Pacific Rim imitations killed the prices. It has never recovered in value. The prices for Charles Loloma jewelry seemed to peak a few years ago, but have been hurt recently by the influx of fake Loloma jewelry to the market.

"Japanese buyers and collectors are driving the prices of Hopi jewelry way up - particularly the works of such masters as Victor Coochwyetewa, Lawrence Saufkie, and

Bernard Dawahoya. Until recently, good Hopi jewelry could be found on the resale market for very reasonable prices and sold at a profit."

Karen admits to having a "sentimental favorite" from her collection: "an unusual Zuni pin with a Shalako figure inlaid in red coral that Teal left to me when she died. She bought it directly from C.G. Wallace."

Although, like any true collector, Karen Sires is always looking, she has no specific wish list: "If I see it, I'll know it. Lately, I'm interested in early Hopi smiths."

An ad for a New York men's clothing store boasts "an educated consumer is our best customer," and Karen Sires could be the poster girl for that slogan. "I've spent a lot of time trying to educate myself. I read everything. John Adair's 'Navajo and Hopi Silversmiths' is the gold standard, and I own five copies. I like Margery Bendinger's 'Indian Silver; Navajo and Pueblo Jewelers' for newer information. Most of the more recent books on Indian jewelry are more valuable for the photographs than the text. One notable exception is Jonathan Batkin's 'The Native American Curio Trade in New Mexico,' which is full of valuable well researched information. I also go to museums as often as I can. This summer, I had a tour of the Wheelwright, and I learned a

Zuni inlay pin - Shalako in Coral by Walter Nahktewa ex. C. G. Wallace collection



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## Member Publications

Allan and Carol Hayes (photographs by Allan Hayes): Pottery of the Southwest (Shire Publications, Oxford, England and New York, planned release 2011)

## From ATADA's email

### Listing Opportunity for ATADA Dealers

The North American Indian Information & Trade Center has a dedicated chapter in their revision of the Native American Directory for Fine Tribal Arts, Dealers, Auctioneers, Galleries. ATADA dealers are invited to send in a letter of request for a FREE listing! Please see web site at [www.usaindianinfo.org](http://www.usaindianinfo.org) and review the two attachments.

Debbie Sakiestewa, Revision Consultant  
Fred Synder, Director/Editor  
Indian Information and Trade Center  
PO Box 27626  
Tucson, AZ 85726  
520-622-4900  
FAX 520-622-3525  
email reply to : [info@usaindianinfo.org](mailto:info@usaindianinfo.org) , [oodhamgirl@aol.com](mailto:oodhamgirl@aol.com)

### From ATADA's email

**"California Indian Baskets: San Diego to Santa Barbara and Beyond to the San Joaquin Valley, Mountains and Deserts" by Ralph Shanks, M.A. and editor Lisa Woo Shanks**

California Indian Baskets celebrates Native American art, history, culture, native plant uses, technology, population movements, and the sharing of ideas. California Indian Baskets honors the magnificent basketry of the southern half of California including the Chumash, Cahuilla, Chemehuevi, Cupeño, Kumeyaay, Gabrielino/ Tongva, Kumeyaay, Kawaiisu, Kitanemuk, Juaneño, Paiute, Panamint Shoshone, Salinan, Serrano, Tataviam, Tubatulabal, Western Mono and Yokuts people. The book is made possible in part through the generous support and great vision of three California Indian tribes and is the result of

decades of research by basketry scholar and anthropologist Ralph Shanks.

Basketry types, cultural uses, weaving techniques, technical features, and native plant material choices are explained. Readers learn how to identify baskets by culture. Illustrated with over 175 full color photos from museum and private collections in the United States and Europe.

"This is the outstanding new companion volume to Ralph & Lisa Shanks' acclaimed Indian Baskets of Central California. The authors once again provide an authoritative book, this time on the southern half of California, of an important American art form. Excellent photography and text."

Jonathan King, The British Museum  
\$39.95 hardcover ISBN: 978-0-930268-20-6  
Costaño Books  
P.O. Box 2206  
Novato, CA 94948-2206

### From ATADA's email

We finally launched the Historic American Indian Art Radio Show. It is broadcast over the Internet so your physical location and proximity isn't a concern.

As the name suggests, the show is about different aspects of historic Native American art, as well as the cultural aspects that influenced this art.

