

NATIVE AMERICAN ART & ARTIFACTS

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Many an American kid has run, full of anticipation, into a newly plowed spring field, muddy sneakers sinking into the airy fresh-turned soil, eyes keenly tuned for that glint in the sun that speaks of amazing treasure: an arrowhead or spear point that has bubbled its way up through the depths of time, across years as well as feet of dirt. What hands chipped away the edges of flint or obsidian, what arms were cut by the flying shards, what did this field look like back then, and did the point ever find its way home into the flesh of some animal that later bubbled in the stew pot over an open fire – or into the bone of some enemy as he crept up on the tribal village late at night? The pointed stone then finds its way into small hands and then into a backpack, and off to school to be admired by a circle of envious friends, and then off to a shelf, perhaps collecting dust, perhaps traveling off to college, or being framed with others and sold to a bigger collector, or donated to the local historical society.

Collecting Native American artifacts holds attraction for adults as well, so much so that a booming business has evolved of galleries and dealers dedicated to marketing stone points, pottery, weavings, beads, and countless other objects to customers who love the aesthetic beauty and historical richness of Native items – or who are looking to recapture that wonderful sense of finding, without the

uncertainty of traipsing through a muddy field. While collectors of antiquities from all over the world get the benefit of physical contact with the historical past of another culture (see prior article on Artifacts and Antiquities), American collectors of Native American art get an even more immediate sense of connection with the prior inhabitants of the land they live on. The hands that carved that pointed stone or threw that pot not only lived long ago – they stood right where the finder was standing, only so many turns of the world before.

Over the last several decades, the indigenous people of the United States have been struggling to reclaim and preserve their cultural identities, not as curiosities to be gawked at under museum glass, but as a living heritage to be actively

shared with present and future generations. As current American citizens have come to recognize the racial injustices of the past which robbed many Native American groups (and others) of their cultural heritage, Congress has adopted a series of laws designed to attempt to restore, at least on some limited basis, some of what has been lost.

Many of these laws intersect to create a complex web for collectors and dealers. For example, the Endangered Species Act and Migratory Bird Treaty Act preclude dealing in items containing material from protected species, such as feathers from protected birds.

The Native American Graves Protection and Repatriation Act (NAGPRA) is a federal statute, adopted in 1990, that requires federal agencies, as well as all public and private

museums, other than the Smithsonian, that have received federal funding, to return certain Native American artifacts including human remains, funerary objects, and other sacred objects, to the lineal descendants or culturally affiliated persons of the original owners. Only federally recognized tribes, as well as recognized Native Alaskan and Native Hawaiian organizations may claim repatriation of these remains and objects. And the Archeological Resources Protection Act precludes dealing in items recovered from public, federal, or Indian lands.

Recent years have seen a growing list of art dealers charged with crimes for their handling of Native objects in violation of federal statutes. The federal statutes don't require private collectors to return personally held items – but they may preclude the present owners from selling the items, or preclude museums from obtaining them, or dealers from re-selling them in the future. The highly-publicized arrests of various dealers, as well as uncertainty as to which objects are protected by statute and which are not, has led to anxiety amongst collectors and dealers, but it has also led to the return of thousands of sacred objects to the tribes from which they were originally taken.

The laws protecting Native American sacred objects have also led to unprecedented co-operation between some

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Native groups and the various museums who have had to catalogue and research their native artifacts holdings. One of the best examples of this might be the return of 69 sacred Ahayu:da figures to the Zuni Pueblo of New Mexico. The figures had formed a collection gathered from 37 different sources, which made its way into the Smithsonian Museum. The Smithsonian is exempt from NAGPRA; however, the Zuni people approached the museum with perseverance over the course of more than 15 years, and impressed upon museum personnel the necessity of returning the figures to restore balance and harmony to the people, according to the Zuni world-view. The museum had concerns regarding both the identification of the figures, and about security measures that would protect the figures from being stolen or vandalized in the future. The Zuni community learned from the museum regarding the security and maintenance of its sacred objects, and Zuni artists had an opportunity to study other artifacts like pottery within the Smithsonian collection. At the same time, the Smithsonian gained a wealth of knowledge regarding the identification, use, and display of other Zuni objects and items from other nearby tribes that it held in its collection.

Many other museums and private collectors have followed suit, researching objects in their collections and contacting Native groups to learn more about the objects, and returning them to the people from which they were taken where the sacred or cultural nature of the object makes such return appropriate. Not all Native items must be repatriated. Objects

that were privately (and legally) collected and are of a utilitarian nature rather than ‘sacred,’ such as cooking pots, arrowheads, beads and clothing, as well as paintings and sculptures not associated with funerary or religious practices, can usually be legally owned and sold by private collectors and dealers.

HOW TO ENSURE YOUR COLLECTION IS LEGAL

Balance and Harmony are not only valued elements of Zuni culture, they are good watchwords for all collectors of Native American art. To ensure that your collection is legal, and reflects good art investment practices while respecting Native culture, be certain to ensure authenticity and legitimacy of all objects you acquire. Make sure you understand the nature of the object you are buying – is it merely a decorative pottery vessel, or was it used in funeral ceremonies? Take pictures of it and consult with Native cultural experts at a local university, or from the object’s tribe of origin, if you have any doubts. This is one of the harmonious silver linings to the cloud of anxiety surrounding Native American art objects – the more all collectors learn about the art objects they acquire, the more valuable the

collections become, and the greater and more accurate public knowledge that is developed about the items will further enhance appreciation and understanding of Native culture and designs.

If you are purchasing an object for your collection, in addition to appropriate documentation of source and authenticity, you should request that the seller register the object on Fine Art Registry™ before your purchase, and then document the transfer to you in the provenance record. If they refuse and you still decide to acquire the object, you should register the item yourself as soon as you can, to begin to establish a record of provenance containing all the information you can gather about the item.

Registration with Fine Art Registry is also invaluable if you decide to repatriate an object from your collection to the descendants of its Native American source, or if you are a member of or working with a Native American group which is regaining these misappropriated items. Concern about security of these valued items is warranted, which is another harmonious development of the changing societal attitudes and legal protections

for Native art: with a growing appreciation of and respect for Native culture, society has realized that Native sacred objects are valuable to all of us, and while repatriating them to their sources is appropriate, none of us want to see them stolen or harmed again. By registering these items with Fine Art Registry, photographing them and placing them in a display gallery on the FAR® website, thefts are deterred because resale is made considerably more difficult when the public can easily see that the items are legitimately owned by someone other than the thief. At the same time, the photos and registration allow the public to see, admire, and learn about the items.

Finally, as an alternative to collecting Native American artifacts and historic objects, consider turning your love of Native design to the growing array of present Native American artists who incorporate the cultural heritage and iconography into new works of art. Your support of these artists will help continue a living heritage which respects the old while moving forward into the future of art and culture – and finding a new painting, weaving, or sculpture from an artist you just discovered is just as exciting as finding those arrowheads out in the field – minus the mud. 📖



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