BIBLIOGRAPHY

Original bibliography by Catherine Bell and Sonja Tanner-Kaplash. Updated August 2002, Catherine Bell

Table of Contents

Note: This is hyperlinked Table of Contents. You can navigate throughout the document by using the links below and the headings of each section in the body of the document.

I. Texts
II. Articles in Journals and Texts
IV. Conference Papers
V. Legislation
   • Canada
   • United States
   • Australia
   • New Zealand
   • Tunisia
VI. Case Law
   • Australia
   • Canada
   • New Zealand
   • United States
   • England
VII. Internet Sites

I. TEXTS


F. Ahenakew, & S. Fredeen (Eds.), Our Languages, Our Survival (Saskatoon: Saskatchewan Indian Languages Institute, 1987).


B. Apland & A. Charlton (Eds.), *Guidelines for Heritage Resource Impact Assessment in British Columbia* (2nd Ed.) (British Columbia: Archaeology Programs Division, 1987).


D. Cameron, *An Introduction to the Cultural Property Export and Import Act* (Ottawa: Arts & Culture Branch, Department of the Secretary of State, 1977).


G. Cantoni, (Ed.), *Stabilizing Indigenous Languages* (Flagstaff: Northern Arizona University, 1997).


M. Chanock & C. Simpson (Eds.), *Law and Cultural Heritage* (Melbourne: La Trobe University, 1996).


C. Fforde, J. Huburt, and P. Turnbull (Eds.), *The Dead and their Possessions: Repatriation in Principal, Policy, and Practice* (New York: Routledge, 2002).


D Mitchell & J. Brunson-Hadley (Eds.), *Ancient Burial Practices in the American*
Southwest: Archaeology, Physical Anthropology, and Native American Perspectives (Albuquerque: University of New Mexico, 2001).


R.C. Morris, New Worlds from Fragments: Film, Ethnography, and the Representation of Northwest Coast Cultures (Perseus Books, 1994).


Nisga’a Tribal Council, Bringing our Ancestors Home: The Repatriation of Nisga’a Artifacts (British Columbia: Nisga’a Tribal Council, 1997).


S. Pearce (Ed.), Museums & the Appropriation of Culture (Leicester: Leicester University Press, 1994).


M. Phelan, Museums and the Law (Nashville: American Association for State & Local History, 1982).


J. Reyhner, G. Cantoni, R.N. St. Clair, & E.P. Yazzie (Eds.), *Revitalizing Indigenous Languages* (Flagstaff: Northern Arizona University, 1997).

J. Reyhner (Ed.), *Teaching Indigenous Languages* (Flagstaff: Northern Arizona University, 1997).


N. Swindler et. al. (Eds.), *Native Americans and Archaeologists: Stepping Stones to Common Ground* (California: AltaMira Press, 1997).

Tasmanian Aboriginal Centre, *Free Exchange or a Captive Culture? The Tasmanian Aboriginal Perspective on Museums and Repatriation* (Hobart Tasmanian Aboriginal Centre Inc., 1998).


II. **ARTICLES IN JOURNALS AND TEXTS**


American Association of Museums, “Past is Present” (October 1988) Anthropology Newsletter 2.

M.M. Ames, J. Harrison & T. Nicks, “Proposed Museum Policies for Ethnological Collections and the Peoples They Represent” (Fall 1988) 6 Muse 47.


M.M. Ames, “Free Indians from Their Ethnological Fate: The Emergence of the Indian Point of View in Exhibitions of Indians” (Summer 1987) 5 Muse 14.


C. Arnold, "Archaeology in the Canadian Arctic Past & Present - Repatriation of Skeletons to the N.W.T." (1992) 18 (3) Information North - Arctic Institute of North America 1.

M. Arviso & M. Holm, “Native American Language Immersion Programs: Can There Be Bilingual Education When the Language is Going (or Gone) as a Child Language?” (1990) 8 (1) Journal of Navajo Education 39-47.


C.A. Basset, "The Culture Thieves" (July/August 1986) 86 (4) Science 23.


C. Bell & M. Asch, "Definition and Interpretation of Fact in Canadian Aboriginal Title Litigation: A Comment on Delgamuukw" (1994) 19 (2) Queens Law Journal 503.


J. Blaine, "Accountability to the Hand that Feeds You" (May 1979) 57 (5) Museum News 34.


T.H. Boyd, “The Native American Graves Protection and Repatriation Act:
Reinstatement of Human Remains and Funerary Objects to their Former State or Repose" (1992) 27 (3) Gonzaga Law Review 423.


