

May 27, 2015

The Honorable François Hollande
Président de la République Française
Palais de l'Elysée
55, rue du faubourg Saint-Honoré
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FRANCE

BY EMAIL & TELEFAX

RE: AUCTION SALE OF SACRED HOPI OBJECTS SCHEDULED FOR JUNE 1, 2015

Mr. President Hollande,

We, the undersigned, are the directors or leaders of several large U.S. institutions with significant collections and interests in Native American art and culture. Collectively, our staffs consist of leading scholars in the field of Native American studies who have significant and long-standing expertise and knowledge of the culture of Native American groups in the Southwest United States, including the Hopi Tribe and the New Mexico Pueblo tribes. Over the past 3 years, we have been appalled by the continued willingness of auction houses in Paris, and in particular the EVE auction house, to proceed with sales which include items described by the Hopi Tribe as “katsina friends,” and that the auction houses have offensively described as “masques katsinam.”

Several of us have, on prior occasions, requested that these auction houses withdraw the katsina friends from sale and that these sacred, communally owned objects be promptly returned to the Hopi and other Pueblo tribes who are their rightful owners. As we have explained in the past, the katsina friends are communal property and cannot be sold by any tribal individual. Furthermore, while katsina friends can be held and cared for by individuals, they belong to the communities from which they come and are cared for by specific ceremonial societies or clans. Under both tribal custom and tribal, state and federal law, they cannot be sold or given away by any individual. As a result, they cannot be legitimately privately owned by individual collectors or institutions, as legal title under tribal, state and federal law could never pass to anyone other than the applicable tribe. Thus, the sale of such items constitutes the sale of stolen property, which is obviously legally prohibited, both in the United States and around the world. While the Hopi Tribe first enacted statutes specifically prohibiting the sale of katsina friends and other communal religious objects in the 1970s, the Hopi and other tribes have openly and notoriously prohibited such sales by communal law and custom since the first contact with non-Natives in the Southwest.

Today, the sale of such objects violates various federal, state and tribal statutes that protect the United States' cultural resources and tribal property, and prohibit trafficking in stolen goods and various species of birds. In addition to these laws, U.S. case law has clearly established that buying or selling katsina friends is a crime under the Native American Graves Protection and Repatriation Act (“NAGPRA”). EVE auction house's statements that NAGPRA

does not have criminal prohibitions on the trafficking in katsina friends or in other NAGPRA defined sacred objects and objects of cultural patrimony are a blatant and offensive misstatement of U.S. law.

As such, we are shocked to hear that the EVE auction house has, yet again, scheduled another sale that includes the illegal sale of several katsina friends for June 1, 2015 in Paris.

As we have indicated on prior occasions, we can reasonably assert that the proposed sale of these katsina friends, and the international exposure of them, is not only illegal, but is causing and will continue to cause significant outrage, sadness and distress among members the affected tribes. For them, katsina friends are living beings, which is why they are called “friends” (kwatsi) in the Hopi language. The friends are loved, cared for, and ceremonially fed. They are a connection between the human world and the spirits of all living things and the ancestors. To be displayed disembodied in an auction catalogue and on the internet is sacrilegious and offensive. If one claims to value these katsina friends as “works of art”, one must also respect the people who made them and the native traditions that govern their ownership and use. As fellow human beings, it is our hope that you will offer understanding and empathy to the tribal people who are so deeply damaged and affected by this proposed sale. You cannot honor and value these katsina friends while dishonoring their rightful owners. These are universal principles of cross-cultural human conduct which France has continuously endorsed throughout World history.

Furthermore, we are highly concerned to have learned that, twice already, the Hopi Tribe and their representatives have attempted to suspend prior auction sales in Paris through a body controlled by your government, called the “*Conseil des Ventes Volontaires* (or “CVV”), which has the power to suspend auction sales or to force the withdrawal of certain objects from a sale where sufficient doubt exists on the provenance of these objects. We were especially appalled to learn that, twice, the CVV refused to withdraw katsina friends in prior proceedings by holding the incomprehensible position that neither the Hopi Tribe, nor individual Hopi tribal members, had any legal standing to challenge these sales. This grotesque jurisprudence flies in the face of the long-standing recognition of Native American tribal sovereignty and the fact that U.S. law clearly establishes that federally recognized Indian Tribes have the power to sue in any number of matters. The Hopi Tribe is an ancient culture — with more than 14,117 enrolled members today — that has remained steadfast to its culture, language, heritage and spirituality. It is also a sovereign nation federally recognized by the U.S. government and should be treated accordingly.

Additionally, we are quite troubled by the lack of legal equity and apparent prejudice that the French legal system opposes against American parties, such as Indian Tribes, while at the same time, French museum institutions are the first ones to seek and successfully obtain the leverage of the American legal system when they are plaintiffs in claims involving cultural property stolen in France and subsequently transferred to the United States.

On behalf of the undersigned museums, we request your official intervention to stop the June 1 auction of the katsina friends, and do everything in your power to obtain their swift and prompt restitution to the Hopi people.

Sincerely,

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