

**American Indian Artists Inc. (AMERINDA)**  
**New York City should live up to the Promise of Equality for all by providing Cultural Equity to  
Native Americans in the New York City Cultural Plan**

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**American Indian Artists Inc. (AMERINDA):  
New York City should fully live up to the promise of equality for all by providing cultural equity to Native Americans in the New York City Cultural Plan.**

**Current Status Summary**

When AMERINDA, American Indian Artists, Inc. saw the opportunity to participate in Community Organizing to Help Inform New York City's Cultural Plan initiative for Native Americans, the staff saw in this effort profound opportunity and profound irony. While AMERINDA has been a part of the Cultural Equity Group since its inception – banding together with other community arts organizations of color and ethnicity in order to promote cultural equity in arts support and recognition for individual artists and community arts organizations, AMERINDA has always represented a community that is the most distinct of all, but has nevertheless always been overlooked and neglected.

The people we represent are not immigrants; but we are Americans, the Americans whose direct relations' land this country was founded on. The New York City Council and Dept. of Cultural Affairs should be made aware that the Doctrine of Discovery has been used as a legal club to dispossess Native Americans of their resources and human rights since 1492 to the present day. And the two legal measures that counterbalance that egregious racist doctrine is the UN Declaration on the Rights of Indigenous People (2007) – international declaration which the United States is signatory to– as well as the Indian Arts and Crafts Act of 1990, U.S. federal law, and they both have a definite bearing on equal opportunities or lack thereof for the New York City Native American arts community and its strength and success.

The Native American arts community in New York City (the tribally enrolled members) representing the indigenous Nations of the United States, have been in this very location many decades and individually and collectively do represent a government-to-government relationship with the Federal government by their status. While percentage of numbers may be small, the political implications of this persistent, albeit it quiet, presence in New York City, are huge. One of the reasons the Native artistic community emerged in New York City was because the freedom to express creatively in New York is unparalleled, as well as the great access to opportunity. But the cost of that freedom has been in recent years almost insulting the degree in which there is a lack of recognition of the smaller community based Native American artistic culture – as opposed to the Native American culture for tourists shown through the large federal government institutions such as (NMAI) National Museum of the American Indian, Cultural Institutions Groups (CIGs) or the presence of the image of the Native American in the popular movies and television.

In addition there is a profound difference between financial support, recognition and promotion of a huge cultural institution, such as an NMAI or a CIG such as the Metropolitan Museum of Art, with a tangible collection and infrastructure, as opposed to a smaller community based Native art organization whose programs serve individual people and communities, and are not stewards of collections or real estate based. There may even be the

mistaken impression that the promotion and marketing of the National Museum of the American Indian, a part of the Smithsonian Institution, is somehow reflective of the overall support and strength of the local Native American arts community, individually and collectively, but that is not the case.

Further, a disproportionate number of arts organizations City-wide led, staffed and serving European American people have been given City-owned property (for a \$1.00) in which to conduct their work and flourish, while very few arts and cultural organizations of color have received equal treatment. The Native American community has never been given any property.

With the exception of the recent discretionary New York City Council support to AMERINDA through the Coalition of Theaters of Color (CTC), AMERINDA and the local Native artists have never been adequately recognized, supported and promoted even to the extent of other organizations of color, African American, Asian or Hispanic organizations and artists. Recognition of diversity in New York City has not ever in an equitable way been applied to the Native American arts community.

### **Introduction**

Largely because of the New York Native American community not having any direct political representation and because of the small size of our budget, our organization has been marginalized and disenfranchised contributing to the inequity and a lack of racial visibility in New York City, even to a larger extent than that of the African-American, Asian, and Latin-American communities. As Dr. Marta Moreno Vega said recently:

Dr. Marta Moreno Vega, president of Manhattan's Caribbean Cultural Centre, teaches a class at NYU called "Cultural Governance: The Process of Creating a Cultural Plan for New York City," with a focus on engaging local communities in the process. She stresses that maintaining diversity is essential to a city's character.