The first episode was broadcast live on August 2nd and is now archived on the website.

Our first topic, "Images of Power" focused on the powerful images that appeared on shields, drums and other personal items and the real purpose that these images served. My special guest was Bruce VanLandingham who joined me in the studio for this discussion.

To access this broadcast go to <http://www.aarin-richardtribal.com/radioshow.php> This will take you directly to the Radio Talk Show page which also has the photos that were discussed. Future shows will be announced there also.

Aarin Richard

## Museum Members

Weaving Heritage: Textile Masterpieces from the Burke Collection  
Oct. 2, 2010 – Feb. 27, 2011  
Burke Museum of Natural History and Culture, Seattle, WA

The Burke Museum, celebrating its 125th anniversary this year, has been collecting international textiles for over a century and holds a permanent collection of over 2,000 hand-woven pieces. The Burke textile collection has been widely used for research, but most of these works have never before been on public display. This fall, for the first time, 130 of the most beautifully designed and culturally significant textile masterpieces from the Americas, Asia, and the Pacific Islands will be displayed in a new Burke Museum exhibit.

Weaving Heritage will provide museum visitors with an opportunity to see outstanding examples of traditional textile arts from Indonesia, Micronesia, Japan, Mexico, Guatemala, China, Tibet, the Philippines, Southeast Asia, Bolivia, Peru, Chile, Ecuador, and Native American tribal groups including the Salish, Tlingit, Haida, Navajo, and Hopi.

The textiles will be complemented with examples of traditional looms, weaving tools, and touchable materials. A hands-on area will allow visitors to try simple weaving activities, handle fiber samples, and learn about weaving techniques through video and other resources.

Check [www.burkemuseum.org/events](http://www.burkemuseum.org/events) for updates to the calendar of related events.

## Theft Alert

Large Ganado-style rug. Approximate dimensions 4.5 ft by 6.5 ft.  
Tucson Police Report # 1009220779. (Officer Hurowitz, Badge #35797).

If someone brings this rug into your business, please call Tucson Police. Please try to get identification or license plate number for the person(s).

Thank you.

Joel Thall  
520-331-4818  
[realsouthwest@aol.com](mailto:realsouthwest@aol.com)

A large 1920s Zuni olla was stolen from a Tucson, Arizona shop on or about October 6, 2010. An image of this olla is posted on our Theft Alert page at: <http://www.atada.org/theft.html#rosenthalolla2010>.

### **November 6 - 7, 2010, St. Louis, Missouri**

The 2010 St. Louis Indian / Western Art Show and Sale at the Heart of St. Charles Banquet and Conference Center, 1410 S. Fifth Street in St. Charles, Missouri. The sponsor is the Gateway Indian Art Club, 342 Thunderhead Canyon Drive, Wildwood, MO 63011. Call or email Paul Calcaterra (314) 664-7517, hdttnr@sbcglobal.net, or Joyce Mundy, (636) 458-0437, joyce@mundy.net for more information.

### **November 6 - 7, 2010, Los Angeles, California**

Autry National Center Intertribal Arts Marketplace Pottery, jewelry, sculpture, paintings, mixed-media artworks, weavings, beadwork, woodcarvings, and cultural items created by more than 100 Native artists. Preview sale and reception on Friday, November 6th for museum members only.

### **November 12 - 14, 2010, Phoenix, Arizona**

Doug Allard's Big Fall Auction 2010 will be held at the The Holiday Inn Hotel & Suites, 1600 S. Country Club Dr. Mesa, AZ 85210. Day 1: Preview: 10:00 a.m. Start: 5:00 p.m.; Day 2: Preview: 8:00 a.m. Start: Noon; Day 3: Preview: 8:00 am Start: 10:00 am. Telephone: (406) 745-0500 or visit [www.allardauctions.com](http://www.allardauctions.com) for details.

### **December 4 - 5, 2010, Jemez Pueblo, New Mexico**

The Annual Jemez (Walatowa) Pueblo Winter Arts and Crafts Show is held at Jemez Pueblo Civic Center; annually, first weekend in December, phone (575) 834-7235 or visit [www.indianpueblo.org](http://www.indianpueblo.org) for details.

