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3-31-2021

## What Is Cultural Misappropriation And Why Does It Matter?

03-31-2021

Roger Williams University School of Law

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# Cultural Misappropriation

Presented by the Intellectual Property Law Association (IPLA)

Co-sponsored by the Feinstein Center for Pro Bono & Experiential Education

Office of Diversity and Outreach

American Indian Law Student Association (AILSAs)

The Tomaquag Museum

Moderated by Jeffrey Prystowsky (RWU Law '23)

## What is Cultural Misappropriation and Why Does it Matter?

The poster features the title "Cultural Misappropriation" in a large, stylized font. "Cultural" is in black, "Mis" is in red script, and "appropriation" is in black. A rainbow is positioned behind the text. The event details are as follows:

Wednesday, March 31st, 2021 5:30-7:30pm EST Zoom

**Featuring**

- Prof. Madhavi Sunder (Georgetown Law)
- Prof. John Telronian (Southwestern Law)
- Prof. Margaret Chan (Seattle U. Law)
- Prof. Jane Anderson (NYU)
- Prof. Maui Hudson (U. of Waikato)
- Prof. Trevor Reed (ASU Law)
- Jacqueline Keeler (@notyourmascot)
- Suzan Harjo (Presidential Medal of Freedom recipient)

**Presented by Intellectual Property Law Association (IPLA)**

Co-sponsored by The Feinstein Center for Pro Bono & Experiential Education,  
Office of Diversity and Outreach,  
American Indian Law Student Association (AILSAs),  
and The Tomaquag Museum

Moderated by Jeffrey Prystowsky (RWU Law '23)

Logos for the Copyright Society and other organizations are visible at the bottom.

Cultural appropriation (or cultural misappropriation) is defined as "the adoption or exploitation of another culture by the more dominant culture." (See [Jeoma Oluo's So You Want to Talk about Race?, chapter 10](#))

It has also been defined as, “[t]aking intellectual property, traditional knowledge, cultural expressions, or artifacts from someone else's culture without permission. This can include unauthorized use of another culture's dance, dress, music, language, folklore, cuisine, traditional medicine, religious symbols, etc. It's most likely to be harmful when the source community is a minority group that has been oppressed or exploited in other ways or when the object of appropriation is particularly sensitive, e.g. sacred objects.” (See [Who Owns Culture? Appropriation and Authenticity in American Law](#) by Susan Scafidi)

On Wednesday, March 31, 2021, several organizations within and without the RWU Law community are holding an event about the misappropriation of indigenous culture. This conversation between legal experts and activists will cover copyright and trademark issues of cultural misappropriation in areas such as sports (*Harjo v. Pro Football* and its relationship with *Matal v. Tam*), fashion (*Urban Outfitters v. Navajo*), photography, and music on reservations. The program will also be discussing traditional knowledge labeling.

In support of this programming, the law library has created a [lawguide which contains a variety of resources on the topic of the cultural appropriation of indigenous cultures](#). This guide has links to biographical information on the speakers and a selection of books, articles, and web resources to help dive into this important area of scholarship. If you have any questions about the guide or need additional resources on this topic, please email the Reference Desk at [lawlibraryhelp@rwu.edu](mailto:lawlibraryhelp@rwu.edu).

## Cultural Misappropriation: An Event Guide

### **What is cultural misappropriation and why does it matter?**

Please join several organizations in this conversation between legal experts and activists covering copyright and trademark issues of cultural misappropriation such as the Washington pro football team (*Harjo v. Pro Football* and its relationship with *Matal v. Tam*), fashion (*Urban Outfitters v. Navajo*), photography, and music on reservations. The program will also be discussing traditional knowledge labeling.