"How can you expect a city to thrive if you don't have the mix that you should have at all levels of the economic spectrum?" she asked rhetorically.

Vega said that one way to maintain this diversity is by funding smaller, community-based cultural groups. Currently, a handful of large institutions receive the majority of city funding. Yet programs run by local groups can often have a more direct effect on residents than a big museum might.

"It's not based on going someplace. It's based on the quality of life that you live on a daily basis," she said.<sup>1</sup>

From the perspective of those of us in the Native American community based arts area, we do not see that much difference between a National Museum of the American Indian and a

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<sup>1</sup> Rosengren, Cole, "Now Law, New York to Create City Cultural Plan," [www.gothamgazette.com](http://www.gothamgazette.com), May 19, 2015.

Metropolitan Museum of Art, for example. The paradigm in which (NMAI) is ostensibly promulgating Native American culture from the point of view of the Federal Government and that of the other members of the CIG's promoting the superior value of European and world cultures at the expense of the Native American grass roots arts community are almost in parity. While we have received support in the past from the Dept. of Cultural Affairs, it is far from adequate and could be considered negligent in light of the singular history and status of the Native American arts community.

### **AMERINDA Background History and Vision**

AMERINDA, American Indian Artists, Inc. was started by a group of Native American Artists, who emerged from the civil rights and social justice movements and migrated to New York City to study and work because of its reputation for incubating the most progressive cultural movements in the country. These artists formed the core of the New York Movement in Contemporary Native American Arts<sup>2</sup>, stretching from the 1930's to the present. Outside of Santa Fe, New Mexico the New York Movement is the only such contemporary Native American multi art movement in the United States. By making visible Native American contemporary forms of expression; the work of these visual, theater and media artists has helped restore and strengthen our communities against continuing marginalization and discrimination.

Created in 1987, American Indian Artists Inc. AMERINDA works to empower Native Americans, break down barriers, and foster intercultural understanding and appreciation for Native American culture. Through a variety of arts programs and services to artists, AMERINDA supports Native artists who embody the traditional practices and values that define Indian culture. We also promote the indigenous perspective in the arts to a broad audience through the creation of new work in contemporary art forms – visual, performing, literary and media arts.

### **What AMERINDA Does for Native Arts**

AMERINDA, now celebrating its 30<sup>th</sup> Anniversary, is a professional arts agency that provides the necessary creative and administrative support for American Indian artists in the New York Movement in Contemporary Native American Arts to gain the recognition they need to launch and sustain their careers. Since its inception in 1987, AMERINDA has been uniquely positioned as the only multidisciplinary arts organization of its kind in New York City and the only American Indian arts organizations of its kind in the United States. Incorporated in New York State as a non-profit corporation with 501(c)-3 status and governed by an all-Indian Board of Directors, we are a community-driven organization with a clearly defined constituency, not a membership organization. Our services and programs are available to emerging and established professional artists who are enrolled citizens of their Native Nation living and working in New York State and the surrounding northeast region, and to visiting artists from outside the area. With the recent severe downsizing of the American Indian Community House (AICH), the other community based Native American organization in New York City – primarily social-service –

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<sup>2</sup> David Martine, *No Reservation: New York Contemporary Native American Art Movement* (New York, AMERINDA Inc., 2017)

AMERINDA is now the only Native American organization in New York City supporting the professional Native arts community.

### Research Characteristics

AMERINDA fits within some of the operating characteristics of the organizations mentioned in the National Center for Arts Research (NCAR) white paper countering the findings of the De Voss Institute Study on Cultural Specific Arts Organizations entitled: National Center for Arts Research: Does “Strong and Effective” Look Different for Culturally Specific Arts Organizations?” even though Native American arts organizations were again not included in the research.

In this study African American, Asian American, and Hispanic/Latino arts organizations were identified as having specific characteristics differentiating them from one another in terms of types of arts disciplines, facilities, performance characteristics such as marketing, types of support received etc. from “mainstream” organizations.

