# ATADA SATE OF THE ANTIQUE TRIBAL ARTI DEALERS ASSOCIATION

SPRING 2008



Member Close-Up: Arch Thiessen

Michael Auliso: The SF Tribal Art Show

Southern California Museum and Gallery Raids: Triple Coverage





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



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Folicy Statement... ATADA was formed to represent professional deciers of antique tribal art. Our objectives are to promote professional conduct among deciers and to educate others in the valuable role of tribal art in the wealth of human experience. We will develop informed opiniors 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 and publicize legislative efforts and government regulations concerning trade in tribal art, and to asses public reaction. To attain out objectives, we will actively seek suggestions from other organizations and individuals with similar interests.

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Cover: One calector's dream world - some of Chall's Thiessen's favorite antique Zuni and Navajo pins flying about - under the stained glass window that she areated for the Las Alamos Unitarian Church. See stary on page 8.

Photo Arch Triessen

Directory Updates

**New Members** 



There is an ancient Chinese curse, "May you live in interesting times!" Traditionally, boring times were good times; stability offered peace and prosperity; interesting times equated with war, regime change, and economic chaos. Clearly, we are living in interesting times!

As mentioned in my address at the Marin ATADA meeting in February, we have much to be pleased with relative to the newly revised website and ATADA Directory, which will be mailed to members as this letter goes to press. We are putting the finishing touches on our arrangements with Tribal Arts Magazine to have our publication go out to their subscribers worldwide, while each ATADA member will receive free a copy of that magazine by mail, to give a sense of what kind of readership we will be reaching; you may as individuals discover an interest to either subscribe or advertise in Tribal Arts.

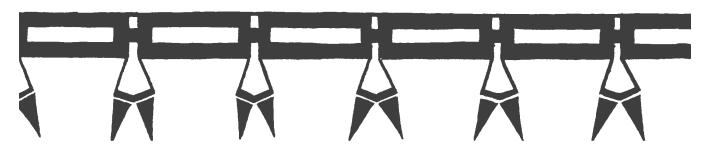
ATADA has continued its tradition of giving grants to worthy institutions, wherein every case even our small contributions can make a big difference to their bottom line and they appreciate us! On going, we remain vigilant in trying to educate the

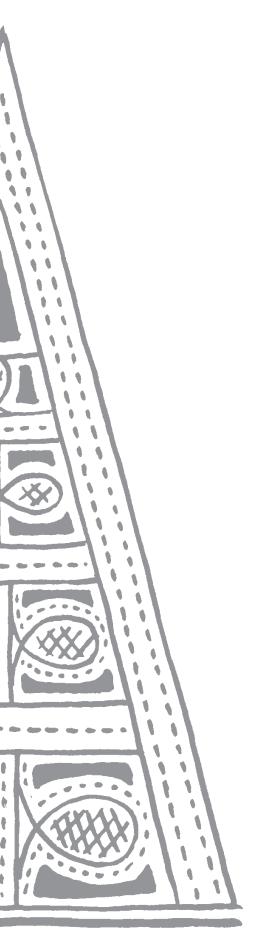
market about fakes and our insurance program is the envy of the land.

However, in spite of all of these positive reports, we need to pass on less-than-happy news coming from other quarters. Four museums in Southern California and an LA Asian art gallery were raided last January 25th by agents of the IRS, the FBI and local and state police, all sent to investigate and seize ancient Ban Chang pottery from Thailand that had allegedly been both illegally exported (and therefore illegally imported) on the one side and then fraudulently donated at what are described as overly inflated values on the other, a "perfect storm," so to speak. This concerns ATADA on many levels: for one thing, the investigation, which included putting an undercover man in place for five years, arose from a Park Ranger's pursuit of an individual said to have dealt in Neolithic Southwest pottery, illegally removed from Public and Reservation property (needless to say, something ATADA is deeply opposed to), who also handled in ancient SE Asian pottery. The government's case alleges that this trader worked hand-in-hand with a prominent Los Angeles gallery owner, who in turn made arrangements with local museums for artifacts to be accepted as a donation, describing them as art that had been held long term. This would be perfectly legitimate were it the case, but not if the intended objects were fresh into the country. The government's aggressive action involved a 7 AM simultaneous invasion of all sites, with the use of forty uniformed officers at each of the four museum venues, accompanied by the press, raiding at the same time the private homes of

museum directors, curators, appraisers, etc., most of whom had to come to the door in their pajamas rubbing sleep from their eyes not believing what they were seeing. The primary question being one of conspiracy; had the museums involved turned a "blind eye" to the question of provenance just to get the objects or were the curators and directors more "blind sided" by a clever ruse of the gallery owner to get past safeguards of due diligence long and responsibly in place?

I can unequivocally state from personal knowledge that the curators and directors of the institutions involved (and indeed all museums I have ever had contact with) operate with only the highest of ethical standards. They perform their duties, often at very low pay, for the good of the community; their mission is the preservation-of and education-about artistic expressions of world culture, which in turn serves to garner a deeper respect for the country of origin even while raising our consciousness, "art as diplomacy," so to speak. That the government's approach of stampeding into the hallowed halls with a scandal-mongering press ready to tarnish the reputations of worthy public servants is shameful. This sensationalist tactic and resulting "yellow journalism" plays readily into the hands of those that would claim the collecting of material culture of any sort is unethical and should be made illegal but does so without the full facts or a counter balanced perspective. Further, it contributes to the ill-informed and rather self-congratulatory ignorant opinion expressed by an LA Times blogger and paraphrased here, Museums are merely a social gathering place for rich people who drink cocktails and





avoid taxes with their over-inflated donations, instead of paying their fair share like the rest of us. Culture wars indeed!

In lieu of providing money to museums for acquisitions, tax breaks are one of the only ways a museum can compete in the art market. They can not win with money, but luckily there are many other motivations to donate, with tax incentives being rather far down the list. Far more compelling for wealthy donors I have met is a sense of social consciousness to improve the lives of others less fortunate. Those donations are only part of a larger program of philanthropy that may include gifts for medical research, grants for education and other worthy but under-funded endeavors that benefit society. Unspoken but understood is the added prospect of some form of immortality that will be bestowed upon them and serve as a paean to their good taste for generations to come. In this sense, museums are the cathedrals of our era, art donations the pious gifts of noblesse oblige.

