



All Pueblo
Council of
Governors

Officers:
Wilfred Herrera, Jr., Chairman
Governor Phillip A. Perez, Vice-Chair
David M. Toledo, Secretary

VIA EMAIL

April 29, 2021

Acoma

Cochiti

Isleta

Jemez

Laguna

Nambe

Ohkay Owingeh

Picuris

Pojoaque

Sandia

San Felipe

San Ildefonso

Santa Ana

Santa Clara

Santo Domingo

Taos

Tesuque

Ysleta Del Sur

Zia

Zuni

The Honorable Martin Heinrich
United States Senator, New Mexico
Hart Senate Office Building, 303
Washington, DC 20510

The Honorable Teresa Leger Fernandez
United States Representative, New Mexico
1432 Longworth House Office Building
Washington, DC 20515

Re: APCG Support for the Safeguard Tribal Objects of Patrimony (STOP) Act

Dear Senator Heinrich and Representative Leger Fernandez,

On behalf of the All Pueblo Council of Governors (“APCG”), I write to express our unwavering support for the Safeguard Tribal Objects of Patrimony (“STOP”) Act and hope 2021 is the year we see its passage. In 2015, APCG adopted Resolutions Nos. 2015-12 Supporting the International Repatriation and 2015-13 Supporting Efforts to STOP the Theft and Illegal Sale of Pueblo Cultural Patrimony Items Both Domestically and Abroad. The APCG continues to stand by our Resolutions supporting the introduction and passage of the STOP Act because our member Pueblos are victims of human rights violations due to the ongoing possession, display, study, and/or profit from our ancestral remains, funerary objects, sacred objects, and objects of cultural patrimony.

Our Pueblo people are deeply connected to our languages, traditions, and cultural resources, all of which embody the gifts of the Creator, to support our responsibilities to be caretakers of the present world. The APCG and its member Pueblos have endured immeasurable pain from the illegal trafficking of our Pueblo Cultural Patrimony Items, accounting to cultural loss that threatens our stewardship and way of life. Many dealers know once they export the illegally trafficked tribal cultural heritage items abroad, the federal government and tribes have little power to secure their repatriation. Congress through the PROTECT Patrimony Resolution, H.Con.Res.122, and the Government Accountability Office in report GAO-18-537 acknowledged this problem. This longstanding issue must be addressed by the federal government as an urgent matter for all 20 Pueblo Nations.

The APCG supports the STOP Act’s goals of making it more difficult to export illegally trafficked items and easier for tribes to regain their cultural heritage items from abroad. We understand there already exists an international mechanism by which



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countries may call on each other to restrict import and facilitate the repatriation of cultural property. However, an international mechanism alone cannot address the present and confounding matter relating to the illegal trafficking of cultural heritage items. An international treaty that the United States signed lays the groundwork for this cooperative action, but a country must first enact certain domestic laws to utilize the treaty: an export prohibition and accompanying export certification system. Some countries, such as France, have enacted their own domestic laws that implement the treaty and restrict import of cultural property illegally exported from a country that provides export certificates. While the United States has enacted a domestic law to aid other countries in protecting their cultural property, it has not enacted a domestic law implementing the treaty to protect tribal cultural heritage items.

In furtherance of APCG's support of the STOP Act, we endorse the additional provisions for increased penalties for violations of the Native American Graves Protection and Repatriation Act (NAGPRA). Additionally, we support its provisions facilitating greater internal coordination by the federal government, among federal government agencies and with Tribes aimed at protecting and repatriating tribal cultural heritage items, including through voluntary return. Further, we believe the STOP Act's Freedom of Information Act exemption will help protect sensitive information.

We note the STOP Act does not extend protections or penalties to items that are legal to sell in the United States. Instead, they extend only to contraband that could not be trafficked within the United States.

The ongoing advocacy of APCG to protect its member Pueblos' traditional and cultural items is paramount to Pueblo sovereignty and cultural heritage. We believe the STOP Act will suppress the longstanding practice of the illegal trafficking of our member Pueblo's irreplaceable cultural heritage items that are threatened by ongoing displacement from our communities and bring restoration through repatriation. In closing, we offer our deep appreciation to you Senator Heinrich and Representative Leger Fernandez and the bill's cosponsors for your leadership and look forward to the STOP Act's passage in 2021.

Sincerely,

Wilfred Herrera Jr., Chairman
All Pueblo Council of Governors

CC:

The Honorable Ben Ray Lujan, Senator
The Honorable Yvette Herrell, Representative
APCG Governors

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