To summarize: the De Voss Institute study advocates supporting fewer larger organizations rather than more smaller organizations, and by stating that organizations of color don’t have the larger budgets of mainstream organizations:

Second, the De Voss study proposed the following recommendation under the rubric of building healthier arts ecology, focused on organizations of color:

With a constraint on funds available, funders might see better results by focusing their grants on a limited number of organizations. Rather than provide small grants to many (grants that allow these organizations to barely survive), they may find that providing larger grants to a smaller cohort that can manage themselves effectively, make the best art, and have the biggest impact on their communities might be necessary. (p. 28).<sup>4 3</sup>

AMERINDA is in agreement with the following recommendations from the (NCAR) study:

We assess the implications of this recommendation and conclude that it (De Voss) would reduce (1) the overall number of smaller organizations and (2) the level of diversity, dynamism, and innovation in the arts and culture ecology. In short, we conclude the following:

- Culturally specific organizations are generally younger than their mainstream counterparts and—using an organizational ecology lens—haven’t had time to go through the process of gaining acceptance (called “legitimation.”). This is especially true

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<sup>3</sup> Voss, Zanier Giraud; Voss, Glenn; Louie, Andréa; Drew, Zenetta; Teyolia, Marla Rubio; “National Center for Arts Research: Does “Strong and Effective” Look Different for culturally Specific Arts Organizations?”, [www.smu.edu](http://www.smu.edu), January, 2016

in traditionally Euro-centric sectors such as Art Museums and Orchestras.

- But, after controlling for sector and organizational age, culturally specific organizations don't differ in budget size from their mainstream peers. Their resource allocation decisions and funding sources do exhibit patterns that are different from mainstream counterparts, but that is to be expected of a new organizational form. They play an important role in the broader cultural ecology and their performance should be framed within the appropriate context, which includes community characteristics, arts sector, and organizational mission.<sup>4</sup>

In other words, while there may be differences in apparent budget size, because of differences of age, (and having differences of wealth and support over type because of varying organizational histories and histories of that particular cultural group's history within the United States); relatively speaking the budgets are not smaller than mainstream organizations, nor are their facilities. Also, differences in operating methods and strategies variety of characteristics show no functional differences from mainstream organizations either. Smaller organizations remain closer to the communities and are less concerned with the maintenance of property than the affecting positively the people involved. There should not be a diminishment of support merely because of budget size. AMERINDA comports with this analysis as well, even though we were not included in the (NCAR) study.

### **What This Paper Purports to Do**

The purpose of this paper is to inform the New York City Council, New York City Dept. of Cultural Affairs and all affiliated parties that the deficiencies and non-acknowledgment of the existence of the tribally-enrolled New York Native American arts community and its viability, despite nominal support in the past, is not appropriate nor is it equitable in light of its professed concern with racial and cultural equity of the various ethnic constituent groups in the city. The fact of the Native arts community's small number of total population does not reduce the political importance of the existence of the Native community despite the lack of political recognition of such. Conversely, their inherent legal status of refutes that stereotype.

The fact of the Federal status of Native Americans, representing a government-to-government relationship to the federal government, the fact that it is not an "immigrant population", actually distinguishes itself from that of the other non-white populations of the city, as represented by their culture/arts organization, and therefore, respect should be paid, recognition made, and adequate/equitable financial support should be rendered to the Native arts community through its arts/culture agencies. They should not be ignored, nor should the Native community be marginalized or disenfranchised as a result of public policy.

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<sup>4</sup> Voss, Zannie Giraud; Voss, Glenn; Louie, Andréa; Drew, Zenetta; Teyolia, Marla Rubio; "National Center for Arts Research: Does "Strong and Effective" Look Different for culturally Specific Arts Organizations?", [www.smu.edu](http://www.smu.edu), January, 2016

### **Federal Statutes/Data Stipulating Native American Community Uniqueness**

Because of the peculiar nature of the popular image of Native Americans in the overall American society, we have had to thrive under a paradox. While Native Americans are disregarded and ignored totally by the mainstream in most cases, the image of Native Americans is hugely mythologized and co-opted – stereotypes and mischaracterizations- widely accepted in terms of culture and history as fact.