If a great piece of art was bought through good fortune at below market value, which would offer an immediate uptick in value, or if it has been held long enough, like a home or stock in a company, such that its worth became greater than its cost over time (even while the dollars that measure that value decline in purchasing power), then it is reasonable that such a piece would quite rightly generate a strong evaluation, greater than its cost. However, in the way the press has covered the story, there is an implication that the appraised value is the amount deducted from the donor's taxes; it is not. The appraised value is deducted from the donor's gross income, and as most people pay approximately one third of their income in taxes, only one third of the value of the appraisal will be saved. It is for this reason that the vast majority of all donations represent pure philanthropy, as most who donate would not so readily get an evaluation higher than three times what they paid,

the break-even point where the amount they save on their taxes is equal to the cost of the object. We must further bear in mind that only one out of every three dollars above that breakeven figure will be saved directly on taxes, i.e. an object would have to evaluated six times higher than the original cost in order to save the equivalent of the amount paid for the work and recover one's cost basis. This is a far fetched and very unlikely way to make money. Why bother? They could sell the object and pay the long-term capital gains of 28%, allowing them to keep 72% of the gain instead of only one-third of what is left, and only after triple the cost has been deducted. This is what has happened when a Picasso painting of "Boy with a Pipe" sold at auction in 2004 for a then-record of over \$100 million from the Whitney estate, a family that would have in former times simply donated it. It is important for our leaders to see that a painting of the same vintage donated in 1970 may have had an appraisal valuation of \$60,000, meaning it would have cost society \$20,000 as a direct tax deduction. In retrospect, let us say for the sake of argument, were an auditor to quibble over the value, be it \$50,000 or \$60,000, and not allow the donation, that would have proven a disastrous mistake. For some \$3,350 difference of opinion, a painting that would later fetch \$100 million would be lost to the community. Therefore, I believe we should presume good faith in the integrity of museums, their personnel, appraisers, donors and dealers. Long after we are gone, society will continue to be the beneficiary if we do.

Now for the record I would like to state that I have never been remotely involved with Ban Chang pottery either personally or professionally, as I am both clumsy and live in an earthquake-prone area, a double whammy for breakage. But it does seem strange that we are witnessing such a reaction over a form of earthen ware that is so common that for the last thirty-five years that it has been available for sale in Thailand without restriction at every curio shop,

flea market and tourist hotel "antique store," and has been freely shipped, being one of the most common souvenirs (after carved wooden elephants fake Burmese Buddhas and Patpona tee shirts), literally available by the thousands, making it all but impossible for a buyer to be aware that somewhere in the Thai law code, unknowable and unreadable, that there exists an un-enforced law restricting Ban Chang export. To walk in River City, an "antique" (read fake antique) department store in Bangkok, one could never know with the hundreds of pots available, most with newly painted patterns, designed to appeal to decorators, which are in some way restricted. Indeed, as reported in the newspapers, it was the US that solicited Thailand to enforce Thai laws on American soil that got the international aspect of this case started and not the other way around, the normal route being that a country would apply for an emergency import restrictions to The Cultural Property Advisory Committee in Washington, DC who would then consider all aspects of the issue before weighing on with a policy.

And if museums got a black eye from this, dealers look even worse. It is therefore incumbent upon us that we too learn from this all-around public relations disaster. Lesson one is already familiar to some of us: that there are forces within our government not above using jack boot intimidation tactics to get their point across to museums, dealers and collectors. First and foremost, do not mess with the IRS and second, naivety is no excuse when it comes to international import restrictions. We get it!

A wise saying is "Love your enemy, as they tell you your faults." Our response must be to acknowledge that whereas abuses may have happened in the past (as witnessed by the folly of this case which to be clear did not involve any ATADA members), it is not in our interest to allow them to continue. To paraphrase a quote from one of the world's greatest Mediterranean antiquities deal-

ers, "We embrace these new tough laws, as it makes the art we offer, being both legally imported and with provenance, that much more desirable and, dare I say, far more valuable as a result!" What is needed here at home with ATADA is a continuous and rigorous re-examination of how we do business, so as to not play into their hands of those that would oppose us. To avoid trouble, we must make every effort to receive full and lawful title with well-documented provenance on all art objects we acquire and sell. For those involved with importing or exporting, accurate customs invoices and shipping documents are absolutely necessary. At the expense of stating the obvious, there must be no trade in endangered species like monkey skull fetishes from the Philippines, migratory bird feathers, etc., as that is the right thing to do, not to mention that Fish and Game are monitoring websites, trade shows, etc., and arresting foolish, dare I say stupid, sellers.

When it comes to donating, I understand the law has changed regarding who is and what is defined as a "qualified appraiser," but if that law change means excluding the expertise of dealers, then I would say this is surely a policy where the IRS has shot itself in the foot. In the course of my professional life, I have met few appraisers who know the market for many of the obscure areas of art that I work in, and I am sure that is true in other esoteric specialties represented by our constituency. Who better than a dealer to know the value of things that never come up at auction? But if the law has indeed changed, (we are looking into this further for the next ATADA newsletter) we must be aware of it and act accordingly.

For those among us who have passed the various tests which license one to be a so-called qualified appraiser, one must make sure not to succumb to pressure from clients to overvalue donations. Appraisers appraise; the history of the objects is solely the responsibility of the owner requesting the

appraisal. Clearly an ATADA member/appraiser must anticipate the question of "length of time held" in the case of evaluating for donation and ask has if the object has been in the hands of the donor for at least a year since purchase, and preferably much longer, lest we unwittingly be drawn into the problem described above. In short, we must not aggravate an already tense situation by our professional actions either as dealers or appraisers.

To that end, there is one more thing I would like to bring up on this greater topic, and that has to do with how we speak of each other. ATADA is like a family, a big sprawling dysfunctional family a lot like the one I grew up in, which is probably why I have felt comfortable here for so long. And, similar to the household of my youth, there may be an occasion when wrestling breaks out between family members. ATADA members are not divinely perfect and differences of opinion may occur. We have an in-house "conflict resolution" mechanism that I hope will be taken advantage of by both parties when such a problem might arise. None of us are immune to the stress of an economy exclaimed to be "tanking" in every newspaper. Recession, Depression, etc. Our clients read that too, and their sense of prosperity drops; the pie becomes smaller and we must compete often for what is at best a thin slice, and must frequently compete with our neighbor and fellow ATADA member.

This can lead to an explosive situation if individuals begin slandering each other. This reflects poorly on the persons involved but also on our profession. We don't need that now, as we have enough our plate as it is! So I would ask, think before you speak, "Loose lips sink ships!" Let us seek a more enlightened approach to resolving our differences. When we hurt one, we hurt all! Some comments do not dignify a response, others justify calling a lawyer! Let us as ATADA members al least try to

be civil with each other: I think membership requires and indeed entitles at least some degree of mutual respect.

Lastly, and on a much happier note, there are a couple of great exhibits up for lovers of textile art...