# Cultural Misappropriation

Wednesday, March 31st, 2021 5:30-7:30pm EST Zoom

## Featuring

Prof. Madhavi Sunder (Georgetown Law)

Prof. John Tehranian (Southwestern Law)

Prof. Margaret Chon (Seattle U. Law)

Prof. Jane Anderson (NYU)

Prof. Maui Hudson (U. of Waikato)

Prof. Trevor Reed (ASU Law)

Jacqueline Keeler (#notyourmascot)

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the COPYRIGHT SOCIETY

## What is cultural appropriation?

Cultural appropriation (or cultural misappropriation) is defined as "the adoption or exploitation of another culture by the more dominant culture." (See Ijeoma Oluo's *So You Want to Talk about Race?*, chapter 10.) It has also been defined as, "[t]aking intellectual property, traditional knowledge, cultural expressions, or artifacts from someone else's culture without permission. This can include unauthorized use of another culture's dance, dress, music, language, folklore, cuisine, traditional medicine, religious symbols, etc. It's most likely to be harmful when the source community is a minority group that has been oppressed or exploited in other ways or when the object of appropriation is particularly sensitive, e.g. sacred objects." (See *Who Owns Culture? Appropriation and Authenticity in American Law* by Susan Scafidi)

## Speakers

### Professor Madhavi Sunder

Professor Sunder is a leading scholar of law and culture. She was named a Carnegie Scholar in 2006 and has been a Visiting Professor of Law at the Yale Law School, the University of Chicago Law School, and Cornell Law School. Her work traverses numerous legal fields, from intellectual property to human rights law and the First Amendment. Professor Sunder has published articles in the *Yale Law Journal*, the *Stanford Law Review*, the *California Law Review*, the *Texas Law Review*, and *Law and Contemporary Problems*, among others. Her book, *From Goods to a Good Life: Intellectual Property and Global Justice*, was published by Yale University Press in 2012.

Professor John Tehranian

*A.B., magna cum laude, Government, Harvard University, 1995  
J.D., Yale University, Phi Beta Kappa, 2000*

*Member, California State Bar*

John Tehranian joined Southwestern's faculty in 2011, bringing a tremendous background as a scholar and practitioner in the areas of entertainment law, intellectual property and civil rights.

Prior to joining Southwestern, Professor Tehranian was a tenured Professor of Law and Director of the Entertainment Law Center at Chapman University School of Law. He was previously a tenured Professor of Law at the University of Utah, S.J. Quinney College of Law, and has served as a Visiting Professor of Law at Loyola Law School. He teaches Constitutional Law, Copyright Law, Cyberlaw, Entertainment Law, Trademark Law, Intellectual Property, and Law and Literature. He is also an experienced entertainment and intellectual property litigator, having represented prominent Hollywood, publishing, new media and technology clients in high-profile litigation at O'Melveny & Myers LLP and One LLP.

Professor Margaret Chon

Margaret Chon is the Donald & Lynda Horowitz Professor for the Pursuit of Justice, and formerly Associate Dean for Research at Seattle University School of Law. She is the author of numerous articles, books, book chapters, and review essays on intellectual property, as well as race and law. Her recent co-edited volume, [THE CAMBRIDGE HANDBOOK OF PUBLIC-PRIVATE PARTNERSHIPS, INTELLECTUAL PROPERTY GOVERNANCE, AND SUSTAINABLE DEVELOPMENT](#) (Cambridge University Press 2018), focuses on the relationship of global intellectual property institutions to the production of global public goods, expressed by human and sustainable development goals. An alumna of the University of Michigan (M.H.S.A. and J.D.) and Cornell University (A.B.), she clerked for both the Honorable A. Leon Higginbotham and the Honorable Dolores J. Sloviter of the U.S. Court of Appeals for the Third Circuit. Professor Chon has been a member of the faculty at Seattle University since 1996. She is a member of the American Law Institute and the American Bar Foundation.

Professor Jan Anderson

Dr. Jane Anderson is Associate Professor of Anthropology and Museum Studies and a Global Fellow in the Engelberg Center for Innovation Law and Policy in the Law School at New York University. Jane has a Ph.D. in Law from the Law School at University of New South Wales in Australia. Her work is focused on the philosophical and practical problems for intellectual property law and the protection of Indigenous/traditional knowledge resources and cultural

heritage in support of Indigenous knowledge and data sovereignty. Jane is the co-founder (with Professor [Kim Christen](#), Washington State University) of [Local Contexts](#). Local Contexts ([www.localcontexts.org](http://www.localcontexts.org)) is an initiative to support Native, First Nations, Aboriginal, Metis, Inuit and Indigenous communities in the management of intellectual property and cultural heritage specifically within the digital environment. Local Contexts provides legal, extra-legal, and educational strategies (including the [TK Labels](#) system) for navigating copyright law and creating new options for Indigenous control over vital cultural heritage.

