

**Testimony of Meridith Stanton, Director, Indian Arts and Crafts Board,
Department of the Interior
Before the Senate Committee on Indian Affairs on Modernizing the Indian Arts and Crafts
Act to Honor Native Identify and Expression**

July 7, 2017

Introduction

Good Morning Vice Chairman Udall and Senator Heinrich. I am Meridith Stanton, Director of the Indian Arts and Crafts Board, within the Department of the Interior, which I have served for almost 40 years. I am also an enrolled member of the Delaware Nation of Oklahoma. I appreciate this opportunity to testify before you today about the Indian Arts and Crafts Board, our work to promote and protect authentic American and Indian artists, artisans, and their creative work, and the Indian Arts and Crafts Act of 1990 (Public Law 101-644), as amended.

The Indian Arts and Crafts Board (Board) was created by Congress in 1935 to promote American Indian and Alaska Native economic development through the expansion of the Indian arts and crafts market. The Board is the only Federal agency that is consistently and exclusively concerned with economic benefits of Native American cultural development. We have a current staff of nine full-time employees and one detailee who is stationed in New Mexico. The Board's policies are determined by the Board of Commissioners, who are appointed by the Secretary of the Interior and serve without compensation. The Board has a very broad economic development and cultural preservation mission, and operates three Indian museums in South Dakota, Montana, and Oklahoma. The museum programs include special exhibitions to promote emerging Indian artists, Indian Youth Art Competitions and art classes to encourage the development of future Indian master artists, and cultural programming to educate consumers about the inherent value of authentic Indian art.

Business development, marketing, and Intellectual Property Rights Protection workshops, seminars, and publications for Indian artists, businesses, and consumers are also important components of the Board's services. For example, the Board and New Mexico State Attorney General's office collaborated on a brochure to promote New Mexico Indian art. This brochure is distributed at the Board's consumer education booth at each annual Santa Fe Indian Market, at the Albuquerque airport visitor kiosk, New Mexico visitor centers, and Indian art businesses and markets throughout the State. The Board also recently prepared a brochure it will distribute nationwide to promote authentic Navajo weaving and to help offset the challenges weavers are facing due to competition from Navajo style and counterfeit Navajo weavings.

The Indian Arts and Crafts Act

In response to growing sales of counterfeit Indian products in the billion-dollar Indian art market, Congress passed the Indian Arts and Crafts Act of 1990. The Act is a truth-in-advertising law that authorized the Board to refer complaints of counterfeit Indian Goods to the Federal Bureau of Investigation (FBI). It provides criminal and civil penalties for marketing products as "Indian

made” when such products are not made by Indians, as defined by the Act. Under the Act, work marketed as authentic Indian art and craftwork must be produced by an artist or artisan who is an enrolled member of a federally or officially State recognized Indian tribe, or an Indian Artisan certified by the tribe of their direct descent.

Implementing and enforcing the Act is a top priority for the Board. Enforcement of the Act protects Native American artists and craftspeople, businesses, and Tribes, as well as consumers. It also protects the integrity of Native American cultural heritage and the economic self-reliance of Tribes and their members. The Act provides critical economic benefits for Native American cultural development by recognizing that forgery and fraudulent Indian arts and crafts diminish the livelihood of Native American artists and craftspeople by lowering both market prices and standards.

Scope of the Problem

In 2011, a Government Accountability Act report¹ found that “The sale of goods falsely represented as authentic Indian-produced arts and crafts has been a persistent and potentially growing problem in the United States.” It continued that “Misrepresentation by sale of unauthentic products created by non-Indians, including imports from foreign countries, is a matter of great concern to Indian artists, who have to reduce their prices or lose sales because of competition from lower priced imitation products.”

While complaints and violations have often occurred primarily in the Southwest, particularly in New Mexico, due to the Indian art industry’s concentration in this region, the scope of the problem is nationwide. Since 1996, the Board has received over 1,700 complaints of alleged Act violations, of which 1,295 have been closed and 413 remain open investigations. Many of these were handled administratively, through letters informing businesses and individuals about the Act and Act compliance. Others were referred for investigation to federal, and at times State, law enforcement authorities, depending on the nature of the complaint and jurisdiction. To date, there have been 22 federal prosecutions in New Mexico, Alaska, Utah, South Dakota, and Missouri. The Board has also worked with the Office of the New Mexico Attorney General on five cases involving the misrepresentation of Indian art.

Working with Our Partners

The Indian Arts and Crafts Enforcement Act of 2010 authorized all federal law enforcement officers, not just the FBI, to conduct investigations and revised the Act’s criminal penalties. Following passage of this legislation, in 2012 the Board entered into a memorandum of agreement and reimbursable support agreement with the U.S. Fish and Wildlife Service (Service) for law enforcement agents to work Act cases.

¹ INDIAN ARTS AND CRAFTS: Size of Market and Extent of Misrepresentation Are Unknown
GAO-11-432: Published: Apr 28, 2011. Publicly Released: Apr 28, 2011. <http://www.gao.gov/products/GAO-11-432>

In the years leading up to the agreement with the Service, the Board collected evidence of fraudulent activity in the Southwest. That advance work was followed by an extensive investigation led by the Service, Operation Al Zuni, the most sweeping and successful investigation and enforcement of the Act to date.

The Board works with many tribes, state and local agencies and federal partners to enforce the Act. These collaborations significantly strengthen the Board's ability to successfully address counterfeit Indian art and craftwork. The Board has successfully worked cases and taken other actions to remedy violations of the law, such as those involving the fraudulent marketing of rugs as Navajo, jewelry as Hopi, jewelry as Apache, and art as Cherokee, as well as a settlement with Pendleton Woolen Mills regarding their use of Indian names to market non-Indian products.

Conclusion

For the highly talented, dedicated, and hard-working Indian artists and artisans, Indian art is more than an income producing activity. Traditional Indian art and craftwork, and evolving and cutting edge Indian art, respectively, are at the very heart of Indian ancestral and contemporary society and culture.

There are challenges to achieving the goals of the Act and there remains a tremendous amount of work to dismantle these counterfeit Indian art networks certainly in New Mexico, and nationwide. The Board will continue to pursue robust Act enforcement in partnership with the Service. We are committed to protecting Indian artists from competition with counterfeit Indian art, which hinders the passing down from one generation to the next of important Indian traditions, heritage, and skills – true American treasures. The Department looks forward to working with our Congressional colleagues to ensure the goals of the Act are met and to preserve the cultures, heritages and self-determination of tribes and Alaska Native communities.

Thank you, Senators Udall and Heinrich, for your interest in supporting and protecting Indian artists and Indian economies through the creative arts. I am pleased to answer any questions you may have.