The Metropolitan Museum of New York is displaying a marvelous collection of Peruvian feather work from about 100 BC-1500 AD. The material may be divided into costume pieces like tabard/ponchos and ritual hanging panels; one can observe a general progression from simple abstract color fields on the earliest pieces through more representative sub-styles, including human figures and birds on later examples. On the way, you must pass the Met's newly acquired giant Kongo nail fetish, a masterpiece that nearly made me faint, I kid you not! And for those who are unaware, the Rockefeller wing has reopened after a three year reinstallation that includes much better lighting, and 25% more works on view, including some fabulous American Indian artifacts, with killer Indonesian, Polynesian, Micronesian and of course Melanesian material also present to enjoy!

The other exhibits I wish to draw your attention to are in Europe and include the magnificent once-in-a-lifetime show of Paracas textiles now on at the Musée Quai Branley in Paris; my vote for most compelling textile art in the world. Encompassing some of the oldest and finest of embroidery, these often long cloths survived in the southern Peruvian desert as mummy wraps, with bizarre iconography of flying shamans, chopped trophy heads, and psychedelic colors being part of their attraction. Also, in Berlin at the Ethnographic Museum in Dahlem, the finest assembly ever of Benin bronze appears dating mainly from the 15th-18th Century. These enigmatic masterpieces gave the lie to the Eurocentric notion that Africa was filled with savages of a low culture evolution. Please check

the Internet for more information and look about for catalogues for both shows.

I close now with a variation of the opening quote:

"Níng wéi tàipíng quan, bù zuò luànshì rén": İt's better to be a dog in a peaceful time than be a man in a chaotic period.

Or to put it my way, "May your life be interesting, but not too interesting!"

Thomas Mun

-Thomas Murray

## Editor's Notebook

Internet referrals are among the least-talked about of all Full member benefits. On an average of two-to-five times a week, I receive email inquiries from non-members who usually have something they want to have identified, appraised and/or purchased.

When replying to these people, I tell them to go to www.atada.org and scroll down through the Members Gallery, looking for appropriate dealers who can help. I hope that most of these people do go to our website and contact some of our members, and that business gets done as a result.

Several dealers, among them Harry Thomas and Frank Hill, have had success selling from our Members Gallery. Our webmaster, Arch Thiessen, would love to hear more success stories - you can send them directly to him at Webmaster@ATADA.org. See you in Santa Fe!

Alice Kaufman

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## ATADA General Membership Meeting

Wednesday, August 20 8:30 AM Hotel Santa Fe, 1501 Paseo De Peralta

Our August meeting will be held on Wednesday, August 20, at 8:30 AM at the Hotel Santa Fe. 1501 Paseo De Peralta, the same place we met last August. The hotel is at the corner of Cerrillos Road and Paseo de Peralta, a very short walk/drive to the Whitehawk show at El Museo Cultural de Santa Fe in the Railyard District. Breakfast pastries and beverages will be served. If you have any agenda items that you would like to have discussed at the meeting, please send them via email to alice@ATADA.org.

## Member Close-Up



Arch Thiessen, wearing a favorite Zuni channelwork inlay thunderbird bolo by Annie Tekala from the

#### **Arch Thiessen**

ATADA members have Arch Thiessen to thank for www.atada.org, which was a very good site when he created it in 1998, and has become a truly great site with the addition of the Members Gallery this year. Arch's late wife,

Challis, introduced him to Southwestern jewelry. Together, they started Sunshine Studio, which, with Arch at the helm since Challis's death, makes more sales - a lot more -- every year. Long-time ATADA board member ("Challis loved coming to board meetings, loved the people in ATADA"), Arch also executed president Tom Murray's dream of an elegant ATADA Directory with beautiful images. But he added his own touch: members can change their online images once a month. ATADA has a lot to thank Arch for. and the board showed our gratitude by giving Arch the fly-fishing rod of his choice, to be used when he goes trout fishing in Montana, Canada, and Chile. "A long time ago (1957)," Arch begins when asked about his background and life before he became a vital part of the tribal art community, "I went to CalTech. Never having travelled far from home in New Jersey, I got on a TWA Constellation that took off from Idlewild and landed in

California, never to return." He stayed for nine years, earning his B.S., M.S. and Ph.D. in Nuclear Physics. "In the middle of that," he remembers, "I met Challis at a college dance. We were friends for five years, then we got married."

After Arch received his final degree from CalTech, Mr. and Mrs. Thiessen drove to



Challis Thiessen wearing her favorite pendant by Lambert Homer, Sr., a concho belt by Billy Goodluck, and a bracelet by John Gordon Leak. Photo Arch Thiessen

Los Alamos, New Mexico with a pet bird and cat, where he had accepted a job as a nuclear physicist. "Actually, it was the only job I ever had." And while he worked at the Lab, Challis was what Arch calls "a

struggling artist." Circa 1970, Los Alamos was "very competitive in both physics and art." First, Challis tried working in oils --"that didn't work"; then in batik -- "that sort of worked"; and then in stained alass --"that worked!"

Arch is proudest of a stained glass window she designed and made as a commission to create the only window for the Los Alamos Unitarian Church. The window was a memorial to the church's first pastor, who had previously lived in California, where he was what Arch calls "an early ecologist," protecting and nurturing a grove of redwoods which he donated to Muir Woods. "She designed the window based on Unitarian symbolism including the Tree of Life, which in the pastor's case was a redwood. Challis's vision of a redwood stretches from the earth to the heavens, the colors from brown to pink to green to blue to orange. Challis loved to collect unusual pieces of stained glass "to be used in a project some day." She used the best of her stock of glass, and even used some slabs of petrified wood that she had collected --"she loved every little thing that was beautiful"-- in two of the logs under the tree. "It was the best thing she ever did, and was re-dedicated in April of this year."

Challis's arthritis, which she had for many years, finally prevented her from creating more stained alass pieces, and she shifted her focus from creating to collecting. Her first piece of American Indian jewelry was a Zuni Inlay pin by Dennis Edaakie,

purchased in 1967. She had started collecting Pueblo and Navajo jewelry in larger volume in the 1970s, when she and a girl friend with a Datsun 280Z frequently drove out to the Navajo reservation looking for old pawn jewelry.