## Professor Maui Hudson

Māui is an interdisciplinary researcher who focuses on the application of mātauranga Māori to decision-making across a range of contemporary contexts from new technologies to health, the environment to innovation. He has co-authored a number of ethical guidelines including Te Ara Tika: Guidelines on Māori Research Ethics, a framework for researchers and ethics committee members; Te Mata Ira Guidelines on Genomic Research with Māori; and He Tangata Kei Tua Guidelines on Biobanking with Māori.

Māui's current research projects include:

- Te Nohonga Kaitiaki - developing Guidelines for Genomic Research with Taonga Species
- Co-Innovation Interface - exploring Māori perspectives on gene editing
- Te Tuakiri o te Taonga - developing Biocultural Labels to recognise indigenous rights in genomic data
- He Papa Moana - developing a cross cultural ocean knowledge platform as part of the Moana project
- Māori IP & Responsible Innovation - understanding the intersection between intellectual property and Indigenous data sovereignty

Māui supports Māori to engage in the research sector as a co-convenor of SING Aotearoa, the New Zealand chapter of the Summer Internship for Indigenous Genomics, and Te Ahu o Rehua, a Network for Cross Cultural Ocean Knowledge connecting expertise across the fields of climate change, marine science, ocean health, voyaging and non-instrument navigation. Māui also advocates for Māori rights and interests through Te Mana Raraunga: Māori Data Sovereignty Network and the Global Indigenous Data Alliance. He is a co-founder of ENRICH, a joint initiative between the University of Waikato and New York University, and a co-developer of the Biocultural Labels Initiative.

## Professor Trevor Reed

Trevor Reed is an Associate Professor of Law in the Sandra Day O'Connor College of Law at Arizona State University, where he teaches courses in Property, Intellectual Property, and Federal Indian Law. Dr. Reed's research broadly explores the social impacts of intellectual property law on individual and group autonomy. His current scholarship focuses on the



linkages between creative production and Native American sovereignty. His recent publications include *Who Owns our Ancestors Voices?* (Columbia Journal for Law and the Arts, Andrew Fried Prize), *Reclaiming Ownership of the Indigenous Voice* (Oxford Handbook of Musical Repatriation), and *Sonic Sovereignty* (Journal for the Society of American Music). Forthcoming publications include articles in California Law Review, Journal of the Copyright Society (CSUSA), and Anthropological Quarterly. Dr. Reed is currently advancing community-partnered projects to assist Indigenous peoples as they reclaim their cultural heritage, traditional knowledge, traditional cultural expressions, and other intellectual properties by strategically drawing on tribal, federal, and international law. Prior to joining the faculty at ASU, Reed taught in Columbia's Core Curriculum and worked for Columbia's Copyright Advisory Office on the development of intellectual property rights automation.

- Ph.D., M.Phil, M.A., Columbia University, Graduate School of Arts and Sciences (Ford Foundation fellow)
- J.D. Columbia Law School (Harlan Fiske Stone Scholar)
- M.A. Arts Administration, Teachers College, Columbia University

Jacqueline Keeler

Editor-in-chief of Pollen Nation Magazine, Editor of Edge of Morning: Native Voices Speak for Bears Ears, creator of [#NotYourMascot](#), Diné/Ihanktonwan Dakota

