

TIME LINE
SILVER HAND PERMIT PROGRAM AND RELATED EVENTS

1934:

- Indian Reorganization Act (IRA) accords Native villages constitutional status as government entities

1935:

- Indian Arts and Crafts Act passes as part of New Deal Legislation
- Indian Arts and Crafts Board (IACB) is established as a separate agency under the Secretary of the Interior.
- Indian Arts and Crafts Act legislates penalties for those who “offer or display for sale any good...in a manner that falsely suggests” that it was produced by an American Indian or Alaska Native (49 Stat. 891; USC 25, sec. 305)

1937:

- BIA Alaska Native Service sets up Alaska Native Arts and Crafts Clearinghouse (ANAC) in Juneau to act as wholesaler of Native arts and crafts.

1939:

- U.S. Department of the Interior requires all handmade Eskimo products to be stamped with a trademark to guarantee their “genuineness”. (stipulated that an article had to be hand-made by an Alaskan Eskimo, not in a factory-like situation, using predominantly indigenous raw materials).

1943:

- Use of the ANAC trademark use falls sharply following onset of WWII

1946:

- ANAC market prices 20 to 40 times lower in 1946 than what the same items might sell for today
- Native Art wholesale prices begin to increase
- Interest in “ethnic” products results in high volume of factory-made Native design reproductions into market
- Post war building boom draws Native interest away from market art production
- Alaska Natives are hired by Seattle/Portland based firms to create designs for factory-produced goods (i.e. cutlery handles, totem poles, and dolls).
- Competition between Alaska based and outside companies over Native art market production intensifies

1949:

- ANAC registers a trademark for its own products, exclusively made by Native artisans in an attempt to combat the inflow of outside produce Native art items
- ANAC trademark is forerunner to Silver Hand emblem

1950's:

- Canadian Government under the advice of Anthropologist James Huston initiate a long-term commitment to fund producer-owned cooperatives in indigenous communities across the Canadian Arctic
- Success of Canadian cooperatives has remarkable impact on design, technique and marketing of Canadian Inuit art

1956:

- ANAC becomes private non-profit cooperative with local Native agent in each village
- ANAC operates retail outlet for souvenir-quality goods in Juneau
- ANAC Coop continues efforts to expose imitations/misrepresentations of AK Native products inundating market.

1958

- Canadian Dept. of Indian and Northern Affairs registers Igloo Trademark authenticating Inuit-made art

1960's:

- FTC concludes unfair competition/deceptive trade practices rampant in most states with significant Native populations

1961:

- Alaska Native Arts and Crafts Sales Act (HB4) initially introduced in Alaska State Legislature requires every article not qualified as genuine Alaskan Native art to be labeled as "imitation"
- Dealers organize against HB4 legislation arguing unfair "negative approach" as "detrimental to tourism"
- State of Alaska Native Arts and Crafts Act passes in modified form
- ANAC label already in use to identify Native work
- Bill authorizes Alaska Department of Commerce to make/issue tags to identify authenticity of Native-made arts/crafts.

1965:

- 6 states have passed legislation modeled after the 1935 Federal Indian Arts and Crafts Act
- New Mexico only state with law requiring imitation Indian arts and crafts to be identified with a label

1970's:

- Henry Tiffany III takes directorship of ANAAC
- Tiffany's effort to upgrade Native art market by creating jury gallery selection of Native work in Anchorage unsuccessful

1970:

- Humble Oil sponsors project with University of Alaska to encourage/stimulate art in Northwest Alaska communities
- Two directors for Humble/University project are Canadian Inuit

1971:

- Alaska Native Claims Settlement Act (ANCSA) passes and entitles Alaska Natives with ¼ or more Alaska Native blood to enroll as stockholders in one of 13 regional/approximately 200 Village Corporations
- Community Enterprise Development Grant helps Shishmaref encourage/establish use of new art materials and forms

1972:

- Alaska Department of Economic Development completes study of effect/feasibility Native handicraft identification program
- Alaska Department of Economic Development begins distribution of Silver Hand emblem (prior to this time a tag with a smiling Eskimo face was in very limited use – unclear history)

- Marine Mammal Protection Act (MMPA) passes
- MMPA exemption allows Alaska Natives to harvest marine mammals for subsistence purposes
- Use of Marine Mammal byproducts is permitted by Native artists/crafts people in “value added” art/craft forms for sale
- Marine Mammal parts harvested prior to the 1972 MMPA allowed to be used by anyone in production of arts and crafts

1976:

- State of Alaska brings legal action against six Seattle/Portland mass-manufacturers for consumer fraud and misrepresentation of Native crafts
 1. In State’s legal action Silver Hand tag is cited as reason consumers not in substantial danger of being deceived by non-Native made products
 2. FTC overrules State’s legal action noting ubiquitous presence of facsimiles
- Alaska Office for Indian Arts and Crafts Board closes
- Institute of Alaska Native Art (IANA) created to promote authentic Alaska Native art and Artists
- IANA encourages Native artists to use Silver Hand to discourage fraudulent art entering market

1980:

- Alaska National Interest Lands Conservation Act (ANILCA) passes

1981

- ASCA conducts Survey on Native Arts

1984:

- Congress directs FTC to investigate deceptive marketing practices in connection with products imitating Native arts
- FTC investigative efforts lead to Omnibus Trade Bill (P.L. 100-418) requiring U.S. Customs Service to enforce:
 1. Permanent country-of-origin on imported Native-style jewelry and other crafts.
 2. Criminal penalties from the 1990 amendments to the Indian Arts and Crafts Act (P.L. 101-644, 104 Stat.4662)

1988:

- Anchorage Daily News produces Pulitzer Prize winning report “A People in Peril”

1989:

- ANCSA amendments pass

1990’s:

- FTC continues investigations following 1990 IACA amendments
- FTC calls for state and federal agencies to continue investigations following 1990 IACA amendments
- Alaska Office of the Secretary of the Interior convenes a committee of representative from federal agencies and Native organizations to focus on inter-agency ways to improve visibility/marketability of Alaska Native arts and crafts
- Secretary of the Interior Committee recommends increased support for Silver Hand program and Native Cultural Tourism

1990

- Native American Grave Protection and Repatriation Act (NAGPRA) passes

1993:

- Non Native entrepreneur awarded, subsequently denied Friends of the Alaska State Museum contract for reproduction of Haida Totem Pole
- Non Native entrepreneur establishes Seattle workshop for non Native carver
- Non Native entrepreneur pays Alaska Native living on Seattle streets to use his name on products

1994:

- ASCA conducts Rural Arts Assessment results show interest in communication, marketing, and education
- Alaska Department of Commerce organizes task force with public and private sector representatives to review Silver Hand Program, address program concerns
- Alaska Department of Commerce Task Force
 1. Recommends legislation requiring mandatory posters in retail outlets to explain Silver Hand program
 2. Recommends legislation requiring mandatory certificates of origin to accompany any/all Silver Hand items selling above \$100 retail price
 3. Concludes 1990 IACA amendments do not meet Alaska's market needs – no state jurisdiction or enforcement over federal acts or federally issued trademarks
 4. Recommends state fund analysis of current Native arts/crafts industry with info on monetary loss to Native artisans from fraudulent /counterfeit sales
 5. Concludes that recommendations to Governor will only work with support from IANA, and the Native community
 6. Declares Alaska Native arts and crafts “A Threatened Market”
- FWS Report documents over 1300 pounds of old walrus ivory is exported from US with 90% going to Indonesia.
- Non Native Entrepreneur receives a grant from Lower Yukon Development Council to establish NV of Emmonak Ivory Carving workshop, then hires and relocates Cambodian carver, Chivly Chup (Chupak) to Emmonak. Chups' work promoted and sold with tags reading “Made in a Native Alaskan Village”

1995:

- Governor's “Marketing Alaska” Initiative reorganizes Divisions of Tourism, Trade and Economic Development
- Native Arts and Crafts Task Force renamed “Marketing Alaska Cultural Resources Sector Group”, loses focus and steam
- AK Attorney General's Office declares 2 mail order catalogs (promoting Native-style art) as misleading and deceptive
- Make it Alaskan Inc. Silver Hand Directory listing totals 334

1996:

- State of Alaska Department of Commerce and Economic Development publishes “A Customs Guide to Traditional Alaska Native Handicrafts: What International Travelers Need to Know”
- Federal Trade Commission (FTC) initiates public crack down of counterfeit “Native Art”
- Fair Business Bureau requires Anchorage Gallery to label items as “Made in Indonesia” and separate items from Native-made objects. Non compliance will result in further action against the gallery
- Kurt Trip & Ngoc Ly (aka Eddie Lynd or Eddie Lee) fined \$20,000.00 each for fraudulent production of AK Native art
- Sen. Lincoln sponsors a bill on behalf of the Silver Hand Program based on 1994 AK DOC recommendations

- Lincoln's bill fails to pass

1997:

- IANA struggles to procure funding and is forced to close its door.
- Sen. Lincoln again sponsors bill on behalf of Silver Hand Program based on 1994 AK DOC recommendations.
- Lincoln's bill fails to pass again
- Make it Alaskan Inc. Silver Hand directory totals 643
- Venetie Case overruled in Supreme Court

1998:

- Governor signs Executive Order No.100 in March transferring Silver Hand program from DCED to ASCA

1999:

- No funding is allotted for the operation of Silver Hand program under ASCA
- ASCA organizes a Silver Hand Advisory Committee to continue review of program
- Alaska Native Heritage Center (ANHC) opens to the public
- Alaska Native Heritage Center features only Silver Hand Demonstrating artists
- ANHC gift shop features mass-produced "Native-style" products resulting in public outcry
- Make it Alaskan Inc. Silver Hand directory totals 925

2000:

- ASCA Silver Hand permit holders exceeds 1,100 individuals
- Shishmaref is currently known for its innovative whalebone artists (see 1971)

2001:

- Silver Hand Symposium
- Alaska Unfair Trade and Practices Act

2002:

- Indian Arts and Crafts Board enacts Indian Arts and Craft Act revisions and additions

2003:

- ASCA launches educational campaign in partnership with the Federal Trade Commission and the Indian Arts and Crafts Board

2004:

- May, 2004 ASCA Council implements \$20 fee for two year permit to offset cost of unfunded program

2005:

- 1,307 register permit holders

2006:

- ASCA convenes Silver Hand Task Force
- ASCA Council approves Task Force proposed statutory changes to Silver Hand Program
- FTC/ASCA/IACB maintains educational campaign against Native Arts fraud
- Alaska Native Artists Statewide Summit

2007:

- ASCA regional Alaska Native Artists Summits, Barrow and Sitka

2008:

- SB97 passed by 25th Alaska State Legislature and signed into law by Governor Sarah Palin April 10, 2008. Critical updates improve the program. Statute updates based on long term feedback from Alaska Native artists.
 - Makes Alaska Native artists exclusively eligible for the program.
 - Links Silver Hand and State Division of Consumer Protection and Fair Trade Practices statutes to allow ASCA ability to pursue Silver Hand violations through civil prosecution and enforcement.
 - Defines an Alaska Native person as a member of an Alaska Tribe in accordance with existing state statute. Removed reference to blood quantum as a program qualified.
 - Requires state residency as defined under PFD statute for eligibility.
 - Expands the program to include contemporary Alaska Native artists.
 - Allows an artist to use any material in the creation of their work including contemporary materials and expands eligible art forms
 - Expands definitions of art forms.
 - Makes ASCA sole service provider to Silver Hand artists.
 - Abolishes agent tier of program.

2009:

- ASCA Statewide Alaska Native Artists Summit, Anchorage
- ASCA regional Alaska Native Artists Summit, Fairbanks
- 1,635 permit holders registered with the program