By 1975, Arch recommended that she go into the jewelry business "so we could afford more." She did just that, "picking all the pieces herself," selling a lot to Jay Evetts ("he was her main customer in the early years") and Bob Bauver ("he called her the lady with the good jewelry"). She bought many jaclas; she kept the green ones and sold the blue ones to Mark Winter ("he has a shoebox overflowing with blue jaclas"). She also bought from dealers, including Ramona Morris, Bob Bauver, Marti Struever, Marcy Burns, Bob Gallegos, Pat Harrington and Jed Foutz. She bought old fetishes from Kent McManis. "The dealers all knew to ask to look in Challis's purse," as that was where she would put her pieces available for sale. Challis kept the best and sold the rest, "but she kept turning pieces over." She had a big pile of jewelry, "but back then (circa 1980), you could still get it." Arch estimates that he still owns about 1,000 pieces that Challis collected. Arch was invited to join ATADA's board in 1997/98, and volunteered to create a website for the organization. "On the board at that time, only the Begners and I knew what a website was. I had created one for Challis's business, so I knew how to do that." Arch was still working at the Lab,



but by 2000, as he put it, "science dried up at Los Alamos. It was getting harder to get money." Funding for his original project was withdrawn, and when the new project he was working on was cancelled, he retired.

After Challis died, Arch was asked to loan some of her jewelry to the American Museum of Natural History in New York for the "Totems to Turquoise" travelling exhibit. One of her favorite pieces, a Lambert Homer, Sr. pendant, was used for advertising posters and appears on the cover of the book "Totems to Turquoise." About six months to a year after Challis died in 2003, Arch decided to expand her business dramatically. Since then, he says, Sunshine Studio has had "ever expanding sales of all contemporary pieces, all on the Internet." He credits his success on the Internet both to the jewelry he has on display ("all contemporary - that's what sells for us") and to the ease with which new customers find www.sunshinestudio.com. Thanks to Arch's nimble use of the English language as it is recognized by Google, "we are in the top ten in Google searches for Zuni fetishes and American Indian jewelry."

When Challis got to know and patronize individual Zuni carvers, the focus of the business changed from a range of old jewelry to mostly contemporary Zuni fetishes. "They would make special fetishes for us," Arch says, and adds, "between 2.500 and 3.000 are available on the website, all one-of-a-kind." Arch says the business had 30 percent growth in 2007, "all through the Internet." Business at that volume keeps Arch and one full-time employee busy "many hours of the day. I hope the business keeps growing, but not much more than this." His customers are truly global, and live in Japan, Australia, Scotland, England, France, Germany, Argentina, etc., etc.

In the future - the near future - Arch plans to "finally" get to work on his long-planned book on fetishes and fetish necklaces. In ATADA's future - with help from an assistant -- Arch hopes to begin working on archiving five years worth of past issues of the ATADA News.

Arch is justifiably proud of his work on the website and on the Directory, and he is especially proud of the Theft Alerts [see the New York Times story on ATADA's Theft



The first Zuni Inlay pin that Challis purchased from Dennis Edaakie at the Santa Fe Indian Market in 1967. Photo Arch Thiessen

Alerts following this story]. The work can take a lot of time, depending on the size and the frequency of the thefts. "We had four thefts reported this week, two in one day. Getting the report together can take all day, and I want to get it done right away. Speed of reporting is at the heart of why the Theft Alert works. It is a major service, and no other professional organization does that."

"Web Sites make It Hard to Peddle Hot Renoirs" was the headline for this New York Times article that featured ATADA's Theft Alerts was published on June 22, 2000, and was written by Mindy Sink.

The price was just too good to be true. When a man came into Lewis Bobrick's gallery in Denver recently trying to sell antique Navajo rugs for next to nothing, Mr. Bobrick worried that the rugs might be stolen. While the man waited in his store to see if there was a buyer for the unique ruas, Mr. Bobrick went to the Antique Tribal Art Dealers Association Web site (www.atada.ora), where photographs and descriptions of stolen tribal artifacts can be posted.

" 'I was just really suspicious they were stolen,' Mr. Bobrick said of the rugs, which were potentially worth thousands of dollars.

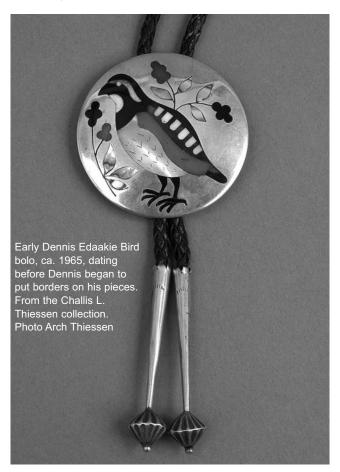
"Mr. Bobrick's suspicions were confirmed when he learned through the site that the rugs had been stolen from a gallery in Arizona two weeks earlier. Although the man left the store before Mr. Bobrick could call the police, Mr. Bobrick made calls to other gallery owners in the area, and the man was arrested at another gallery.

"Jamie Kahn, co-director of David Cook Fine American Art in Denver, used the site last fall when two men tried to sell Navajo ruas to her at a low price. 'It's definitely the first place I go if someone comes into our shop and there is something fishy about the deal,' Ms. Kahn said. 'We always ask the source of the objects. If they are evasive or don't seem to know the value, then we become suspicious.' "Theft of artwork, artifacts and antiques is an international problem and not, of course, limited to tribal works. Other less specialized sites offer similar theft-alert services.

"Among them is the Art Loss

Register, www.artloss.com, a database service that tracks international missina valuables like paintings and antiques and says it has helped recover more than 1,000 items since its inception in 1991.

"The site includes a section about artwork that was lost during the Holocaust, a lost-and-found page where visitors can read about the successful recovery of some artwork, and photographs -- which can be enlarged for better viewing -- of each currently missing object. A theft alert page on another site, www.fineanddecorativeart.com, allows viewers to scroll through a list of missing property. Among the items listed are an oil painting stolen from a home in Ireland last February and a communion service setting taken from a church in Massachusetts. A few of the postings even offer a description of the suspect -the culprit in the theft of an heirloom



replica stove in Ohio is described as 'a woman 5 feet 10 inches, dark hair, ice green eyes, a boney looking face and low raspy voice.' (The stove replica is worth \$5,000 to \$10,000.)
"Major thefts are listed at the Federal Bureau of Investigation's National Stolen Art File (www.fbi.gov/majcases/arttheft/art.htm) and at Interpol's Cultural Property Program site (www.usdoj.gov/usncb/culturehome.htm). Among the listings at the F.B.I. site are a Renoir painting and a Stradivarius violin.

"There is also a page dedicated to one of the most audacious museum thefts of recent times, the robbery at the Isabella Stewart Gardner Museum in Boston in 1990. Works by Manet, Degas, Rembrandt and Vermeer worth several hundred million dollars were among those stolen by two men, posing as Boston police officers, who tied up the museum's security guards and took the video surveillance tape with them when they left.