Suzan Harjo

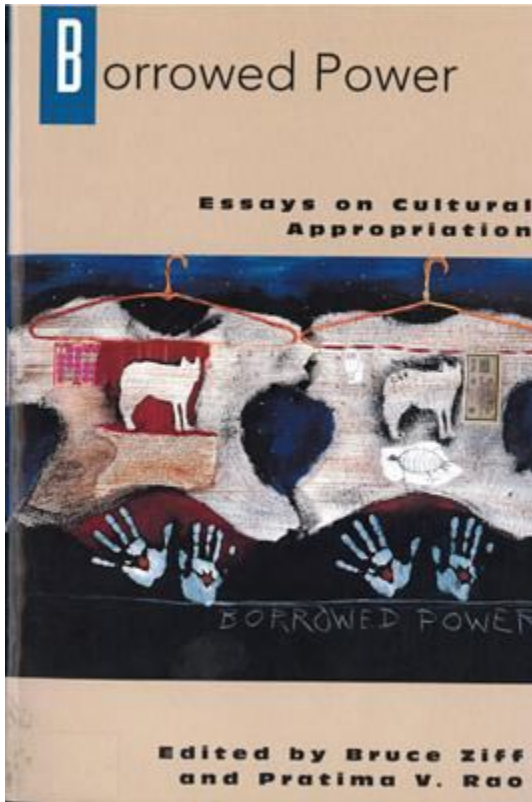
Influential policy advocate, writer, curator and 2014 recipient of the Presidential Medal of Freedom Suzan Shown Harjo (Cheyenne & Hodulgee Muscogee). Harjo is widely recognized for her intensive efforts to address issues at the core of Native American identity: treaty rights, abolition of racist sports mascots, sacred places' protection and access, religious freedom and language revitalization. Her social and political activism and commitment to achieving Native rights are lifelong, dating from her earliest years as a public figure in poetry and theater. In the late 1960s and early 1970s, as a broadcaster she co-produced "Seeing Red," the first national Native news show in the United States, on WBAI-FM Radio in New York City, and in the mid-1970s, she was the news director for the American Indian Press Association, in Washington, D.C. As a special assistant for Native American legislation in President Jimmy Carter's administration, Harjo was the principal author of the "President's Report to Congress on American Indian Religious Freedom." She served as executive director of the National Congress of American Indians (NCAI) from 1984 through 1989. She is one of seven Native people who filed the 1992 landmark lawsuit *Harjo et al v. Pro Football Inc.*, regarding the name of the Washington, D.C., football team, and she

organized the identical *Blackhorse* case that was brought by Native young people. Both cases involved a quarter-century of litigation.

Harjo was part of the coalition that first envisioned the National Museum of the American Indian in 1967. In 1984, in her capacity as executive director of NCAI and president of the Morning Star Institute, Harjo initiated talks with the Secretary of the Smithsonian. As a trustee of the Museum of the American Indian (MAI), the National Museum of the American Indian's predecessor museum collection, she was authorized to conduct certain negotiations for MAI and was the spokesperson for NCAI and Morning Star. A principal drafter of the National Museum of the American Indian and repatriations laws, she was the principal author of the new museum's first trustees' policies on repatriation, identity and exhibitions, and helped to draft its bylaws and collections policy. She chaired its first public programs committee and served on the search and selection committees for the museum's founding director and architect.



- [Borrowed Power](#) by Bruce H. Ziff (Editor); Pratima V. Rao (Editor)



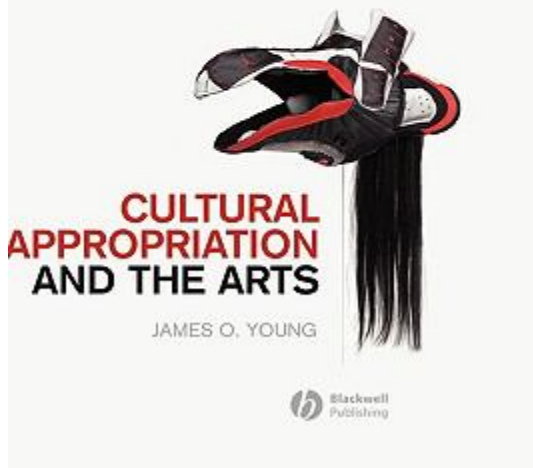
Call Number: GN33 .B66 1997

ISBN: 0813523710

Publication Date: 1997-01-01

*Borrowed Power* provides an informative and insightful collection of essays over cultural appropriation in American society today, mostly focusing on America's appropriation and use of Native American culture. Topics in this book include appropriation of culture from arts, land, and artifacts to ideas, knowledge, and symbols.

• [Cultural Appropriation and the Arts](#) by James O. Young



Call Number: eBook

ISBN: 9781405176569

Publication Date: 2008-01-29

In *Cultural Appropriation and the Arts*, a philosopher systematically investigates moral and aesthetic issues that stem from pervasive contemporary cultural appropriation. It addresses issues arising from the clash and integration of cultures and their artifacts. It considers questions such as: Can cultural appropriation result in the production of aesthetically successful works of art; and is cultural appropriation in the arts morally objectionable?