### **December 6, 2010, San Francisco, California**

Bonhams' Fine Native American Art, Location: San Francisco. Bonhams and Butterfields, 220 San Bruno Avenue, San Francisco, CA 94103, (415) 861-7500, [www.bonhams.com](http://www.bonhams.com).

### **December 11 - 12, 2010, Phoenix, Arizona**

The Annual Pueblo Grande Museum Indian Market the Pueblo Grande Museum will host its 34th Annual Indian Market Saturday December 11th from 9:30am 5:00pm & Sunday, December 12th, 2010, from 9:30am 4:00pm at its original home - the Pueblo Grande Museum and Archaeological Park located near 44th Street and Washington Street. Please call (602) 495-0901 for more information.

## Commercial Shows and Auctions 2011

### **January, 2011, Alamogordo, New Mexico**

The R.G. Munn Auction LLC will be holding their monthly one day auctions from 1000 Zuni Dr, Alamogordo, NM 88310. They will also be an online auctions at [www.icollector.com](http://www.icollector.com) Please contact R.G. Munn Auction, LLC, PO Pox 705, Cloudcroft, NM 88713, or by phone at (575) 434-8861 for more information.

**January 8 - 9, 2011, Litchfield Park, Arizona** - event and dates to be confirmed Litchfield Park Native American Art Festival "The Gathering" Native American art, entertainment and food. A real Native American cultural experience. Scout Park Litchfield Park, AZ 85340; Daily 10:00a.m. - 5:00p.m. For more information, phone (623) 935-5033

### **January 19 - 23, 2011, Los Angeles, California**

The Fifteenth Annual Los Angeles Art Show The 16th Annual Los Angeles Art Show in Los Angeles Convention Center. Thursday January 20, 11am-8pm; Friday January 21, 11am-8pm; Saturday January 22, 11am-8pm; Sunday January 23, 11am-5pm. Opening Night Gala - Wednesday January 19, 6pm. Location: Los Angeles Convention Center West Hall A, 1201 South Figueroa Street Los Angeles, CA 90015. For more information about exhibitors, directions and more, please visit [www.laartshow.com](http://www.laartshow.com). Phone (310) 822-9145

### **January 29-30, 2011, Mesa, Arizona**

High Noon Western Americana Show & Auction - Mesa Convention Center, 263 N Center St, Mesa, AZ 85201. Public enters antique show via Building B. Show open to the public on Sat: 9am - 4:30pm & Sun: 9:30am - 4pm; The auction is held in Phoenix Marriott Mesa; preview is January 27-29. Auction starts Saturday, January 29, 2011, 5:00 pm, sharp. For more information or to consign, visit [www.highnoon.com](http://www.highnoon.com) or contact (310) 202-9010 or [info@highnoon.com](mailto:info@highnoon.com)  
*Many ATADA members/dealers historically participate in this show - come and meet them in person*

### **February 3 - 6, 2011, San Francisco, California**

The San Francisco Arts of Pacific Asia Show - February 4 - 6, 2010; Opening preview Thursday, February 3d, 2010, 7pm - 10pm benefiting the Education Programs of the Asian Art Museum Chong-Moon Lee Center for Asian Art and Culture. The San Francisco Arts of Pacific Asia Show is an anchor event for Arte Du Monde, a celebration of the cultural arts in San Francisco. Arte Du Monde will feature educational programming and event for local and visiting cultural arts enthusiasts. Location: Fort Mason Center - Festival Pavilion Marina Blvd, San Francisco, CA. For more information, please call (415)581-3788.  
*Many ATADA members/dealers historically participate in this show - come and meet them in person*

**February 3-6, 10-13, 26-27, 2011, San Francisco, California**

Arte Du Monde SF 2011 takes place: February 3-6, 10-13, 25-27 2011. Arte Du Monde San Francisco is anchored by three major international art fairs - the San Francisco Arts of Pacific Asia Show (SFAPA); the San Francisco Tribal & Textile Arts Show (SFTTA) and Marin Show: Art of the Americas (MSAA).