"While no single Indian-art theft can match the Gardner Museum robbery in magnitude, there are plenty of smaller thefts noted on the tribal art dealers' site. The list includes images and descriptions of Hopi bowls and jars stolen from a California museum, Navajo rugs stolen from a residence in Wyoming, photogravures by the Indian photographer Edward Curtis missing from a gallery in Washington and dozens of other American Indian collectibles.

"Although the Antique Tribal Art Dealers Association (ATADA) is a membership organization, any individual or business can post a notice about lost or stolen goods, and officials at the site have previously posted notices on behalf of the Zuni Pueblo in New Mexico and the Hopi Indians when they learned of thefts of tribal art. There is no fee to post a theft

alert on the site, and a gallery owner in New Mexico who lost goods to thieves last month said that was quite a saving.

" 'We spent about \$800 to make some color brochures that we could give out,' said the theft victim, Al Anthony Jr., owner of the Adobe Gallery in Albuquerque. 'It didn't cost anything but a little time to post the pictures on our own site or ATADA.' "



## The Caskey-Lees San Francisco Tribal Art Show: A Dealer's **Perspective**

ATADA thanks Michael Auliso for allowing us to reprint this story from his website, tribalmania.com.

This annual Tribal Art Show event located on the waterfront Marina at Fort Mason is a "Must See" for everyone! We were blessed with gorgeous sunny weather which sent attendance soaring. This is an "energized" event which continuously expands each year. If you attend only one tribal show per year it should be this one. If you're attending the show for the first time give yourself plenty of time (at least two days) to see everything as the event can seem overwhelming. It's fairly obvious that this show has become the best tribal show in the world, attracting the finest dealers, showing the highest forms of the various tribal arts. Booths have grown more sophisticated and refined, boosting the overall appearance of the show, which has never looked better! San Francisco is "The" destination for Tribal Art enthusiasts.

This year the Gala Preview opening benefited the de Young Museum's departments of Textiles, Art of Africa, Oceania and the Americas. All of the important museum donors were in attendance. On Friday night there was a separate event at the de Young Museum for dealers and lenders of Tribal art. The dealer organization "San Francisco Tribal" was a co-sponsor. John Friede led an exciting & informative tour explaining some of his pieces currently housed in the permanent col-



lection

The pulse of the marketplace: Many dealers reported that sales this year were off 10% to 20% or more. With 103 dealers under "one roof" and a finite number of buyers not every dealer will have a successful show. The softer sales may be attributed to two factors. The U.S. economic slowdown and looming recession is likely a factor but probably not the main one since most collectors buy art with discretionary income. The larger long term factor seems directly related to the weakening U.S. dollar.

It seems that fewer American Collectors are traveling to Europe and buying art these days. There was apparently a substantial drop in American buyers from Summer Bruneaf Fair to the Winter Bruneaf. The European dealers are especially feeling the slowdown and are more dependant on their base of customers back home. As a result the European dealers, despite their increased purchasing power, were far less active buying at the show this year. In fact they were eager to "sell", adjusting their prices to tempt U.S. collectors.

That said a healthy number of dealers sold over \$100,000 in material and some did many times over that! For example, Joel Cooner had a stellar show selling a New Guinea Mindia Figure for six figures from the Masco Collection. Other dealer's reporting a very successful show include Vicki Shiba (Mill Valley, CA), Michael Hamson (Palos Verdes Estates CA), Michael Evans (Pennsylvania) and Tribalmania. Although I didn't speak to each of my European colleagues, Dalton Somare' (Milan Italy) reported strong African Art sales as usual. Other European dealers such as Jack Sadovnic (Brussels) and Joaquin Pecci (Brussels) got off to a slow start but they finished strong. Dave DeRoche (Piedmont CA) chose not

to exhibit at the show after the promoters strategically moved him to the back from a prime space in the front of the show (shared by Jo De Buck). Deroche had occupied that same space for 15 years. Instead Dave hosted several art openings in his home including a Sunday morning brunch. He tells me it was a fabulous success vastly exceeding his expectations. Less wool more wood: This year there was an intentional shift in the composition of dealers. There were fewer Carpet/Rug dealers and more Tribal Art dealers giving the show more focus and cohesiveness.

Vetting--The show the customers don't see: The process of vetting material for authenticity is seldom pretty but always daunting and sometimes subjective.

Occasionally pieces are removed which should stay in and pieces are left in which should be removed. This is especially true of African and to a lesser extent Indonesian Material. It has been said many times but there is a dire need for the vetting to be done by outside independent experts. This is partially being done with Oceanic Art having John Friede and David Rosenthal (non-exhibiting dealer) on the Vetting committee.



## **Marin Meeting Minutes**

**ATADA Executive Board Meeting** Thursday, February 21 San Rafael, California

Present: **Bob Bauver Merrill Domas Roger Fry Bob Gallegos** Alice Kaufman Ramona Morris **Tom Murray** Mike McKissick **Arch Thiessen** Len Weakley



After thanking Arch for his significant contribution to what President Tom Murray called the "internatialization" of ATADA. the board gave Arch the fly fishing rod of his choice as a way of saying thank you for his major part in the creation and maintenance of the 2008 print and online Directories. Tom called the creation of the Directories "the major accomplishment of the year" and proposed a toast to Arch.

After thanking the board for the gift, Arch said that his assistant could take over some of the tasks to allow him to start to step back from his (all-volunteer) responsibilities. As we hire someone to take over from him, he can train that person. His current assistant, Arch said, can start with the day-to-day tasks, and she knows the software. The technical aspects of the job will still be done by Arch in the near future.

Arch said the things that need upgrading

on the website include the calendar, and the archive of stories from the ATADA News ("we should choose things of lasting value, for instance Jennifer Lieberman's story on charitable donations and the IRS"). In addition, we can take advantage of new techniques and upgrade the website to become "snazzier." Arch proposed that we pay his assistant (or whomever we hire) "the usual fee to maintain/manage a website: a few thousand dollars a year?" We have a reputation for having good content, not fluff, he added, so an orderly succession is really important.

Tom proposed that we assign funds to be used to hire Karen Riley, Arch's assistant, to start taking over some of his ATADArelated tasks. Her payment is to be determined.

Tom then addressed the issue of the ATADA Directory. As this years was so expensive to print and distribute to our members, to people who answered an ad offering a free Directory in American Indian Art magazine and to 4000 subscribers to Tribal Art magazine, many of them in Europe, Tom envisions waiting at least two years before printing another Directory. There would be supplements printed for new members and people who have changed their listings. Updates would be on-going for the Members Gallery at www.atada.org.