**Going  
Native**

*Indians in the  
American Cultural  
Imagination*

**SHARI M. HUHNDORF**

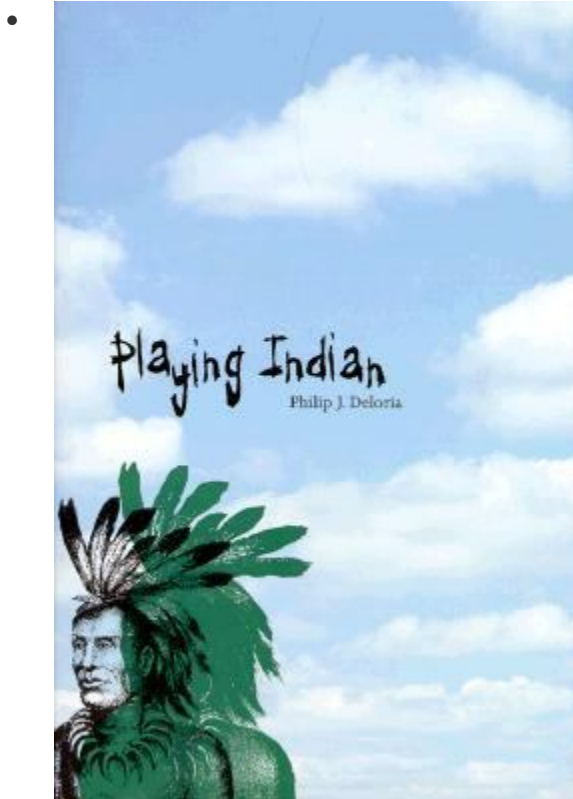
- **Going Native** by Shari M. Huhndorf

Call Number: eBook

ISBN: 9780801454431

Publication Date: 2001-01-01

Huhndorf uses cultural artifacts like fairs, fraternities, films, and other modern manifestations of emulating Native Americans to examine the phenomenon of "going native." Some are quite pervasive, as is clear from the continuing, if controversial, existence of fraternal organizations for young and old which rely upon "Indian" costumes and rituals. Huhndorf asserts that European Americans' appropriation of Native identities is not a thing of the past. *Going Native* shows how even seemingly harmless images of Native Americans can articulate and reinforce a range of power relations including slavery, patriarchy, and the continued oppression of Native Americans. Huhndorf reconsiders the cultural importance and political implications of the history of the impersonation of Indian identity in light of continuing debates over race, gender, and colonialism in American culture.



**Playing Indian** by Philip Joseph Deloria

Call Number: eBook

ISBN: 9780585369921

Publication Date: 1998-01-01

From the Boston Tea Party to today, this book explores how non-native Americans have appropriated Natives' dress and roles to shape American national, modern, and personal identities. The author notes that this appropriation is interwoven in the Americans' conquest and dispossession of Indians and argues that this imagining of Indians "has

helped generations of white Americans define, mask, and evade paradoxes stemming from simultaneous construction and destruction of these native peoples."

- [So You Want to Talk about Race](#) by Ijeoma Oluo



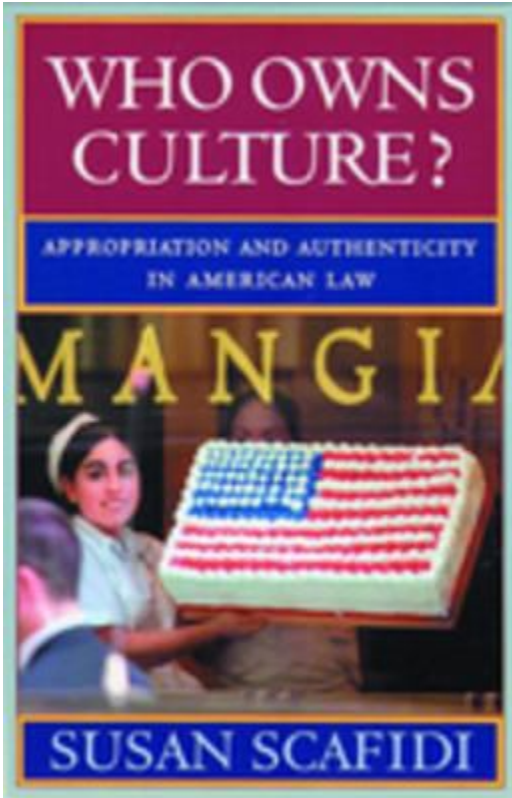
Call Number: KF4755 .O45 2018

ISBN: 9781580056779

Publication Date: 2018-01-16

It impossible to ignore the issue of race. It is also a difficult subject to talk about. In this work, the author, Ijeoma Oluo, guides readers of all races through subjects ranging from intersectionality and affirmative action to "model minorities" in an attempt to make the seemingly impossible possible: honest conversations about race and racism, and how they infect almost every aspect of American life. For a focused discussion on cultural appropriation, see Chapter 10.