This kind of situation leads to wide abuse of Native Americans as a whole, and Native artists and intellectuals in particular. Theft of intellectual property and acceptance of racial stereotypes in theatrical and cinematic productions continues to go unquestioned. Highly regarded writers, directors and producers have received hefty financial awards in order to produce so-called “Native American inspired or themed works which utilize non-native actors, distorted history and racist “red-face” (Native equivalent to “black-face”) in these current times. If the legitimate Native community complains or registers indignation to those funding sources, we are branded as being too-sensitive or as not understanding the artistic concept behind the work. That kind of paternalistic, condescending attitude actually has a history of hundreds of years in this country mostly from the interactions of the federal authorities and the various Native American Nations in North America, and it continues today in New York City.

### **Indian Arts and Crafts Act of 1990**

AMERINDA therefore urges the New York City Council and Dept. of Cultural Affairs to utilize the Indian Arts and Crafts Act of 1990, a bench mark statute, as a criteria for understanding the appropriate categories with regard to Native Americans eligible to receive support with public funds. While the act is not perfect, if it is not used public/governmental support intended to strengthen the legitimate Native American arts community will be siphoned off (which has happened in the past and continues to happen in New York City) to individuals, organizations, and projects that neither represent the legitimate Native community nor their core interests. This federal act is widely accepted in realm of the fair marketing of traditional arts and crafts labeled as Native American which for far too-long were actually imported from China, Taiwan or Brooklyn and sold as being made by Native Americans. If the Native artist or organization represents predominantly the “enrolled” Native community from Federal or State recognized Native American nations, then at least there is some mechanism whereby people or organizations made up primarily of people of other ethnicities but claiming to be Native American, will not be able to receive public awards fraudulently. (See Appendix A)

### **Doctrine of Discovery**

In addition to the Indian Arts and Crafts act of 1990, there is another broader U.N. Declaration which focuses on the full extent to which indigenous peoples of this hemisphere have almost been completely dispossessed of their lands, as well as almost been legislated out of existence.

New York City’s native arts community’s lack of equitable support from the New York City Council and Dept. of Cultural Affairs over time is but a recent contemporary manifestation the

roots of which go back to the 15<sup>th</sup> century. It is characterized as a lack of concern and continued demonstrated inequity that has its roots of indigenous disadvantage and dispossession going back to a much larger story, that of the Doctrine of Discovery.

This egregious legal construct can actually be traced back to the Papal Bulls of the 15<sup>th</sup> century which justified the taking of lands of indigenous people around the world by so-called Christian monarchies leading to death and enslavement of the “pagans” by the “Christians”. The Doctrine was much later further codified by the U.S. Supreme Court with the “Johnson vs. Mc’Intosh” case of 1823 and Justice John Marshall. This Doctrine was recently cited in 2005 in a case involving the Oneida Indian Nation of New York.<sup>5</sup> The justification for all of it was grounded in the belief that Indigenous people could be treated without compassion because they were not “human.” United States ex el Standing Bear vs. Crook (1879) established that “Indians are persons.”<sup>6</sup>

So this was the very beginning of the conditions that contributed to the unenviable position Native Americans have found themselves in centuries later, that of being disenfranchised in their own country, of their freedom, lands, cultures, dignity and happiness, while still by the smile of Providence, surviving, going largely unnoticed in modern society despite the stereotypes, prejudice, and racism. The vestiges of this historical baggage is characterized in New York by the continued lack of support which hinders the attainment of Native parity and equality in New York arts culture even to the level of other minority groups despite attempts at diversity.