Tom called the expense for the original 2008 printing "an up-front expense which can be amortized in the future as we expand to Europe and Asia." The trickle down effect is good for ATADA, he added.

Then Tom talked about the possibility of sending a representative to a major fair in Hong Kong as part of ATADA's global outreach effort as well as a way to get beyond ATADA's convention market.

Ramona Morris said that she thought Asia might be "a continent too far," and that we should consider fairs in Paris and Belgium instead.

Roger Fry agreed, saying that Europe is the logical place to start to break into the world market.

Tom said that Europe is expensive now, but that mailing our Directory to Tribal Art subscribers in Europe will "put ATADA in their minds." Tom said he would speak to show promoters in Europe about possible ATADA participation. There are shows in June in Brussels and September in Paris.

Ramona pointed out that we'd need to be invited to show; "ask Tad [Dale] and Chris [Selser]."

Roger asked how to get an invitation, and suggested we invite members who have exhibited at European shows to talk to the board.

Tom said we could rent a gallery space near the fair; contribute to their organization; and/or associate with Tribal Arts magazine. The price of joining the group and renting exhibit space for one of the shows is (or was) \$3500.

[Update: On April 11, President Tom Murray sent the following email to the board members: "I have spoken with the owner of the Parcourse Du Monde art Fair which takes place in Paris in Sept...he said that he will reserve - for free - a table in a large room with other museums and publishers... we may feature our catalog at that time and give it away to all passing

people!"]

There was general agreement that when branching out, ATADA should turn to Europe first, then possibly Asia. One way would be to send an ATADA representative with high-priced material (Merrill Domas: "Kachinas and sculptural pieces are what Europeans like - it comes from their interest in African art.").

Bob Gallegos said the general membership could see a conflict if a dealer was the representative, and Roger suggested that the Executive Director could be the representative, and that material could come from the dealer/members.

Len said that we could rent a space if we didn't get a booth at an actual show.

Tom suggested that several dealers could collaborate on one show in a gallery they and ATADA would rent.

Treasurer Bob Gallegos reminded the group that board members Brant Mackley and Michael Evens would be exhibiting at and/or attending those European fairs, and said that ATADA could not afford to send anyone on our own this year.

Tom said that due to expenses, perhaps we could stagger events in the future, alternating the printing of a catalog, an award dinner, and a European show. These could be rotating projects, each designed to raise ATADA's profile.

Tom then talked about the federal raids on Southern California museums and a gallery (see the first story in Media File in this issue). He called the raids "a disaster for any of us who make a living importing art, and said they were the culmination of

a five-year investigation headed by the woman who took part in the Josh Bear sting."

The IRS is sending a message, Tom said: 'Don't mess with us vis-à-vis donations.' Importing "anything from under the ground" could also be suspect, if not illegal. "This is not a local problem," Tom stressed, and said the undercover agents also visited a private museum in Chicago amd private collectors in other locations. The IRS, he said, was not allowing dealer appraisals, but only appraisers who are members of the society of appraisers, and was questioning possible inflation of values and how imported pieces were brought into the country. He called the whole thing "a big scary issue."

Bob Gallegos said that ATADA needed to develop a receipt to avoid future problems.

Tom said that the U.S. government was stressing cultural issues, and that pre-1990 imported material was "pretty much safe," but that a dealer or collector could lose the piece anyway. We need to develop a receipt that wil cover all the bases.

"Even a receipt may not help," Roger said, "but could prevent criminal prosecution."

Len Weakley said that if the federal government is pushing this policy, we must fight it. We want to stand up for our rights.

It happens on an individual basis, Bob Gallegos replied, so unless ATADA backs the person being prosecuted... But if you hve a proper receipt, it helps, and we may need unique, situational receipts as well.

Roger and Len agreed to develop a template for a receipt that would be created with NAGPRA, Unesco, ARPA, CITES and other federal regulations in mind.

Moving on to promotion of ATADA, Tom said that Art & Antiques magazine has "a new commitment to tribal art," and that we should consider advertising there, perhaps offering a free Directory. "We need to raise our profile, find new advertising outlets."

Len told the board that he and Roger have prepared sets of old and proposed new by-laws, with the overall concept: what really happens v. what the by-laws say. When our actions differ from the bylaws, Len said, we should change the bylaws to suit the situation. In the proposed new by-laws, the board is referred to as the Executive Board.

Arch pointed out that we must reword the language of our guarantee on the website. Len and Roger said they would develop the new guarantee. Bob Gallegos asked that the new guarantee be "more specific" and have a box to check for restoration.

Tom asked that we have a special box in the ATADA News for ATADA meeting announcement.

Mike McKissick addressed the board for Peter Carl, who wants to "put our name out there in a tribal context." The board gareed to Peter's request to fund a booth at the Red Earth event in Oklahoma. The booth will be manned by local ATADA members, including Peter, Mike (who will attend) and Cindy Hale.

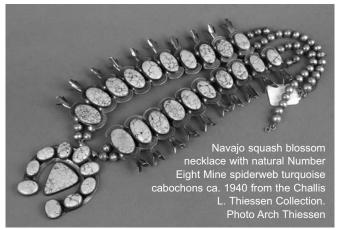
# ATADA General Meeting Minutes

Sunday 2/24/08 San Rafael, California

ATADA thanks Kim Martindale for allowing our board meeting to be held in a private dining room at the Embassy Suites and our General Membership meeting to be held in a meeting room in the Exhibit Hall, which made attendance convenient for many of our dealer/members who were exhibiting and shopping at Kim's Marin Art of the Americas show. This was the first time a General Membership meeting was held in February; in the past, we met once a year in Santa Fe, and will again this August. We will meet on the morning of the last day of the Whitehawk show, Wednesday, August 20, at the same place as last year, the Hotel Santa Fe, which is a very short walk to the El Museo Railyard exhibit space.

President Thomas Murray addressed a modest group of members (the crowd grew to a more-than-respectable number as the meeting went on and the hour got later), by saying there are two levels of membership: "the believers, who will attend an ATADA meeting in the pouring rain at 9 AM Sunday morning; their rewards will be in the next life," Tom promised. The other level of members: "everyone else."

Starting now, Tom said, we will have General Membership meetings twice a year, once in Marin and once in Santa Fe, in hopes of encouraging more interaction between members and the executive board. "We have to concern ourselves with issues facing tribal art dealers



and society at large," he said, and appealed to the membership for new ideas, strategies as to how to position ourselves in a "relatively hostile environment."