G. Bromilow, "Finders Keepers" (March 1993) 93 Museums Journal 32.


B. Burnham, "The Black Market in Art" (January 1976) ARTnews 80.


C. Casey, “Tribal Museums Keep Exhibits, Culture Alive” (Fall 1996) 8 Tribal-College 12.


C. Coggins, "Illicit Traffic in Pre-Columbian Antiquities" (1969) 29 Art Journal 94.


M. Craig & D. Smith, “Ottawa Collections Move North: Transfer of Artworks From Indian and Northern Affairs Collections to Avataq” (Summer 1990) 8 Muse 51.


R.S. Dobosh, “Repatriation Standoff” (March/April 1996) 49 Archaeology 12.


D. Doxtator, “The Home of Indian Cultural Property and Other Stories in the Museum” (1998) 6 (3) Muse 26


-20-


D. Finster, “Museums and Medicine Bundles” 8 (2) The Indian Historian 40.


S. Henderson, “Draft – Protection of the Cultural and Intellectual Property of Indigenous Peoples” (Saskatoon, Native Law Centre, University of Saskatchewan) [unpublished].


T. Hill & T. Nicks, "First Nations & Museums" (Fall 1988) 6 (3) Muse 2.


E. Hore, "Intellectual Property: Patents and Copyright" (February 1999) 23 (2) Canadian Lawyer 38.


"In this Issue" (1981) 2 (9) Stolen Art Alert 1.


E. Keall, "The Words on the Wall at Al-Iskandariyya - An Ancient Trust Revealed" (February 1999) 31 (3) Rotunda 18.


P. Kuruk, "Protecting Folklore Under Modern Intellectual Property Regimes: A


R. Levine & F. Cooper, “The Supression of B.C. Languages: Filling in the Gaps in the Documentary Record" ii. 3-4 Sound Heritage 43.


H. Leyton, "Return or Restitution of Cultural Property - Playing the Game" (June 1983) 5 International Council of Museums News 18.


K.R. Lister, “The Hold the Traditions Tight: Ethnographic Material Culture and Museums in Relation to the Disposal Issue” (Summer 1990) 8 Muse 42.

K.R. Lister, "Deaccessioning & Ethnographic Material Culture" (Summer 1983) The Museologist 12.


L. Monreal, "Problems and Possibilities in Recovering Dispersed Cultural Heritages" (1979) 31 (1) UNESCO Museum 49.


P.H. Pott & M.A. Sataarga, "Arrangements Concluded or in Progress for the Return of Objects: The Netherlands and Indonesia" (1979) 31 (1) UNESCO Museum 38.


J. Riding In, “Repatriation: A Pawnee’s Perspective” (Spring 1996) 20 American Indian Quarterly 238.


W.D. Rogers, "The Legal Response to the Illicit Movement of Cultural Property" (1973) 5 Law and Policy in International Business 932.


L. Rosenbaum, "Appraising the Appraisers: Part I" (November 1983) 83 (9) ARTnews 92.

L. Rosenbaum, "Appraising the Appraisers: Part II" (December 1983) 63 (10) ARTnews 99.


E. Schroeter, “Change in Attitudes of Academia: Native Americans are Partners in the Search for Knowledge of their Origins, Rather Than Simply the Objects of Study" News from Indian Country (13 July 1997) 14B.


M. Tehan, “To be or Not to be (property); Anglo-Australian law and the Search for Protection of Indigenous Cultural Heritage” (1996) 15 (2) University of Tasmania Law Review 267.

J. Terrell, "We want our Treasures Back" (March 1993) 93 Museums Journal 36.


J. Vidal-Hall, "Getting the Heritage Home" (January 1982) 15 South 33.


P.B. Wald, "In the Public Interest" (June 1974) 52 (2) Museum News 30.


J. Weaver, “Indian Presence with No Indians Present: NAGPRA and its Discontents” (Fall 1997) 12 Wicazo Sa Review 13.


G.C. Webster, "The R. Word" (1988) 6 (3) Muse 43.


B. Woronocow, "Ethnographic Collections - The Disposal of Museum Collections" (December 1987) Museums Journal 137.


III. GOVERNMENT, INTERNATIONAL, NATIONAL ORGANIZATIONS


Agreement between the North Dakota Intertribal Retirement Committee and the Omaha District re: NAGPRA and the opening of unmarked human burials [unpublished].


Australian Institute of Aboriginal and Torres Strait Islander Studies, Native Title Research Unit, Native Title and Intellectual Property, Issue Paper No.10 (April 1996).


Canadian Archaeological Association, *Statement of Principles for Ethical Conduct Pertaining to Aboriginal Peoples* (Ottawa: Dept. of Communications, 1996).