### **United Nations Declaration of Indigenous Rights, 2007**

Secondly, AMERINDA brings to the Council’s attention the UN Declaration on Indigenous Rights whose implications also point at the magnitude of the subject of the survival of Native Americans and all indigenous peoples as a whole. The advancement and promotion of Native arts in New York City is contextually supported by the statutes in the UN Declaration. Native arts have been and continue to be an intrinsic part of the fabric of Native culture and when times were much more difficult than they are now in 2017, actually assisted the people to survival physically and economically during times of enormous deprivation and war. (See Appendix B)

Following is a brief selection of articles from the UN Declaration of Indigenous Rights and how they directly impact the fortunes and concerns of the New York City Native arts community today.

### **Article 8 refers to indigenous peoples having rights against forced assimilation as a distinct people. (Manifested by the New York City Council or DCA’s non-recognition**

<sup>5</sup> Doctrine of Discovery Study Group, [www.Doctrineofdiscovery.org](http://www.Doctrineofdiscovery.org), Doctrine of Discovery Study Group, PO Box 509, Jamesville, NY 13078

<sup>6</sup> Bacon, Donald C., et al., Eds. *The Encyclopedia of the United States Congress*. New York: Simon & Schuster, 1995.



**or non-equitable recognition of the Native arts community in New York City, as well as using budget size as the primary criteria for worthiness of support.)**

*Article 8*

1. Indigenous peoples and individuals have the right not to be subjected to forced assimilation or destruction of their culture.
2. States shall provide effective mechanisms for prevention of, and redress for:
  - (a) Any action which has the aim or effect of depriving them of their integrity as distinct peoples, or of their cultural values or ethnic identities;
  - (b) Any action which has the aim or effect of dispossessing them of their lands, territories or resources;
  - (c) Any form of forced population transfer which has the aim or effect of violating or undermining any of their rights;
  - (d) Any form of forced assimilation or integration;
  - (e) Any form of propaganda designed to promote or incite racial or ethnic discrimination directed against them.

**Article 11 implies that New York City indigenous peoples' art community have the right to maintain and strengthen their "visual and performing arts and literature", and that redress should be forthcoming from the "States" e.g. New York City in the form of recognition and support.**

*Article 11*

1. Indigenous peoples have the right to practice and revitalize their cultural traditions and customs. This includes the right to maintain, protect and develop the past, present and future manifestations of their cultures, such as archaeological and historical sites, artefacts, designs, ceremonies, technologies and visual and performing arts and literature.
2. States shall provide redress through effective mechanisms, which may include restitution, developed in conjunction with indigenous peoples, with respect to their cultural, intellectual, religious and spiritual property taken without their free, prior and informed consent or in violation of their laws, traditions and customs.

**Article 13 implies New York City's lack of recognition and support of Native arts inhibits the individual Native artist and AMERINDA's opportunities to express and therefore, diminishes the Native artist community's right to transmit its artistic legacy to future generations – art reflecting the histories, oral traditional philosophies etc. inherent in Native traditional and contemporary arts.**

*Article 13*

1. Indigenous peoples have the right to revitalize, use, develop and transmit to future generations their histories, languages, oral traditions, philosophies,

writing systems and literatures, and to designate and retain their own names for communities, places and persons.

2. States shall take effective measures to ensure that this right is protected and also to ensure that indigenous peoples can understand and be understood in political, legal and administrative proceedings, where necessary through the provision of interpretation or by other appropriate means.

**Article 15 can be taken to mean that because of New York City’s lack of artistic recognition and support, and lack of consultation, the Native artistic communities “dignity and diversity” cannot be appropriately reflected in education and public information.**

*Article 15*

1. Indigenous peoples have the right to the dignity and diversity of their cultures, traditions, histories and aspirations which shall be appropriately reflected in education and public information.

2. States shall take effective measures, in consultation and cooperation with the indigenous peoples concerned, to combat prejudice and eliminate discrimination and to promote tolerance, understanding and good relations among indigenous peoples and all other segments of society.

**Article 22 is related to Article 21 in terms of support that must be rendered to “indigenous women and children” and in the case of Article 21 “special needs of indigenous elders, women, youth, children and persons with disabilities” which implies not only support for the arts but support for the economic well-being and development which may refer to an AMERINDA Native community economic development project including affordable housing, subsidized work space for artists and arts related businesses, internships, and training programs as well.**

*Article 22*

1. Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities in the implementation of this Declaration.