Tom also said that in the months since we raised the annual dues for Full members to \$400 and Associates to \$200, he was proud to have "the results at hand," the print version of the new Directory, which Tom called a sophisticated effort to demonstrate the quality of goods offered by our members. Directories will be mailed to 4,000 Tribal Arts magazine subscribers, many in Europe and Asia, and will be mailed to dozens of people who responded to ATADA's ad in American Indian Art magazine offering free Directories.

As the Directories were expensive to print and mail, Tom envisions that this book could have a two/three year lifespan, with addenda published in the intervening years.

The website, however, will be updated monthly, on the first of each month, if members so request, making it "dynamic" and able to attract return visitors.

Tom also pointed out that in the Winter 2008 issue of the ATADA News, he introduced what he hopes will be an ongoing

feature, "Postcards." Tom's first Postcard was a description of his visit to the Sheldon Jackson Museum in Sitka, Alaska, illustrated with pictures Tom took himself. Tom said he'd like to increase content of the newsletter and to upgrade the visual images, using, when possible, images from museum collections. His experience at the Sheldon Jackson Museum is a model of how such relationships can work.

Tom then paid tribute to Arch Thiessen, ATADA's webmaster, who "helps us reach out to the world." Arch also compiled the 2008 Directory (In a comment to the meeting, Arch compared that experience to "turning the Queen Mary around in New York harbor"). As of late February, Arch said that about 10 of 150 pieces shown in the Members Gallery on www.atada.org had already sold, and reminded members that they could change their image and caption once a month. The cut-off day to change a website image, he said, is the last day of each month for posting on the first of the next month.

Tom also discussed "big brother" in the Indian art business, particularly in relation to material with feathers, cultural patrimony and archeological material taken from federal land as well as export-import issues for material from South and Central America.

"Now art from Africa, southeast Asia, etc. is subject to import restrictions as well," he said, adding that the government is "sending a message." His theory: because the Iraq War is a PR disaster in the world, the State Department wants to improve the US's image abroad, and has decided to concentrate on cultural patrimony, enforcing laws other countries

haven't been willing to enforce themselves.

Tom said ATADA needed to simplify the augrantee and also construct a purchase order for members to use when buying from others "to demonstrate good faith, a formulaic, structured purchase order" that could help legally if questions arise later. Such a purchase order would put the onus on the seller to establish the legality of their object." Our legal team is working on creating such a purchase order.



Tom then told the story of the Southern California museum and gallery raids by 30 policemen, federal agents and IRS agents "per museum." At the center of the story: material from a 1964 pottery discovery that the government calls stolen goods, even though they were being openly sold. One lesson to take away:

never donate anything to a museum the same year as you acquire it unless at cost price.

Tom says he "sees the noose getting tighter" on museums and collectors. "Just because I'm paranoid doesn't mean they are not out to get me," he said. "Be more effective in buying, selling, and documenting sales with history and an accurate description from importers," he advised. "You must be ready for scrutiny."

In addition, Tom pointed out, our by-laws say that

we are honest, sell authentic goods and are sensitive to cultural patrimony regulations. "Any one of us could be squashed like a bug. But together, collectively, we can fight back, give each other mutual support and anticipate and avoid making foolish mistakes."

Tom then introduced Mark Johnson, a Los Angeles tribal art dealer who covered the museum and gallery raids on his blog, http://thetribalbeat.blogspot.com. Tom told the meeting that Mark had been a member of ATADA in the organization's second year, then left, but plans to rejoin.

Mark took a skeptical view of the federal raids, saying that some parts of the affidavits had yet to be proven, that the newspaper stories were "overblown" and

that the objects in question "are not an issue in Thailand." But the government "got what they wanted," by throwing a scare into museums "the next level down" from the Met and the Getty and "every appraiser is tightening up." Three-quarters of the responses to the LA Times article on the raids were negative, Johnson said.

Ted Trotta proposed that in the same manner as American Indian Art magazine publishes Legal Briefs in every issue, perhaps ATADA should post a similar feature on

our website, only with the emphasis on government sting operations. "Thousands would be interested." he said.

Philip Garaway said that ATADA should help to "bring parties together, making legalities of sales clear to everyone involved, so that dealers, collectors and anthropologists should not be paranoid."

Tom then discussed the "globalization of the economy," and how some artifacts





were discovered not by looting but in the process of excavation for building.

Mark added that in a cultural patrimony war with anthropologists, "my object would literally rot in the jungle. We must keep bringing these issues to the attention of the public, regularly and consistently.

Bob Gallegos then spoke about the UNIDROIT laws (Bob participated in the drafting of these laws in New York City and had some influence on the outcome, but "everything can change if reality intrudes." We as a group have to understand the laws, he advised. Understanding what is and isn't legal and having good receipts is "our best hope." "But ideas change as people in charge change," he reminded the membership. "And when we buy from auction houses, we must get a piece's provenance, or at least signed releases. But it is up to each dealer to do due diligence."

Elaine Tucker said she was concerned about buyers "in this economy" and feared that we were losing "the middle buyers."

Deborah Begner agreed with Elaine, and would like ATADA to focus on dealers and what we can do as a group for dealers. Most legal topics apply to a limited number of dealers. More positive PR, perhaps in shelter and design magazines, could encourage sales.

Ads in Art & Auction magazine could work also, could encourage 80,000 readers to go to our website to see the

Members Gallery.

Bob Gallegos reminded the members that the Directory will end up costing about \$20,000, and we can only take on small expenditures for the near future.

Jack Curtwright brought up the idea of having an ATADA-produced show.

Tom said any show had to be in the right location at the right time in order to make money.

Mike McKissick suggested that we work with veteran promoters if we put n a show, and then split any profits with them. It could take more than a year or two to plan such a show, he said.

Ted Trotta suggested Brussels for such a show, and Mike McKissick questioned whether there was a customer base there or we would "just buy from each other." Tom said that exhibiting internationally was "on the front burner," and that we could rent a gallery at a time and place that would coincide with a major show in Europe or even Asia and keep our prices reasonable.

The meeting was then adjourned.

## From ATADA's email:

More about the Southern California museum and gallery raids
Pioneering German artist Johann Dieter
Wassmann's THE HEAVENS, BAN CHIANG,
1896 raises unanswered questions over provenance of antiquities. As seen on http://museumzeitraum.blogspot.com/

Questions have surfaced in Leipzig this week raising doubts in relation to the current controversy in the United States over Ban Chiang antiquities held in several American museum collections.

In an article that will appear in this Sunday's New York Times, Jori Finkel asserts that Ban Chiang works were only discovered in northeast Thailand in 1966, by Harvard student Steve Young. As a result, Ms. Finkel explains, "... antiquities that left Thailand after 1961, when the country enacted its antiquities law, could be considered stolen under American law. And since Ban Chaing material was not excavated until well after that date, practically all Ban Chiang material in the United States could qualify."

