

## Prosecutors drop charges of selling phony Indian art

By Maria Titze

Deseret News staff writer

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Federal prosecutors have dropped their case against the first Utah man accused of violating the Indian Arts and Crafts Act, which makes it illegal to sell anything that falsely suggests being American Indian-produced.

Nader Z. Pourhassan, 38, formerly of Draper, was charged with violating the law last year.

Prosecutors claimed Pourhassan sold dream catchers to St. George businesses, passing them off as having been made by American Indians.

The dream catchers, the government said, were actually made in West Valley City by people of Vietnamese descent.

But Felice Viti of the U.S. Attorney's Office told the court at a hearing on Monday that new evidence has weakened the government's case. "We would not be able to sustain our burden beyond a reasonable doubt," he said.

Viti explained that a witness, the owner of one of the businesses that sold Pourhassan's dream catchers, has said there were actually "no misrepresentations made to him about the goods" Pourhassan sold him.

"And you had anticipated the opposite?" U.S. District Judge J. Thomas Greene asked.

Viti answered yes. He also said it would be difficult to "prove timing" in the case, since for at least a short time Pourhassan had an employee who said she made dream catchers with materials he supplied to her. The woman is American Indian.

Back in April, the case appeared to be moving swiftly to trial when Greene upheld the constitutionality of the law.

Pourhassan's attorney, James Bradshaw, argued that the phrase "Indian-produced" in the statute begs too many questions.

"Is it sufficient that a member of an Indian tribe design and supervise the production? Does the participation of any non-Native American in the production render an item violative of the statute?" he asked in court documents.

Greene ruled that a jury would ultimately be responsible to determine if a particular seller made a "knowingly false suggestion" about an item for sale.

In he had been convicted, Pourhassan could have faced five years in prison and a fine of \$250,000 for each of two counts.

Melodie Rydalch, spokeswoman for the U.S. Attorney's Office, said she was not aware of any other cases being prosecuted in Utah under the Indian Arts and Crafts Act.

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E-MAIL: [mtitze@desnews.com](mailto:mtitze@desnews.com)