2. States shall take measures, in conjunction with indigenous peoples, to ensure that indigenous women and children enjoy the full protection and guarantees against all forms of violence and discrimination.

**Article 31 is related to the foregoing articles but includes more areas that should be protected as well as “intellectual property” which by implication can be connected to the stipulations of the Indian Arts and Crafts Act of 1990. It is illegal to copy, fabricate or present Arts as ‘Native American’ when created by individuals and organizations that are not individual members of recognized Native nations.**

*Article 31*

1. Indigenous peoples have the right to maintain, control, protect

and develop their cultural heritage, traditional knowledge and traditional cultural expressions, as well as the manifestations of their sciences, technologies and cultures, including human and genetic resources, seeds, medicines, knowledge of the properties of fauna and flora, oral traditions, literatures, designs, sports and traditional games and visual and performing arts. They also have the right to maintain, control, protect and develop their intellectual property over such cultural heritage, traditional knowledge, and traditional cultural expressions.

2. In conjunction with indigenous peoples, States shall take effective measures to recognize and protect the exercise of these rights.

**Article 28 brings into play broader implications with regard to equitable compensation for “lands, territories and resources,” etc. In terms of the New York City Native arts community, this would apply to the city’s support for donation of City-owned property to AMERINDA (which they have done for many other European American and some other racial and ethnic organizations) as equitable compensation for the taking of Native lands and continued dispossession of Native people. Donation of a City-owned property (for a \$1.00) for an AMERINDA multi-art arts center which would include space for presentation of traditional and contemporary arts, affordable housing, subsidized work space for artists and arts-related micro-business, internships and training programs. In this case AMERINDA is representing the interests of the New York City Native community as a whole.**

*Article 28*

1. Indigenous peoples have the right to redress, by means that can include restitution or, when this is not possible, just, fair and equitable compensation, for the lands, territories and resources which they have traditionally owned or otherwise occupied or used, and which have been confiscated, taken, occupied, used or damaged without their free, prior and informed consent.

2. Unless otherwise freely agreed upon by the peoples concerned, compensation shall take the form of lands, territories and resources equal in quality, size and legal status or of monetary compensation or other appropriate redress.

### **Urgent Needs and Recommendations**

In light of the very serious inequities established within the current arts system in terms of the disbursement of funds from the New York City Council, Dept. of Cultural Affairs, not the least of which is the disparity created by the system of the CIGs getting such an out of balance amount of support at the expense of small community based arts organizations, AMERINDA finds itself on the one hand, at enormous disadvantage, but on the other hand realizing that any increase of support from the New York City Cultural Plan would represent an improvement over abject lack.

New York City must do as it said through implementation of its first ever Arts Plan, must without question use a “targeted approach” with regard to the Native American arts community; increase economic impact with that constituency, and increase its strategic development to meet the equitable needs of the New York Native arts community. Even in terms of over-all philanthropy, according to research conducted by Native Americans in Philanthropy, Native Americans consistently receive less than 1/10<sup>th</sup> of 1% of all philanthropic giving in the United States. Of this fraction of overall giving 2/3 is directed towards the Smithsonian’s National Museum of the American Indian (part of a U.S. government agency.) (From AMERINDA’S Case for Support, Pg. 2, 1/18/2007)

After surveying the New York City Native arts community, AMERINDA has quantified some recommendations that are absolutely warranted and can begin to equalize its position vis-à-vis the other diverse arts communities in New York, and then continue to increase its stability and impact on the arts community as a whole.

The following recommendations from the Native American community seek to rectify current New York City government policies which divide indigenous leadership and remove self-determination and decision making from Native people. In short without the concrete changes outlined herein Native people in New York City cannot achieve equality and fully enjoy their human rights through a democratic system.