Who Owns Culture? by Susan Scafidi



Call Number: eBook

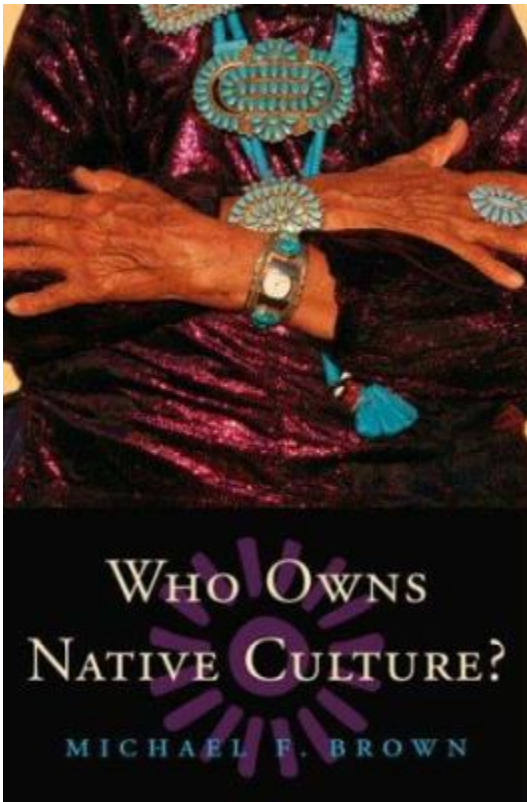
ISBN: 0813537851

Publication Date: 2005-05-18

*Who Owns Culture?* offers a comprehensive analysis of cultural authorship and appropriation within American law. From indigenous art to Linux, the author investigates communal authorship, cultural appropriation and American intellectual property law, and asks: What prompts us to offer legal protection to works of literature, but not folklore? What does it mean for a creation to belong to a community, especially a diffuse or fractured one? Also available in print at the RWU Law Library [KF2979 .S28 2005](#)



- [Who Owns Native Culture?](#) by Michael F. Brown



Call Number: K1401 .B79 2003

ISBN: 0674011716

Publication Date: 2003-09-29

*Who Owns Native Culture?* proposes alternative strategies for defending the heritage of vulnerable Native American communities and is a lively, accessible introduction to questions of cultural ownership, group privacy, intellectual property, and the recovery of indigenous identities.





**Mike Muehe, Esq., Research & Access Services Librarian**



**Nicole Dyszlewski, Head of Reference, Instruction & Engagement**

#### Articles

- ["Straight Stealing": Towards an Indigenous System of Cultural Property Protection by Angela R. Riley](#)

This Article offers two central reasons why the development of tribal law is critical for indigenous peoples to direct their own cultures and destinies in a technological world. First, the essence of sovereignty for indigenous peoples means exercising their inherent authority to define tribal laws and be governed by them. The development and enforcement of tribal legal systems reinforces tribal sovereignty and affirms principles of self-determination. Additionally, when extant and ascertainable, tribal law can influence dominant legal systems. Adjudicatory bodies increasingly draw on tribal law to address issues that go to the essence of tribal life. Focusing on the sui generis tribal law systems of federally recognized tribes in the contiguous United States, this article examines in detail the actions tribes are undertaking to ensure the preservation of their cultural property.

- [Asserting Tribal Sovereignty over Cultural Property: Moving Towards Protection of Genetic Material and Indigenous Knowledge by Debra Harry and Le'a Malia Kanehe](#)

Indigenous cultural property of all forms, tangible and intangible, oral and written, ancient and contemporary, is under constant threat from exploitation, theft, misrepresentation, misuse, and commodification. Current domestic law, including federal Indian law, does not sufficiently protect cultural property. Internationally, although the World Intellectual Property Organization (WIPO), the Convention on Biological Diversity (CBD), United Nations Educational, Scientific and Cultural Organization (UNESCO), and a multitude of other international bodies are proposing new measures for the protection of Indigenous peoples' cultural property, these Western-law-based systems are insufficient. This article posits, that the only realm within which Indigenous cultural property can be truly protected is within Indigenous peoples' own legal systems.

