

Program to certify Alaska Native art gets new teeth

SILVER HAND: Bill updates who qualifies, strengthens penalties.

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What started as a simple update to an outdated arts law has dredged up questions about how "Native Alaskan" is legally defined, and whether the state Legislature should be dabbling in race-based laws.

The Silver Hand Program uses stickers to authenticate Alaska Native art, the same way the state uses Alaska Grown labels for food.

Silver Hand laws haven't been revised since the program was established in 1961. Eligibility is determined by a controversial blood quantum requirement. Many contemporary Native artists don't qualify, since the program's initial focus was traditional handicraft. There are few built-in deterrents for lawbreakers.

A bill to modernize the Silver Hand Program passed on the House floor Thursday, and the Senate concurred on Friday. The bill awaits final approval by Gov. Sarah Palin.

The new version of Silver Hand determines an artist's eligibility not by blood quantum — meaning one's degree of Native ancestry — but by enrollment in an Alaska Native tribe. The amendments also build in civil penalties for misuse of the Silver Hand symbol, strengthening the



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The Silver Hand tag is a mark of authenticity on Native artwork.

government's ability to enforce the law.

Sen. Gary Stevens, R-Kodiak, said he sponsored Senate Bill 97 because it boosts Alaska Native artists' business and protects consumers from unwittingly buying "jade bears from China."

"Outsiders may look at it and say 'Gosh, I'm an Alaskan artist, but I'm not Native, is this a racial thing, to allow them some benefit from the state?'" Stevens said. "I do understand that. Still, when tourists come to Alaska ... they want to know they're buying something authentic, made by an Alaska Native, not made by someone in Taiwan."

The bill, crafted by a task force of Alaska Native artists and the Alaska State Council on the Arts, was introduced in last year's session

but stalled in the House Committee for Economic Development, Trade and Tourism. At the time, committee Chairman Rep. Mark Neuman, R-Wasilla, said several leaders in the Alaska Native community had asked for more time to examine the bill and debate the impact of eliminating the blood quantum requirement.

Stevens said the bill got caught in the crossfire of a larger debate about what being an Alaska Native means.

What's Silver Hand?

The Silver Hand Program, which authenticates Alaska Native art, was created in 1961 to protect consumers from unknowingly purchasing fraudulent reproductions. The program has since adopted a second mission, to improve the economic position of Alaska Native artists. The Alaska State Council on the Arts oversees the program. For more information, visit www.eed.state.ak.us/aksca.

He said that's an issue the Native community should decide for itself, which is why tribal membership — as determined by individual tribes — became the new benchmark.

Saunders McNeill, the arts council's Native and community arts program director, said most concerns about the bill were based on misunderstandings about its intent and reach. She said once the council more thoroughly explained the bill, critics turned into backers. The Alaska Federa-

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tion of Natives passed a supportive resolution.

Thursday's only "nay" vote came from Rep. Mike Kelly, R-Fairbanks, who said the objective is worthy, but the method questionable.

"My first concern is that it's a race-based bill, and that bothers me anytime that happens, because it divides us," he said. "Second, it is the concern that by recognizing tribes, then we get into the sovereignty issue. ... It could have a negative impact, slowly but surely causing Alaska to recognize more than one Alaskan government, and I'm totally against that."

Many Alaska Native artists say the Silver Hand designation is key for sales. Othniel "Art" Oomittuk Jr. is an Inupiat Eskimo mask carver born in Point Hope. He applied for Silver Hand when he returned

last May from living Outside. As a relatively new name on the Anchorage scene, he said, the sticker helps him market his work.

"Silver Hand protects the Native people who create from their own identity, from their own culture," he said. "It protects us from being imitated."

Some contemporary artists — previously excluded or turned off because the program required traditional materials — have said they would join the program in its new incarnation. But the new Silver Hand hasn't won over everyone.

Inupiat artist Joe Senungetuk of Anchorage has never applied for Silver Hand, and said he won't do so now. He thinks that the program is about labels that limit artists' horizons and that it exists primarily for the benefit of tourists.

"I myself have become used to not making any damn profit," he said. "I just do art for the sake of liking it."

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Alaska's Silver Hand Program

How it works and how it could change.

Who qualifies

CURRENT: Defines an Alaska Native person as someone with no less than one-fourth Native blood.

PROPOSED: Defines an Alaska Native person as an enrolled member of an Alaska Native tribe.

CURRENT: Does not specifically address artists who are Outside for college, etc.

PROPOSED: Includes artists who meet eligibility for the Permanent Fund dividend and who make their work in Alaska.

CURRENT: A provision allows business owners who sell art to apply for Silver Hand tags and then place tags on the work of eligible artists in their shop. The Alaska State Council on the Arts stopped providing vendors with tags in 1998, but it's still written into law.

PROPOSED: Only Silver Hand artists have access to tags and stickers.

What qualifies

CURRENT: Works of art must be made at least partly of natural materials.

PROPOSED: Material requirements are eliminated.

CURRENT: Requires art to be original.

PROPOSED: Clarifies that prints by printmakers and photographers are considered original artwork.

How it's enforced

CURRENT: Criminal penalties exist. Misuse of Silver Hand stickers is a Class B misdemeanor.

PROPOSED: The proposed bill builds in civil penalties as well. It links the Silver Hand program to a consumer protection and fair trade statute, which strengthens the arts council's ability to enforce Silver Hand regulations.