



santa fe indian market[®]
SOUTHWESTERN ASSOCIATION FOR INDIAN ARTS

SENATE COMMITTEE ON INDIAN AFFAIRS

“Cultural Sovereignty Series: Modernizing the Indian Arts and Crafts Act to Honor Native Identity and Expression.”

July 7, 2017

Good morning, my name is Dallin Maybee, I am Northern Arapaho and Seneca from the Spoonhunter and Maybee family's. I am the Chief Operating Officer of the Southwestern Association for Indian Arts (SWAIA), the non-profit that produces the world-renowned Santa Fe Indian Market, which is currently in its 96th year. I have an extensive background in Native American performing arts, in the visual arts, and in Federal Indian law.

I would like to thank the Senate Committee on Indian Affairs for the opportunity to speak to you today about my experience and insights on the Indian Arts and Crafts Act.

The Indian Arts and Crafts Act was a welcome addition to the world of Indian Art. Meant to be a buffer and safeguard to the economic opportunities of our communities, artists have been able to see firsthand the significance of the act as they produce artforms and narratives that often present aspects of their cultural identity that they choose to share with the world. As an artist for most of my life, I would create the elaborate outfits I wear in social and ceremonial settings, often spending hundreds of hours just on the beadwork and feather-work alone. As a participating artist at the Santa Fe Indian Market, my eyes were opened to the economic opportunity that the Native art market offered, as people appreciated my creativity and continuation of art forms that we have often been practicing for generations. Often utilitarian in usage, some everyday forms have evolved into fine art forms in which our artists are able to receive suitable compensation for. Like most perceived opportunities for gain, many of these forms were copied and reproduced, robbed of the native soul and creativity that often accompanies authenticity. I have recently heard first hand from a Navajo Jeweler whose acquired skills began at the age of 12, under the lessons of his silversmith father. He related how he was providing for himself at 14 through his jewelry skills, but given the competition during the 1980's, at the age of 17 he was producing examples for a non-native dealer and working side by side with 40 non-native jewelers to reproduce these items which were then sold as “Native” made. Thankfully, the “truth in advertising” component of the Act protects our artists to some extent.

SWAIA, the non-profit that produces the Santa Fe Indian Market (Indian Market), holds a prestigious and venerated place amongst all Native fine art markets. With humble beginnings in 1922, our market has bolstered and supported generations of Native artists, elevating traditional art forms and in many cases, evolving them. Artists who are able to jury into the competitive market find a venue unlike any other, a place where

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almost 100,000 people descend upon Santa Fe to experience one of the most beautiful and expressive forms of our cultural identity. In addition to fine art, we partner with the Smithsonian Institution's National Museum of the American Indian to present film and our additional programming includes a Gala auction, art previews, traditional and Couture fashion events, performing arts, and of course, food. Many markets look to our high-level standards requirements as a model for authenticity, and even foreign countries have sent representatives to meet with us in an effort to learn our model for elevating "traditional art and craft forms" to high level fine art.

As thought leaders for a constantly evolving dynamic of how people define "Native" art, our foundation is the artists themselves. We currently accept artists from across all tribes in the United States, and have recently began accepting First Nations artists from Canada. We do require that the participating artists provide proof of enrollment or as Tribal Certified Artisans as per the Act. Year after Year, artists bring their most exciting pieces to Indian Market in the hopes of garnering one of our coveted prize ribbons and accompanying award. These represent achievement of the highest level, not only in the realm of the creative, but in technical mastery and expertise in the form as well. Exquisite jewelry forms, traditional dolls, carved masks, and textiles routinely garner Best in Show next to more recognizable forms of paintings or sculptures. It is amongst these exciting opportunities that the Act has helped to protect, that we have also seen the biggest issues and violations.

Appropriation sees many forms in the Native art community. While there has been a healthy exchange of ideas, songs, dances, and ceremony amongst tribes for generations, there was a protocol and respect associated with an exchange of ideas. Western ideas of property teach differently however. Especially in art. We have most recently seen the appropriation of family designs, often associated with the sacred, taken by fashion designers who claim to want to "honor" or pay homage to native culture. Others simply recognize the popularity of Native design and simply hope to gain. Perhaps the most extreme of these, are those who without enrollment or even descendancy, will appropriate an entire tribal identity in order to gain economically, spiritually, or for some other self-serving reason or status. Our certification process during jurying does eliminate some of these fraudulent artists, but we cannot simply verify with every tribe the validity of their artists. We often rely on our relationship with the Indian Arts and Craft Board to assist us in identifying potential violators. This is a critical component of our market because attendees are assured that what they are seeing and experiencing here is genuine and authentic.

Artists are grateful for the enforcement efforts that have been made to date, but I am sure that the testimony heard today will reflect a desire for increased resources for continued and ongoing enforcement efforts. Just as there is trademark and patent

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protection for “intellectual property” concepts, so too should there be for artists whose commodity and creation isn’t simply art, they are cultural identity concepts. This also places a measure of accountability on tribes themselves. They must have the mechanisms in place to identify their cultural patrimony and verify the validity of their claim. The development of a model mechanism will assist tribes in the creation, tailoring, and evolution necessary to fulfill this accountability. Another mechanism that could be facilitated and presented to tribes for potential adoption would be something to address the Tribal Artisan Certification process for legitimate descendants who simply don’t fulfill enrollment requirements for their particular tribe.

Again, I am grateful for the opportunity to present my experiences with the Indian Arts and Crafts Act. While the challenges are many, I do suspect though that moments like this, further definition and clarification, will increase the effectiveness of the Act and its continued protection of Native art forms.

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