M. Dunn, A National Overview of the Dept. of Communications Consultation with Aboriginal Peoples on Canadian Archaeological Heritage (Ottawa: Dept. of Communications, Archaeology Heritage Branch, 1991).


P. Bender, Address (Senate Select Committee on Indian Affairs: The United States Senate, 14 May 1990) [unpublished].


International Convention for the Protection of Performers, Producers of Phonograms, and Broadcasting Organizations (1961) Rome, 26 October, 496 UNTS No. 43, WIPO Publication 328 (E) [Rome Convention].

International Institute for the Unification of Private Law, Unidroit Convention on Stolen or Illegally Exported Cultural Objects (Rome, 24 June 1995).


Manitoba, The Heritage Resources Act: Designating Heritage Sites in Manitoba (Winnipeg: Manitoba Culture, Heritage and Citizenship, Historic Resources Branch, 1994).


Nunavut Settlement Agreement in Principle Between Inuit of the Nunavut Settlement Area and Her Majesty in Right of Canada (1990). Ottawa: Department of Indian Affairs and Northern Development.

Ontario, *Canadian cultural property export control list* (Ottawa: Movable Cultural Property, Arts and Culture Branch, Communications Canada, 1986).


IV. **CONFERENCE PAPERS**


Curatorship: Indigenous Perspectives in Post-Colonial Societies (Canadian Museum of Civilization with the Commonwealth Association of Museums and the University of Victoria, 1996).


V. Hughes, “The Unidroit Convention on Stolen or Illegally Exported Cultural Objects” (Paper presented to the Canadian Museums Association – Legal Affairs and Management Symposium, 1-2 March 1996) [unpublished].


M. McWilliams, C. Fee, & D. Cameron, *Legal Aspects of a Museum or Comparable Custodial Institution When Viewed as a Public Trust* (Manuscript prepared for the Canadian Museum Association Annual Conference, Calgary, 1983) [unpublished].


V. LEGISLATION

Canada

A separate list of Canadian legislation and an annotated list of Canadian legislation are being generated and will be posted when complete.

United States

American Indian Religious Freedom Act of 1978 (AIRFA)


Copyright Act, 17 U.S.C.S. §§ 101 – 120.


Australia

Aboriginal and Torres Strait Islander Heritage (Interim Protection) Act 1984 (No.79 of 1984).

Aboriginal and Torres Strait Islander Heritage Protection Amendment Act 1987 (No.39 of 1987).


Commonwealth

(CTH) Aboriginal and Torres Strait Islander Commission Act 1989.

(CTH) Aboriginal and Torres Strait Islander Heritage Protection Act 1984.


(CTH) Australian Institute of Aboriginal and Torres Strait Islander Studies Act 1989.


(CTH) Native Title Act 1993.


Northern Territory


(NT) Northern Territory Aboriginal Sacred Sites Act 1989.

New South Wales

(NSW) Environmental Planning and Assessment Act 1979.


(NSW) National Trust of Australia (NSW) Act 1990.


Queensland


(QLD) Cultural Record (Landscapes Queensland and Queensland Estate) Act 1987.


South Australia


(SA) Mining Act 1971.

Tasmania

(TAS) Aboriginal Relics Act 1975.

Victoria


Western Australia

(WA) Aboriginal Heritage (Mandoo) Act 1972.
(WA) Environmental Protection Act 1986.

New Zealand

Antiquities Act, 1975.
Copyright Act, 1994.
Designs Act, 1953.
Maori Affairs Act, 1993.
Patents Act, 1953.
Trade Marks Act, 1953.

**Tunisia**

Literary and Artistic Property Act, 1994, Law No. 12 replaced by Law No. 36.

VI. **CASE LAW**

**Australia**


*Bropho v. Western Australia* (1990), 171 C.L.R. 1, 93 A.L.R. 207.


Western Australia v. Minister for Aboriginal and Torres Strait Islander Affairs (1994), 54 F.C.R. 144, 37 A.L.D. 633.


Canada


Preston v. 20th Century Fox Canada Ltd. et al. (1990) 33 C.P.R. (3d) 242 (Federal Court Trail Division, Canada).


Touchwood File Hills Qu’Appelle District Council Inc. v. Davis, [1987] 1 C.N.L.R. 180 (Court of Queen’s Bench, Sask.).


New Zealand


Re Estate of Tupuna Maori (unreported) (High Court of New Zealand) (Wellington May 19, 1998).


United States

Apache Survival Coalition v. U.S., 21 F. 2d. 895 (9th Cir. 1994).