- [The CARE Principles for Indigenous Data Governance by Stephanie Russo Carroll, Ibrahim Garba, Oscar L. Figueroa-Rodríguez, Jarita Holbrook, Raymond Lovett, Simeon Materechera, Mark Parsons, Kay Raseroka, Desi Rodriguez-Lonebear, Robyn Rowe, Rodrigo Sara](#)

Concerns about secondary use of data and limited opportunities for benefit-sharing have focused attention on the tension that Indigenous communities feel between (1) protecting Indigenous rights and interests in Indigenous data (including traditional knowledge) and (2) supporting open data, machine learning, broad data sharing, and big data initiatives. In this first formal publication of the CARE Principles, the authors articulate their rationale, describe their relation to the FAIR Principles, and present examples of their application.

- [Copyright's One-Way Racial Appropriation Ratchet by Elizabeth L. Rosenblatt](#)

This Article explores the implicit hierarchies inherent in copyright law, with particular attention to ways in which U.S. copyright statutes and judicial opinions incorporate racial bias into those hierarchies.

- [Decolonizing Attribution: Traditions of Exclusion by Jane Anderson and Kimberly Christen](#)

In this article, the authors provide a structural critique of attribution as it is figured in colonial practices and ongoing settler-colonial logics that form the basis for creating, circulating, and sharing knowledge through research practices, methods, and platforms.

- [Fair Use As Cultural Appropriation by Trevor Reed](#)

This article evaluates fair use as a gatekeeping mechanism for unauthorized uses of copyrighted culture, one which empowers courts to sanction or disapprove of cultural appropriations to further copyright's goal of promoting creative production.

- [Iancu v. Brunetti: Free Speech Meets "Immoral and Scandalous" Trademarks in the Supreme Court by Niki Kuckes](#)

This is part of the RWU Law Review's U.S. Supreme Court Surveys: 2018 Term.

- [Matal v. Tam: Free Speech Meets "Disparaging" Trademarks in the Supreme Court by Niki Kuckes](#)

This is part of the RWU Law Review's U.S. Supreme Court Surveys: 2016 Term.

- [Owning Red: A Theory of Indian \(Cultural\) Appropriation by Angela R. Riley and Kristen A. Carpenter](#)

It is difficult for legal decision makers and scholars alike to understand why Indian tribes should be able to regulate the use of Indian names, symbols, and expressions. Indeed, non-Indians often claim interests, sounding in free speech and the public domain, in the very same resources. To advance understanding of this contested area of law, Professor Riley and Professor Carpenter situate intangible cultural property claims in a larger history of the legal dispossession of Indian property—a phenomenon they call "Indian appropriation." It then evaluates these claims vis-à-vis prevailing legal doctrine and offers a normative view of solutions, both legal and extralegal.

- [Reclaiming Native Stories: An Essay on Cultural Appropriation and Cultural Rights by Rebecca A. Tsosie](#)

North America is scarred by many battlefields that mark the conflict between Europeans and the Native peoples of this land. The main problem is that the courts and Congress continue to look to their own interpretations of federal legislative and judicial power to define the positive content of Native sovereignty. Many Indian people today are arguing for a tribal right to control cultural expression as a way to counter cultural appropriation. Insofar as Native peoples' claims against cultural appropriation rest upon their need to assert their own unique identities, then perhaps a "right to culture" for Native groups should include a right to control cultural expression. In fact, the arguments of Native people against cultural appropriation share a certain similarity with some of the arguments advanced by feminist writers against pornography and by critical race theorists against hate speech. Thus, while the author supports recognition of Native peoples' right to control cultural expression as an aspect of an emergent cultural and intellectual sovereignty inspired by the quest for self-determination, the author will limit recommendations to a couple of general principles and then a specific recommendation for the fourth category of cultural appropriation.