Curators at MuseumZeitraum Leipzig have pointed out this week, however, that the pioneering German modernist Johann Dieter Wassmann (1841-1898) completed an assemblage work in 1896 containing a late-period 400 B.C. - 100 A.D. Ban Chiang pedestal pot. The Heavens: Ban Chiang, 1896 is part of Wassmann's seminal 33-work Der Ring des Nibelungen (Ring Cycle) 1895-1897 - so-called after Richard Wagner's "Ring Cycle." The work includes such early surrealist devices as clay pipes and glass eyeballs,

but uses as its central motif the Ban Chiang pot. Each piece in this remarkable 33-work ensemble takes the form of a pine box, shaped as an isosceles trapezoid, with the glass front constituting the smaller of the two parallel planes. When assembled in three groups, 11 boxes are positioned to form a circle, with the fronts facing inward, toward one another, rather than outward toward the viewer.

In January, four California museums were raided by federal agents as part of a federal inquiry into the handling of Ban Chiang artifacts. The affidavits filed by agents to obtain search warrants go so far as to make the legal argument that almost all Ban Chiang material in the United States is stolen property.

In her article, Ms. Finkel goes on to point out that, "Among the many American museums with Ban Chiang artifacts are the Metropolitan Museum of Art in New York; the Freer and Cackler Galleries in Washington; the Museum of Fine Arts, Boston; the Cleveland Museum of Art; the Minneapolis Institute of Arts; and the Asian Art Museum in San Francisco."

The prospect that a Ban Chiang artifact reached Europe three-quarters of a century prior to the Thai export ban raises unanswered questions about the provenance of works in U.S. collections.

Wassmann traveled through southeast Asia in 1887 after visiting Australia, where the German engineer and part-time artist had been contracted to design a sewerage management system for Sydney. Failure of the New South Wales government to pass the required appropriations funding led to Wassmann's early departure from Sydney in July 1887. Seasonal trade winds required returning to Europe

via the 'tea routes' of the Asian archipelago.

Wassmann's diary from these travels indcate his purchase of, "a small, but exquisite pot of fine geometric design, formal, while exhibiting a light but generous presence of the artist's hand." The purchase appears to have been made from villagers on the Thai coast. It seems unlikely Wassmann traveled any deeper into Thailand to reach Ban Chiang in the northeast, suggesting local trade in these antiquities was active in the late 19th century.

For enquiries, or a reproduction quality colour ipea of The Heavens: Ban Chiana, 1896, please contact MuseumZeitraum Leipzig director Sophie Vogt.

Peter K. Tompa Dillingham & Murphy, LLP 1155 Connecticut Avenue, NW Washington, D.C. 20036 Telephone: (202) 835-9880 Facsimile: (202) 835-9885 pkt@dillinghammurphy.com



## From ATADA's email:

## A Fan Letter to ATADA from a Collector

Hello,

I wanted to compliment ATADA on its new Members Directory and Gallery format. Thanks to the new display I was able to purchase a great piece of jewelry and make the virtual acquaintance of a dealer who was new to me. Although I do travel, I'm not able to attend many of the shows so I often depend on dealer web sites and listings such as yours to add to my collection. Thanks again for this helpful resource.

Lisa Lehman Fairbanks, Alaska

## From ATADA's email:

#### **Indonesian Textiles**

SAVE THE DATE

Saturday, October 18, 2008 Talking Cloth: New Studies on Indonesian Textiles Join us in a full day of lectures featuring international scholars discussing their recent research and discoveries regarding the textiles of Indonesia. The Fourth R. L Shep Triennial Symposium on Textiles and Dress Leo S. Bing Theater Los Angeles County Museum of Art For information e-mail: shepsymposium@lacma.org

## From ATADA's email:

#### Southwest Traders Rendezvous

The Cortez Cultural Center in Cortez, CO will host the second annual Southwest Traders Rendezvous, Sept. 27-28, 2008. This unique and historic gathering of Southwestern Indian Traders brings together generations of Indian traders from throughout the Southwest to honor them for their contributions to Native American cultures, commerce, and the arts. This event includes story telling, lectures, exhibits and films, field trips, traditional foods and a banquet. On Sunday Sept. 28, rug and craft auction and appraisals are scheduled.

For Information contact Frank Lister at 970-565-1151 or www.cortezculturalcenter.org

# From Thomas Murray's email:

Excerpts from curator Rosemary Calton's reaction to an ATADA grant for the Sheldon Jackson Museum grant that will help to finance museum programs.

Thank you for the great news! It will actually help balance my budget just about perfectly!

We have 3 Tlingit, 1 Yup'ik, 1 Inupiat, 1 Aleut/Alutiiq and 2 Athabascan artists scheduled. The Yup'ik basket weaver (originally from Nunivak Is) has never been to the museum so she will have the opportunity to study the collection as well as demonstrate for our visitors!

We will be sure the board gets the press release that goes out at the beginning of summer about the artist! They will also be thanked on our gallery supporters list. Unfortunately it's too late to include them on the poster/calendar we send out but will get recognition in our other press.

We are always happy to accommodate researchers as best we can.



## Directory Updates

ATADA apologizes to Gregory Ghent and Ron Van Anda, who were inadvertently left out of the printed 2008 Directory. You can, however, access Gregory's and Ron's information and images in the Members Gallery at www.atada.org. Here are their Directory listings:

## Gregory Ghent Art Appraisals Gregory Ghent, Appraiser

PO Box 70031 Point Richmond, CA 94807 USA (510) 232-0818

#### www.gregoryghent.com

Specialties: Professional appraisals of Tribal and Pre-Columbian art for insurance, tax deductible gifts, estate taxes, equitable distribution of assets, loss claims.

Services: On-site inspection, photography, research and analysis, certified report.

#### Van Anda's Antiques Ron Van Anda

P.O. Box 272 Lititz, PA 17543 (717) 626-4978 goldqrtz@ptd.net

Specialties: Plains Indian material

### **Additional Updates**

Jim Conley jimconleyethnicart@gmail.com

Darlene Fredrick ddfredrick@comcast.net

## New Links to www.atada.org

tribalartinnyc.com http://www.tribalartinnyc.com

## Welcome New members

ATADA would like to welcome...



Southwestern Restorations Nancye Hudgins Briggs, Owner PMB 1212, 5109 82nd St. # 7 Lubbock, TX 79424 USA (806) 771-1099 home (806) 241-7154 cell

www.southwesternrestorations.com swrestorations@nts-online.net





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