Bear Lodge Multiple Use Association v. Babbit, CA10 – QL 548 (Q.L.) (9th Cir. 1999).

Boarhead Corporation v. Erickson, 923 F. 2d. 1011 (3d Cir. 1991).


Chilkat Indian Village v. Johnson, 870 F. 2d. 1469 (9th Cir. 1989).

Craddick v. Duckworth, 113 F. 3d. 83 (7th Cir. 1997).


Florey v. Sioux Falls School District 49-5, 619 F. 2d. 1311 (8th Cir. 1980).


Kiowa Tribe of Oklahoma v. Lewis, 777 F. 2d. 587 (10th Cir. 1985).


Morongo Band of Mission Indians v. Federal Aviation Administration, 161 F. 3d. 569 (9th Cir. 1998).

Muckleshoot Indian Tribe v. U.S. Forest Service, CA9 – QL 297 (Q.L.) (9th Cir. 1999).

Narragansett Indian Tribe et. al. v. Paul E. Guilbert, 934 F. 2d. 4 (1st Cir. 1991).


Providence v. Babbitt.


Re Allen, 2 U.S. Patents Quarterly 2d (BNA) 1425 (PTO Bd. App. & Int. 1987).

Sequoyah v. Tennessee Valley Authority, 620 F. 2d. 1159 (6th Cir. 1980).


Town of Belmont v. Dole, 766 F. 2d. 28 (1st Cir. 1985).

U.S. v. Austin, 902 F. 2d. 743 (9th Cir. 1990).


U.S. v. Gerber, 999 F. 2d. 1112 (7th Cir. 1993).

U.S. v. Jones, 607 F. 2d. 269 (9th Cir. 1979).


U.S. v. Smyer, 596 F. 2d. 939 (10th Cir. 1979).

United States of America v. Corrow, 119 F. 3d. 796 (10th Cir. 1997).

United States of America v. Diaz, 499 F. 2d. 113 (9th Cir. 1974).

United States of America v. Tidwell, CA9 – QL (Q.L.) (9th Cir. 1999).


**England**


VII. Internet Sites

Alliance for Native American Indian Rights – http://www.nativenashville.com/anair/default.htm


“Anthropology and Archaeology on the Internet” – http://dizzy.library.arizona.edu/library/teams/sst/anthro/web/indians.htm

“Anthropology at the University of Iowa” – http://www.uiowa.edu/~anthro/


“ArchNet, Virtual Library of Archaeology” – http://archnet.asu.edu/archnet

“National Archeological Database: NAGPRA” – http://cast.uark.edu/products/NAGPRA


“Repatriation and Reburial Issues” – http://www.uiowa.edu/~anthro/reburial/repat.htm


Aboriginal First Nations Cultural Materials Repatriation Resources – http://www.ucn.bc.ca/~jeffrey1/repatrat.htm


Aboriginal Canadian Portal - http://www.aboriginalcanada.gc.ca/

American Indian Ritual Object Repatriation Foundation – http://www.repatriationfoundation.org

American Indian Ritual Object Repatriation Foundation – http://www.repatriationfoundation.org/Index.html

Assembly of First Nations - http://www.afn.ca/

Australian legal Information Institute – http://www.austlii.edu.au

Centre for World Indigenous Studies - http://www.cwis.org/

Filipinas Heritage Library - http://www.fillib.org.ph


Institute of Indigenous Government - http://www.indigenous.bc.ca


“Index of Native American Archaeology & Anthropology Resources on the Internet” – http://www.hanksville.org/NAresources/indicies/NAarch.html


Midwest Save our Ancestors Remains & Resources Indigenous Network Group – http://www.geocities.com/soarring/

NAGPRA Review Committee – http://www.cast.var.edu/others/nps/nagpra/nagpra.dat

National NAGPRA Database - http://www.cast.var.edu/products/NAGPRA


Union of B.C. Indian Chiefs – http://www.ubcic.bc.ca/protect.htm


Peabody Museum of Archaeology and Ethnology – http://www.peabody.harvard.edu/

Repatriation and NAGPRA - http://anthropology.about.com/CS/NAGPRA/

Smithsonian Repatriation Office – http://www.nmnh.si.edu/anthro/repatriation/

Society for American Archaeology – http://www.saa.org

Society for Historical Archaeology – http://www.sha.org/sha_back.htm


Turtle Island Native Network - http://www.turtleisland.org/culture/culture.htm

U.N. Human Rights Committee Website – http://www.unhchr.ch

World Archaeological Congress – http://wac.soton.ac.uk/