The City of New York:

**Provide** a new paradigm for financial support to all community-based arts organizations, such as AMERINDA (now celebrating 30 years of service), based on longevity, innovation, content and quality of work, value to the community and service to the City of New York, rather than size of the annual budget alone.

**Recognize** the federal legal definition of Native American, as defined in the United States Constitution, to be an enrolled member of a federal or state recognized sovereign Native Nation.

**Observe** the federal statute, Indian Arts and Crafts Act of 1990, which prohibits the misrepresentation in marketing of Native American of Alaska Native arts and crafts products within the United States and not continue to falsely represent or equate the work of self-declared or any other undocumented artist and their work with the tribally enrolled Native community.

**Make ineligible** for financial support any non-Native organizations or individuals presenting any racist creations including performance in ‘red face’ (Native equivalent to ‘black face’), any Native American racial stereotypes in any artistic discipline using New York City public funds.

In so far as athletic activities are considered entertainment, make ineligible for financial support any non-Native organizations or individuals presenting Native Americans as mascots or any Native American racial stereotypes in any sports activities using New York City public funds.

**Require** non-Native institutions and organizations receiving City funds and presenting Native American diversity programming and events to include an equitable percentage of participants that live and/or work in New York City. Institutions and organizations have for decades routinely invited Native people from Canada and other regions of the United States and have ignored local artists of the New York City Native community regardless of qualifications.

**Not provide** support to non-Native institutions who present so-called Native diverse programming without also investing direct support in the Native American community where it can honestly refute inequity and support real change.

**Assist** AMERINDA in locating and then donation of a City-owned property (for a \$1.00 as they have done for so many European American arts organizations in particular) for an AMERINDA multi-art arts center which would include space for presentation of traditional and contemporary arts, affordable housing, subsidized work space for artists and arts-related micro-business, internships and training programs.

**Provide** equitable direct core operational support to AMERINDA to continue programs, services and advocacy on behalf of Native American artists and community after 30 years of proving itself to be a fair arbiter and enthusiastic catalyst for the New York Native arts community

**Create** cultural capital for individual artists through a fellowship program in multiple disciplines similar to the Urban Artist Initiative (2009-2011) for all artists of color, with the Native American component to be administrated as a re-grant program through AMERINDA.

**Provide** direct support for community based arts related micro-businesses.

**Create** employment training similar the earlier Comprehensive Employment Training Act (CETA) and Works Investment Act (WIA) to provide artists with employment and/training in community based organizations serving artists of color.

**Require** the New York City Department of Education to teach students that the Doctrine of Discovery is an egregious racist paradigm, increase instruction about the important contributions Native Americans have made to American arts and culture.

**Support** individual artist grants to tribally enrolled, Native cultural educators visiting New York City Schools so that youth can learn directly from culture bearers rather than the current promotion of the superior value of European and world cultures at the expense of Indigenous people.

**Conclusion**

In conclusion, this Native American Community Organization white paper submission to the New York City Arts Plan is really a call for genuine equitable and fair support for the New York Movement of Contemporary Native American Art which is the only major Native American arts movement outside of Santa Fe, New Mexico. It is largely under-recognized and long over-due.

This paper is a call for the City of New York to genuinely support the individual artists and AMERINDA so that it can and will make a difference and create a future equitable New York arts community. But that can only come about with great concern and support for the creative aspirations for one of the most cutting-edge, uniquely transformative art movements in perhaps the most resilient community of them all – the New York Native American arts community.

Paying lip-service to the public about being inclusive and diverse without fully recognizing and supporting the New York Native arts community in an equitable and appropriate manor is not acceptable. We earnestly express our profound desire that the New York Cultural plan will finally address our concerns, live up to what it professes, and begin to take its place among many other cities in the United States that have recognized and supported its own Native American cultural paradigm and assist that group to help to solidify its legacy for the future.