- [The Romance of the Public Domain by Anupam Chander and Madhavi Sunder](#)

The Agreement on Trade Related Aspects of Intellectual Property Rights (TRIPS) transformed a global public domain in information by propertizing the information resources of the West - from entertainment to technological advances - but leaving in the commons the information resources of the rest of the world, such as genetic resources and traditional knowledge. Just as the trope of the romantic author has served to bolster the property rights claims of the powerful, so too does the romance of the public domain. Resourcefully, the romantic public domain trope steps in exactly where the romantic author falters. Where genius cannot justify the property claims of corporations (because the knowledge pre-exists individual claims of authorship), the public domain can. We review real-world strategies for resolving the romance of the commons. Just as recognition of the tragedy of the commons is the central justification for private property, recognizing the romance of the commons may justify forms of property uncommon in Western legal traditions.

## Web Resources

- [All My Relations Podcast Ep #3: Native Mascots: Really, Still?](#)

This episode is a conversation with Amanda Blackhorse, Navajo social worker and mother, who was the lead plaintiff in the supreme court case against the Washington Redsk\*ns, and Stephanie Fryberg, who is the top psychological researcher on these issues and has demonstrated through lab experiments and surveys how harmful these mascots are to Native youth and how they reinforce negative stereotypes.

- [CARE Principles for Indigenous Data Governance](#)

According to The Global Indigenous Data Alliance, the current movement toward open data and open science does not fully engage with Indigenous Peoples rights and interests. Accordingly, the CARE Principles for Indigenous Data Governance are people and purpose-oriented, reflecting the crucial role of data in advancing Indigenous innovation and self-determination. These principles complement the existing FAIR principles encouraging open and other data movements to consider both people and purpose in their advocacy and pursuits.

- [Change the Mascot Campaign](#)

Change the Mascot is a national campaign to end the use of the racial slur "r\*dskins" as the mascot and name of the NFL team in Washington, D.C. Launched by the Oneida Indian Nation, the campaign calls upon the NFL and Commissioner Roger Goodell to do the right thing and bring an end the use of the racial epithet. The website contains news on the changing of other mascot names.

- [Intellectual Property Issues in Cultural Heritage \(IPinCH\)](#)

The Intellectual Property Issues in Cultural Heritage (IPinCH) research project is an international collaboration of archaeologists, Indigenous organizations, lawyers, anthropologists, ethicists, policy makers, and others,

working to explore and facilitate fair and equitable exchanges of knowledge relating to heritage. We are concerned with the theoretical, ethical, and practical implications of commodification, appropriation, and other flows of knowledge about the past, and how these may affect communities, researchers, and other stakeholders.

- [Local Contexts](#)

The primary objectives of Local Contexts are to enhance and legitimize locally based decision-making and Indigenous governance frameworks for determining ownership, access, and culturally appropriate conditions for sharing historical, contemporary and future collections of cultural heritage and Indigenous data. Local Contexts is focused on increasing Indigenous involvement in data governance through the integration of Indigenous values into data systems.

- [National Congress of American Indians, Ending the Era of Harmful “Indian” Mascots](#)

This website contains links to news stories, social science research, and policy papers on ending the use of Native American mascots in sports.

- [Native Appropriations](#)

Native Appropriations is a forum for discussing representations of Native peoples, including stereotypes, cultural appropriation, news, activism, and more.

- [The Passamaquoddy Reclaim Their Culture Through Digital Repatriation](#)

This article from The New Yorker discusses digital strategies which work to correct for the historical legal regime in the US. The intellectual-property rights of culturally sensitive items belong to museums and libraries that have collected them and not the Native American communities to whom the objects and culture belongs.

- [Protocols for Native American Archival Materials](#)

In 2006, nineteen Native American and non-Native American archivists, librarians, museum curators, historians, and anthropologists gathered to identify best professional practices for culturally responsive care and use of American Indian archival material held by non-tribal organizations. The proposed standards and goals articulated in Protocols for Native American Archival Materials are meant to inspire and to foster mutual respect and reciprocity.

- [Reclaiming Native Truth](#)

Reclaiming Native Truth is a national effort to foster cultural, social and policy change by empowering Native Americans to counter discrimination, invisibility and the dominant narratives that limit Native opportunity, access to justice, health and self-determination. Reclaiming Native Truth’s goal is to move hearts and minds toward greater respect, inclusion and social justice for Native Americans.

- [Think Before You appropriate](#)

This is a guide for creators and designers and highlights things to know and questions to ask in order to avoid misappropriating Indigenous cultures.