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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

1 about how to recognize authentic Native American arts and
2 crafts is an important and valuable method to protect and
3 support authentic Native American arts and crafts in this
4 state; and

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

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

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

1 and

2 WHEREAS, the cultural affairs department currently runs
3 a program in conjunction with the palace of the governors in
4 Santa Fe whereby Native Americans sell authentic Indian arts
5 and crafts on the portal of the palace of the governors; and

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

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

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

23 BE IT FURTHER RESOLVED that the governor be requested to
24 designate the cultural affairs department to provide
25 administrative support to the Native American arts and crafts

1 authenticity task force and that the task force be requested
2 to prepare a report to the governor and the legislature that
3 provides information about the nature and extent of the
4 production and sale of authentic and of counterfeit Native
5 American arts and crafts in New Mexico; and

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

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

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

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