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Udall Leads Senate Hearing in ABQ on Action to Prevent Theft, Illegal Possession, Sale of Tribal Cultural Items

Hearing at Indian Pueblo Cultural Center shines light on loopholes in the law, devastating impact on Tribal cultural identity; Udall and Heinrich have introduced legislation to increase penalties, urge federal action

ALBUQUERQUE, NM - Today, U.S. Senator Tom Udall chaired a hearing of the Senate Indian Affairs Committee on the critically important issue of the theft and sale of Tribal religious and cultural items and its impact on Tribal communities. Udall was joined by Senator Martin Heinrich and testimony was provided by Acoma Pueblo Governor Kurt Riley, Isleta Pueblo Governor and Chairman of the All Pueblo Council of Governors Paul Torres, and Navajo President Russell Begaye. A video of the full hearing is available [here](#).

Udall, a member of the Indian Affairs Committee, called the hearing to discuss steps that must be taken to close loopholes in existing laws, push federal agencies to enforce the laws, and ensure Tribes are able to play an active part in preventing the sale and transfer of cultural items.

"We must shine a bright light on the problem of theft and sale of sacred Native American cultural items," Udall said. "Such crimes are an assault on the cultural identity of Native American Tribes. And today's hearing is an important step in our work to stop this practice in its tracks."

The issue of the theft and sale of Native American cultural items came into the national media spotlight when a shield of the Pueblo of Acoma was put up for sale in a Paris auction house. Udall, Heinrich and other U.S. government officials successfully weighed in to stop the sale. But while that outcome was positive, the problem is still widespread, and not enough is being done to stop it, Udall said.

"Native Americans have been the victims of theft and looting for generations. Looters have even taken the human remains of the ancestors of many of the Tribes here today," Udall said. "We have passed laws to stop it. But people are exploiting the loopholes in our current laws to sell these objects as art. They are not pieces of art - they are spiritual objects, deeply important for Tribal identity. Theft not only robs Tribes of sacred objects, it robs them of a piece of their spiritual identity. We must put a stop to it."

Udall has passed a resolution in the Senate that condemns the sale and theft of important cultural items and directs federal agencies to enforce the law and ensure items are returned to their Native American owners. The [Protection of the Right of Tribes to stop the Export of Cultural and Traditional \(PROTECT\) Patrimony Resolution](#) was cosponsored by Heinrich, and a similar version was offered by U.S. Rep. Steve Pearce in the House. Passage by the full Congress is expected as early as November.

Udall is also a cosponsor of the Safeguard Tribal Objects of Patrimony (STOP) Act, introduced by Heinrich, to prohibit exportation of cultural items, increase penalties and establish a group of Tribal members dedicated to preventing future mishandling of cultural items.

New Mexico is at the center of the problem, and Udall said he thought it was important to hold the hearing in Indian Country. Over 100 people attended, including leaders from New Mexico's 23 Tribes, art dealers, officials from several federal agencies, and others.

While the purpose of today's hearing was to discuss the important issues and their impact on Tribal members, Udall said he will push for a legislative hearing on the STOP Act when Congress returns to session in November.

Udall's full opening statement follows:

Good Morning. I call this hearing to order.

Today, the Committee will hold an oversight hearing on "The Theft, Illegal Possession, Sale, Transfer and Export of Tribal Cultural Items." Welcome everyone to Albuquerque and to Indian Country.

I want to thank the Pueblo Governors for hosting us here at the beautiful Indian Pueblo Cultural Center. I felt that it was very important to have this discussion in New Mexico. We are home to 23 Tribes, and I am very pleased that we were able to hold this very important hearing here with the many Tribal leaders in attendance.

I also would like to thank my colleague, Senator Heinrich, for joining me today. Senator Heinrich has been working very hard on this issue. I appreciate his work, and I appreciate our partnership on this topic.

In New Mexico, we have a rich cultural history rooted in Native American tradition. It is the bedrock of who we are as New Mexicans. We celebrate Native American culture in our food, language, architecture, and art. We even celebrate the contributions of New Mexico's Native Americans in Washington.

New Mexico is represented in the Capitol building by a statue of Po'Pay -- the Tewa religious leader from Ohkay Owingeh Pueblo who led the Pueblo of Revolt of 1680. The statue is one of two selected by the New Mexico State Legislature to be displayed in Washington.

Although we celebrate our Native American contributions to our culture and heritage, we also must work together to address challenges facing Indian Country. We must do more to provide an excellent education and quality health care for our Tribal members. And we must help Tribes protect their cultural identity by preserving Native languages, Tribal religion, and lands.

I take my responsibility for representing Indian Country in Washington very seriously. I work hard to facilitate a government-to-government relationship and to help preserve cultural identity for future generations of Tribal members. That is why we all are very disturbed about the ongoing problems posed by the theft and sale of cultural items.

Over many years, people have looted and sold important Tribal artifacts for financial gain. Looters have even taken the human remains of the ancestors of many of the Tribal members here today.

Over the last 30 years or so, we have become more aware of the problem. And we have made meaningful progress to pass laws to stop it - like the Native American Graves Repatriation Act and the Archaeological Resources Protection Act.

But the problem still exists. The enforcement of those laws has not been strong enough. Some people are exploiting the loopholes in our current laws - laws that are meant to stop the theft of important cultural items. And they have exported deeply important sacred objects to other countries to be sold as art.

These items are not pieces of art. They are spiritual objects, deeply important for tribal identity. And we need to put a stop to the trafficking of these objects.

In the Senate, I introduced a resolution that strongly condemns the theft, illegal possession or sale and export of Tribal cultural items. It calls on the federal agencies to take affirmative action to stop the aforementioned practices -- and work to secure repatriation of Tribal cultural items back to the Tribes.

It also encourages state and local governments - along with groups and organizations - to work cooperatively to deter these practices.

My resolution is the companion to a House resolution introduced by Congressman Steve Pearce. We successfully passed it out of the Senate with minor changes. And I hope that we'll see that finalized quickly in November.

I also joined Senator Heinrich on his legislation, the Safeguard Tribal Objects of Patrimony Act, the STOP Act. It would prohibit the exporting of sacred Native American items and increase penalties for stealing and illegally trafficking Tribal patrimony. This is an important piece of legislation. I hope it will provide the agencies the tools they need to prevent the export of sacred objects and items of cultural patrimony. I will work with this Committee to make sure that this legislation gets a hearing soon.

Earlier this year, I raised this issue with Secretary Jewell. I asked for the Department of the Interior to work on this issue as part of its trust responsibility. Secretary Jewell assured me that the administration is committed to dealing with this problem. And she highlighted her efforts with her French counterparts.

We have reason for hope - with an example involving the Pueblo of Acoma. An upcoming auction of the Acoma Shield in Paris was canceled after outreach to the auction house and French government by myself, Senator Heinrich, and other U.S. government officials, including Secretary Jewell.

This is a problem that affects all of us -- and we need to work collectively to put a stop to it.

This hearing is an opportunity to discuss the issue, to talk about its impact on Tribal communities and to discuss what the federal government can do to put

a stop to the theft and sale of important Tribal cultural items. My hope is that this hearing will shine a light on this problem and result in strong action on this very important issue.

Again, I appreciate and thank the administration and other witnesses for working with us on this issue, and would like turn it over to Senator Heinrich for his opening statement.