## Appendix

### **A. Indian Arts and Crafts Act of 1990**

Indian Arts and Crafts Act of 1990 One Hundred First Congress of the United States of America AT THE SECOND SESSION Begun and held at the City of Washington on Tuesday, the twenty-third day of January, one thousand nine hundred and ninety An Act to expand the powers of the Indian Arts and Crafts Board, and for other purposes. Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, TITLE I-- INDIAN ARTS AND CRAFTS SEC. 101. SHORT TITLE. This title may be cited as the 'Indian Arts and Crafts Act of 1990'.

SEC. 102. POWERS OF INDIAN ARTS AND CRAFTS BOARD. Section 2 of the Act entitled 'An Act to promote the development of Indian arts and crafts and to create a board to assist therein, and for other purposes' (25 U.S.C. 305a) is amended--

SEC. 104. CRIMINAL PENALTY FOR MISREPRESENTATION OF INDIAN PRODUCED GOODS AND PRODUCTS.

(a) IN GENERAL- Section 1159 of title 18, United States Code, is amended to read as follows:

'Sec. 1159. Misrepresentation of Indian produced goods and products

### **SEC. 104. CRIMINAL PENALTY FOR MISREPRESENTATION OF INDIAN PRODUCED GOODS AND PRODUCTS.**

(a) IN GENERAL.—Section 1159 of title 18, United States Code, is amended to read as follows:

"§ 1159. Misrepresentation of Indian produced goods and products

"(a) It is unlawful to offer or display for sale or sell any good, with or without a Government trademark, in a manner that falsely suggests it is Indian produced, an Indian product, or the product of a particular Indian or Indian tribe or Indian arts and crafts organization, resident within the United States.

"(b) Whoever knowingly violates subsection (a) shall—

"(1) in the case of a first violation, if an individual, be fined not more than \$250,000 or imprisoned not more than five years, or both, and, if a person other than an individual, be fined not

more than \$1,000,000; and

"(2) in the case of subsequent violations, if an individual, be fined not more than \$1,000,000 or imprisoned not more than fifteen years, or both, and, if a person other than an individual, be fined not more than \$5,000,000.

"(c) As used in this section—

"(1) the term 'Indian' means any individual who is a member of an Indian tribe, or for the purposes of this section is certified as an Indian artisan by an Indian tribe;

"(2) the terms 'Indian product' and 'product of a particular Indian tribe or Indian arts and crafts organization' has the meaning given such term in regulations which may be promulgated by the Secretary of the Interior;

"(3) the term 'Indian tribe' means—

"(A) any Indian tribe, band, nation, Alaska Native village, or other organized group or community which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians; or

"(B) any Indian group that has been formally recognized as an Indian tribe by a State legislature or by a State commission or similar organization legislatively vested with State tribal recognition authority; and

"(4) the term 'Indian arts and crafts organization' means any legally established arts and crafts marketing organization composed of members of Indian tribes.

"(d) In the event that any provision of this section is held invalid, it is the intent of Congress that the remaining provisions of this section shall continue in full force and effect."

(b) CONFORMING AMENDMENT.—The item relating to section 1159 in the table of sections for chapter 53 of title 18, United States Code, is amended to read as follows:

"1159. Misrepresentation of Indian produced goods and products."



**B. United Nations Declaration on the Rights of Indigenous Peoples****Title and subtitle:****Resolution adopted by the General Assembly**

[without reference to a Main Committee (A/61/L.67 and Add.1)]

**61/295. United Nations Declaration on the Rights of Indigenous Peoples**

*The General Assembly,*

*Taking note* of the recommendation of the Human Rights Council contained in its resolution 1/2 of 29 June 2006,<sup>1</sup> by which the Council adopted the text of the United Nations Declaration on the Rights of Indigenous Peoples,

*Recalling* its resolution 61/178 of 20 December 2006, by which it decided to defer consideration of and action on the Declaration to allow time for further consultations thereon, and also decided to conclude its consideration before the end of the sixty-first session of the General Assembly,

*Adopts* the United Nations Declaration on the Rights of Indigenous Peoples as contained in the annex to the present resolution.

*107th plenary meeting*

*13 September 2007*