**February, 2011, San Rafael, California** - event, date and topic to be confirmed

ATADA sponsored Panel Discussion:

Admission to panel discussion is free. For reservations, call (415) 927-3717 and leave a message. For more information, please contact Alice Kaufman [acek33@aol.com](mailto:acek33@aol.com)

**February 10 - 13, 2011, San Francisco, California**

The San Francisco Tribal and Textile Arts Show - February 11 - 13, 2011, Fort Mason Center, Festival Pavilion, San Francisco, CA. 100 International Dealers Exhibiting Pre-1940 Folk, Textile; Tribal Arts from Around the World; Opening preview is February 10th to benefit Textiles and the Art of Africa, Oceania, and the Americas in the de Young Museum. For more information, please call (310) 455-2886.

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

**February 10 - 14, 2011, Casa Grande, Arizona** - event and dates to be confirmed

Annual O'Odham Tash Indian Days - Casa Grande's largest annual Indian Art event held on February 11 - February 15, 2011, Parades, pow wows, queen's pageant, Indian bands, carnival, largest all Indian rodeo, arts & crafts. Call (520) 836-4723 for more information. See also Schedule of events

**February 12, 2011, San Francisco, California** - not listed in the 2011 schedule of Bonhams' Auctions

Bonhams' Fine African, Oceanic and Pre-Columbian Art, Location: San Francisco. Bonhams and Butterfields, 220 San Bruno Avenue, San Francisco, CA 94103, (415) 861-7500, [www.bonhams.com](http://www.bonhams.com).

**February 25- 27, 2011, San Rafael, California**

The 27th Marin Show: Art of the Americas by Kim Martindale will be held in the Marin Civic Center and the Embassy Suites hotel adjacent to the Civic Center on Saturday and Sunday, February 26 and 27, 2011. Opening night preview is February 25th. For more information about exhibitors, directions and more, please visit [www.MarinShow.com](http://www.MarinShow.com).

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



**March 5 - 7, 2011, Mesa, Arizona** - 2011 schedule is not available yet  
Doug Allard's Big Spring Auction 2011 will be held at the The Holiday Inn Hotel & Suites, 1600 S. Country Club Dr. Mesa, AZ 85210. Please visit the website at the end of the description to confirm auction dates and times. Example of previous auctions times - Day 1: Preview reception: 5:00 p.m.; Day 2: Preview: 8:00 a.m. Auction Start: Noon; Day3: Preview: 8:00 am; Auction Start: 10:00 am. Telephone: (406) 745-0500 or (888) 314-0343 or visit [www.allardauctions.com/](http://www.allardauctions.com/) and click Auction Calendar tab for details.

**March 5 - 6, 2011, Phoenix, Arizona**

The Heard Museum Guild Indian Market is one of the most prestigious art events in the entire Southwest. On Saturday March 5 and Sunday March 6, 2011, the Heard Museum Guild Indian Fair & Market will, for the 53rd consecutive year, be celebrated on the Heard Museum campus on Central Avenue. More than 700 premier Native American artists including potters, katsina doll carvers, basket weavers, jewelers, sculptors, weavers, clothing designers, photographers and painters and more display a stunning selection of unique fine art for viewing and purchase. Fair hours are Saturday and Sunday 9:30 a.m. - 5 p.m. Best of Show Reception is Friday, March 4, 2011 5:30 pm to 9 pm.(to be confirmed). To obtain current information, please call (602) 252-8848

**March 12, 2011, Prescott, Arizona - to be confirmed**

Smoki Museum Winter Navajo Rug Auction Preview 10 am-12 pm; Auction begins at 1 pm. Over 200 vintage and contemporary weavings. Consignments for this Navajo Rug Auction will be accepted at Oggs Hogan from March 2nd to 11th. For more information, please contact Smoki Museum, 147 N Arizona St., Prescott, AZ 86304; phone (928) 445-1230.

**March 19 - 20, 2011, Glendale, California**

The First Annual Antiques, Objects & Art L.A. Show and Sale will be held at The Glendale Civic Auditorium, 1401 N. Verdugo Rd., Glendale, CA 91208. (Centrally located in The Greater Los Angeles Area). Show hours are Saturday, March 19, 10:00am - 6:00pm & Sunday, March 20, 10:00am - 4:00pm. Admission is \$12.00 and good for both days of the show. A variety of merchandise including American Indian and ethnographic tribal arts from around the world will be on display. For more information visit our website at [www.antiquesandobjects.com](http://www.antiquesandobjects.com) or email ATADA members Ted Birbilis and Sandy Raulston at [info@antiquesandobjects.com](mailto:info@antiquesandobjects.com)

**A new Art and The Law discussion will take place in San Rafael in February 2011 as part of the Marin Show: Art of the Americas**

*See the Winter issue of the ATADA News and watch your email for details.*

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Indexing and more issues to come!



