

A JOINT MEMORIAL

REQUESTING THE CREATION OF A NATIVE AMERICAN ARTS AND CRAFTS AUTHENTICITY TASK FORCE.

WHEREAS, the retail market for Native American arts and crafts results in significant retail sales in New Mexico every year; and

WHEREAS, the availability of authentic Native American arts and crafts is a major draw for tourism in New Mexico; and

WHEREAS, the sale of authentic Native American arts and crafts provides a significant source of income for many Native American artisans residing in New Mexico; and

WHEREAS, there is an increasing amount of counterfeit, non-Indian made arts and crafts that are being offered for sale in New Mexico as authentic Native American arts and crafts; and

WHEREAS, many consumers do not have the expertise to distinguish between authentic and counterfeit Native American arts and crafts; and

WHEREAS, the increasing availability of counterfeit Native American arts and crafts threatens the confidence of consumers in the integrity of the Native American arts and crafts market in New Mexico; and

WHEREAS, providing education and outreach to consumers about how to recognize authentic Native American arts and

crafts is an important and valuable method to protect and support authentic Native American arts and crafts in this state; and

WHEREAS, providing outreach and education to the mostly rural and isolated Native American artisans about proposed official steps to be taken to protect this culturally based economy and involving them in the process of seeking appropriate protection for this economy is valuable and important; and

WHEREAS, the state Indian Arts and Crafts Sales Act provides a theoretical framework for law enforcement officials to protect the public and the Indian craftsperson under the police powers of the state from false representation in the sale, trade, purchase or offering for sale of Indian arts and crafts, but the Indian Arts and Crafts Sales Act has been rendered ineffective by a lack of resources for the investigation and prosecution of alleged violations of that act; and

WHEREAS, the federal Indian Arts and Crafts Act provides a theoretical framework for law enforcement officials to protect Indian artists from unfair competition from counterfeiters and to prevent consumers from unknowingly purchasing imitation products, but few if any enforcement actions have been brought pursuant to that act in New Mexico; and

WHEREAS, the cultural affairs department currently runs a

program in conjunction with the palace of the governors in Santa Fe whereby Native Americans sell authentic Indian arts and crafts on the portal of the palace of the governors; and

WHEREAS, the cultural affairs department has established a program whereby consumers can be confident that Native American arts and crafts purchased pursuant to the portal program of the palace of the governors are authentic; and

WHEREAS, a significant sector of the economy of New Mexico and the livelihood of hundreds of Native American artisans residing in New Mexico are endangered unless consumers can be assured that the Native American arts and crafts purchased in New Mexico are authentic;

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO that the governor be requested to appoint a "Native American arts and crafts authenticity task force", whose members shall include representatives from the cultural affairs department, the economic development department, the Indian affairs department, Native American artisans and the Native American arts and crafts industry; and

BE IT FURTHER RESOLVED that the governor be requested to designate the cultural affairs department to provide administrative support to the Native American arts and crafts authenticity task force and that the task force be requested to prepare a report to the governor and the legislature that provides information about the nature and extent of the

production and sale of authentic and of counterfeit Native American arts and crafts in New Mexico; and

BE IT FURTHER RESOLVED that the Native American arts and crafts authenticity task force be requested to consider ways in which the state Indian Arts and Crafts Sales Act and the federal Indian Arts and Crafts Act might be better enforced in New Mexico; and

BE IT FURTHER RESOLVED that the Native American arts and crafts authenticity task force be requested to find alternative ways in which consumers purchasing Native American arts and crafts in New Mexico could be more confident that the products they purchase are authentic; and

BE IT FURTHER RESOLVED that the Native American arts and crafts authenticity task force present its report to the governor and to the appropriate interim legislative committees by October 1, 2007; and

BE IT FURTHER RESOLVED that copies of this memorial be transmitted to the governor, the secretary of cultural affairs, the secretary of economic development and the secretary of Indian affairs.