

To all ATADA Members, Museum Associates, Private Collectors and Supporters of the preservation and study of tribal arts around the world:

Thank you for making ATADA the premier Native American and international tribal art organization in the US. More than ever, ATADA's voice is being heard in Washington and around the country. Last year, you helped us to protect the interests of small businesses, art fairs, auction houses, small museums and private collectors. You supported our efforts to make common cause with colleagues in the wider art world. You helped us to educate legislators and the public about the dangers of ill-considered laws, treaties and agreements that would sequester all art in the country of origin and infringe on the privacy rights on honest citizens.

2019 and early 2020 have been a very active time for our organization. As we predicted, a new, even more restrictive STOP Act was introduced in 2019 and continues to be a major issue in 2020. New money laundering legislation that would place a heavy financial burden on small businesses and specifically directed against the art and antiquities trade passed the House of Representatives in 2019 and is now being taken up in the Senate. In 2019, we successfully challenged a Montana bill that would have meant the loss of businesses and private collections across that state.

We have focused our efforts on providing legislators with positive, fact-based solutions. Our work has resulted in the defeat or delay of damaging legislation on federal and state levels. At the same time, we have expanded ATADA's extremely successful Voluntary Returns Program. Our community-based outreach to tribes stresses partnership with legitimate businesses to protect tribal resources and cultural heritage, advocating together for increased federal support for indigenous peoples.

ATADA is once again fighting the good fight

for ethical and responsible trade in tribal and ethnographic art, for preservation, and for access for all. We need your continued support to protect you, your business and your collections in the coming year. Here is just some of what we accomplished in 2019!

MONTANA BILL HB637

In March 2019, ATADA successfully argued against an attempt to pre-empt private ownership rights in Montana. A legislator had introduced a bill that made it illegal to "purposely or knowingly buy, sell, exchange, distribute, market, or otherwise conduct a commercial transaction for profit that involves an object of cultural patrimony or a sacred object." Cultural patrimony included virtually any Native American object that had "ongoing historical, traditional, or cultural importance central to an Indian tribe, group, or culture." The bill gave an Indian-majority burial board, previously tasked with dealing with unmarked graves and other finds of human remains, the job of deciding whether items, including private property of collectors and inventory of businesses, were sacred or inalienable cultural patrimony, and deciding whether current owners or tribal claimants owned them. It did not allow outside experts or appeal.

The bill, HB 637, could have made the trade and collecting of Indian art and artifacts a minefield for dealers, collectors, and museums, in which

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they would face severe fines or jail time simply for buying or selling items long in circulation. Thanks to an intensive educational campaign about the harmful effects of the legislation, the bill failed to get out of committee.

MONEY LAUNDERING LEGISLATION

In October 2019, the House of Representatives passed H.R. 2514, imposing privacy-destroying Bank Secrecy Act anti-money laundering rules on “antiquities” dealers, without defining what an “antiquity” is. ATADA opposes the bill, which is supported by anti-art trade extremists in partnership with vendors who sell anti-money-laundering services. There is no evidence of U.S. money laundering through art. The bill is currently before the U.S. Senate, which is considering expanding it to cover all art dealers.

STOP ACT III

A third version of the Safeguard Tribal Objects of Patrimony (STOP) Act, S.2165, H.R. 3846, was introduced in July 2019. Sponsors claimed the STOP Act would “prohibit the exporting of sacred Native American items and increase penalties for stealing and illegally trafficking tribal cultural patrimony.”

The 2019-2020 STOP Act requires a permit for export of items as low as \$1 in value and keeps secret what can't be exported. It can require every person carrying or shipping an Indian item out of the U.S., including small items purchased by tourists, to submit a photograph and a form through a federal system that will have to be created from scratch. Each item will be subject to tribal review by the 568 federally registered tribes, Hawaiian organizations and Alaskan villages. The review system will operate in secret, and without any time limit.

Because the bill can include commercial items, it will force people to guess whether they need to apply for a permit. There is not even a way to find out the reason for a seizure through a Freedom

of Information Act request and there is little an exporter can do to appeal.

In 2018, ATADA worked together with tribes and legislators to craft a bill that was designed to enhance protections for Native American cultural heritage. It established a practical system for export based around a U.S. Customs system already in place, enabled tribal review, punished violators, and at the same time, allowed businesses to self-certify low value items so the trade in Indian arts and crafts would not come to a halt. The legislative session ended with that bill still in committee and unfortunately, the 2019 STOP Act fails to consider the solutions agreed to in 2018.

In early 2020, Board member Bob Gallegos met with 14 legislative offices to talk about ATADA's community-based work and to show them how the latest version of the STOP Act would discourage all trade in Indian art, harm Native artisans, destroy value in legally-owned private property, and undermine due process.

AUCTIONS, ART FAIRS, SMALL BUSINESSES AND COLLECTORS AT RISK

Anti-art trade activists continue to challenge private collecting, museum donation, and traditional sales venues in other ways. The Association on American Indian Affairs continues to seek tribal pre-approval of auction and other sales of antiques and even contemporary artworks such as kachinas and other carvings. ATADA's bylaws establish protections against all unlawful sales and encourage the return of sacred items in current use to tribes, but ATADA policies also insist on federally-mandated constitutional and privacy rights of citizens to lawfully trade, collect, and donate artworks to museums.

In all these ways and more, ATADA is working to keep you and your collections safe from government overreach. We've done great work but our resources are exhausted, and we need your help to meet these challenges. You can make that difference right now!

Questions? Contact David at director@atada.org

Visit atada.org/legal-issues to learn more about ATADA actions.