



USET

SOVEREIGNTY PROTECTION FUND

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Transmitted Electronically to:
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October 8, 2021

Marburg Auctions
3700 Davidsburg Road
Dover, PA 17315

Re: Tribal Cultural Heritage Items Present in Catalogue for Upcoming Auction

To Whom it May Concern,

On behalf of the United South and Eastern Tribes Sovereignty Protection Fund (USET SPF), we are contacting you in reference to your upcoming auction set to take place on October 9, 2021, which contains items of cultural heritage, some of which may be associated with USET SPF member Tribal Nations. We call on Marburg Auctions ("Auction House") to halt the auction and then work with Tribal Nations to identify cultural heritage items present in the catalogue with the goal of appropriately and respectfully reuniting those items with their people. USET SPF urges the Auction House to act with integrity, morality, and justice.

USET SPF is a non-profit, inter-tribal organization advocating on behalf of thirty-three (33) federally recognized Tribal Nations from the Northeastern Woodlands to the Everglades and across the Gulf of Mexico.¹ USET SPF is dedicated to promoting, protecting, and advancing the inherent sovereign rights and authorities of Tribal Nations and in assisting its membership in dealing effectively with public policy issues.

Engaging in the sale of Tribal cultural heritage items is illegal. United States federal law prohibits the possession and sale of certain protected items of Tribal cultural heritage. The Native American Graves Protection and Repatriation Act ("NAGPRA") protects cultural items. 25 U.S.C. §§ 3001–3013, 18 U.S.C. § 1170. NAGPRA defines cultural items to include human remains, funerary objects, sacred objects, and objects of cultural patrimony. 25 U.S.C. § 3001(3). NAGPRA prohibits selling, purchasing, or transporting

¹ USET SPF member Tribal Nations include: Alabama-Coushatta Tribe of Texas (TX), Aroostook Band of Micmac Indians (ME), Catawba Indian Nation (SC), Cayuga Nation (NY), Chickahominy Indian Tribe (VA), Chickahominy Indian Tribe—Eastern Division (VA), Chitimacha Tribe of Louisiana (LA), Coushatta Tribe of Louisiana (LA), Eastern Band of Cherokee Indians (NC), Houlton Band of Maliseet Indians (ME), Jena Band of Choctaw Indians (LA), Mashantucket Pequot Indian Tribe (CT), Mashpee Wampanoag Tribe (MA), Miccosukee Tribe of Indians of Florida (FL), Mississippi Band of Choctaw Indians (MS), Mohegan Tribe of Indians of Connecticut (CT), Monacan Indian Nation (VA), Nansemond Indian Nation (VA), Narragansett Indian Tribe (RI), Oneida Indian Nation (NY), Pamunkey Indian Tribe (VA), Passamaquoddy Tribe at Indian Township (ME), Passamaquoddy Tribe at Pleasant Point (ME), Penobscot Indian Nation (ME), Poarch Band of Creek Indians (AL), Rappahannock Tribe (VA), Saint Regis Mohawk Tribe (NY), Seminole Tribe of Florida (FL), Seneca Nation of Indians (NY), Shinnecock Indian Nation (NY), Tunica-Biloxi Tribe of Louisiana (LA), Upper Mattaponi Indian Tribe (VA) and the Wampanoag Tribe of Gay Head (Aquinnah) (MA).

Because there is Strength in Unity

for sale cultural items that were obtained in violation of NAGPRA. 18 U.S.C. § 1170. The Archaeological Resources Protection Act ("ARPA") protects archaeological resources. 16 U.S.C. §§ 470aa–470mm. Archaeological resources are defined to include material remains of past human life or activities that are of archaeological interest and are at least 100 years old. *Id.* § 470bb(1). ARPA bars selling, purchasing, or transporting archaeological resources obtained in violation of ARPA or other federal or state laws. *Id.* § 470ee(b)(1), (b)(2), (c).

Tribal cultural heritage items are irreplaceable to us, and they are necessary for the continued cultural practices of our people. For too long, USET SPF Tribal Nations, and Tribal Nations across the country, have faced the ongoing theft and commercial sale of these items. They are part of us and part of our communities, and they must come home. As we seek to return them to their rightful places, USET SPF calls on the Auction House to be part of the story of reuniting the Tribal cultural heritage items present in the catalogue with their respective Tribal Nations.

Sincerely,



Kirk Francis
President



Kitcki A. Carroll
Executive Director