# Directory Update

## Address change:

**Ted Birbilis and Sandy Raulston**  
369 Montezuma Avenue #580  
Santa Fe, NM 87501

**David Irving**  
1259 Steele St.  
Denver, CO 80206 USA  
work 303-525-6222  
wdsi@msn.com

## New Associate Members:

**Mark A. Mackie**  
506 Horizon Way  
Santa Rosa, CA 95407 USA  
Business (707) 548-3628  
mam2mos@comcast.net

**Warren Potash**  
659 Cristina Road  
Incline Village, CA 89451 USA  
Home/Cell (775) 720-1939  
wpotash@earthlink.net

**William B. Sather**  
300 Park Central  
Georgetown, TX 78626  
(512) 931-2701  
bsather@espsares.com

**Shelton Smith**  
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Wimberley, TX 78676  
(512) 847-8080  
ssmith@sheltonsmith.com

**Constance Stein**  
217 Main St.  
Groton, NY 13073 USA

**Rhonda M. Wilkerson**  
4408 Dewees Ct  
Raleigh, NC 27612  
(919) 782-9460  
rhonda\_wilker@yahoo.com



# Welcome New Members

ATADA would like to welcome...

## Full members

**Jason Baldwin**  
**Terra Ingocnita**  
1142 West Columbia Avenue #3  
Chicago, IL 60626  
**(312) 316-7484**  
[jasbebelle@comcast.net](mailto:jasbebelle@comcast.net)  
[www.terraincognitausa.com](http://www.terraincognitausa.com)  
*Specialties: Native American, sporting art, antique guns, knives and related items*  
*Services: Dealer working on accreditation from ISA for appraisals - passed core course.*

**Bob and Teresa Dodge,**  
**Elaine Jamieson**  
**Artemis Gallery Ancient Art**  
**Teresa Dodge, Owner/Managing Director**  
PO Box 714  
Erie, CO 80516  
**(720) 890-7700**  
**Cell (720) 936-4282**  
[artemisgallery@gmail.com](mailto:artemisgallery@gmail.com)  
[teresa.artemisgallery@gmail.com](mailto:teresa.artemisgallery@gmail.com)  
[www.artemisgallery.com](http://www.artemisgallery.com)  
*Specialty: Classical Antiquities and Pre-Columbian Art from the ancient Americas/Caribbean. Online exclusively. Authenticity guaranteed.*  
*Services: Sales, consignment, appraisals, estate liquidation, TL Testing, restoration.*  
*Appraisal Specialty: Classical Antiquities and Pre-Columbian Art, all cultures, all mediums.*

**Andrea Esty**  
**AE Tribal Antiques**  
31657 Crystal Sands Drive  
Laguna Niguel, CA 92677  
[AETribalAntiques@aol.com](mailto:AETribalAntiques@aol.com)  
**(949) 887-9878**  
*Specialties: Plains and woodlands beadwork and associated items.*  
*Services: Consultations, buying and selling by appointment.*

**Dan and Monica King**  
**The Prehistoric Collector**  
10390 S Sierrita Mountain Road Road PMB 36  
Tucson, AZ 85736  
**(520) 822-1195**  
**Cell (520) 240-0532**  
**Fax (520) 822-5493**  
[rarepotteryinfo@aol.com](mailto:rarepotteryinfo@aol.com)  
[www.rarepottery.info](http://www.rarepottery.info)  
*Specialty: Southwestern Native American Pottery*  
*Services: Authentication, Restoration*

**David and Carol Watters**  
**Hoel's Indian Shop**  
9589 State Route 89A  
Sedona, AZ 86336  
[quality@hoelsindianshop.com](mailto:quality@hoelsindianshop.com)  
[www.hoelsinianshop.com](http://www.hoelsinianshop.com)  
**(928) 282-3925**  
**(928) 282-1035**  
*Specialties: The finest in antique and contemporary southwest American Indian jewelry, weavings, baskets, pottery and Katsinas.*  
*Services: Consultations, collection building, purchase of individual pieces or entire collections.*

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