



NATIONAL ASSOCIATION OF STATE ARCHEOLOGISTS

NEWSLETTER

Spring, 1990

Volume X, Number 2

ANNUAL MEETING

The National Association of State Archaeologists will hold its annual business meeting at the Riviera Hotel in Las Vegas on April 18, 1990, in conjunction with the annual meeting of the Society for American Archaeology. The meeting will begin at 9 a.m.; please see posted conference agenda and schedule for room number. Vice President Tom Witty has prepared the following preliminary agenda:

- I. Approval of 1989 Minutes
- II. Reports of Officers
 - A. President
 - B. Secretary/Treasurer
 - C. Newsletter Editor
- III. Report of 1990 Election Results
- IV. Old Business
 - A. Burial Issue
 1. NASA Policy Statement
 2. Report from NCSHPO Meeting
 3. Pending federal legislation
- V. New Business (1990-92 officers presiding)
- VI. Planning for 1991 Meeting
- VII. Adjournment

If you have any additional topics to add to the agenda, please call Tom Witty, NASA Vice President, at (913) 296-4781 as soon as possible.

NASA POLICY ON HUMAN REMAINS

At last year's meeting a draft statement on human remains was agreed to by the mem-

bers in attendance in anticipation of comment by members and a subsequent vote. However, no comments were circulated and no ballot was prepared, so the matter has been placed on the agenda for this year's meeting. For your convenience, the draft statement is reprinted in this issue of the newsletter.

NASA Principles on Treatment of Human Remains

Recognizing that human remains are accorded special status by society and are deserving of protection and respectful and dignified treatment, the National Association of State Archaeologists adopts the following principles.

1. We advocate the rational scientific inquiry of past human behavior which requires analysis of original data, including human remains and associated artifacts.
2. As anthropologists we recognize the motivations and rights of diverse modern opinions by relatives and non-relatives concerning the ownership and treatment, including reinterment, of human skeletal remains.
3. We endorse the resolutions of conflict between principles 1 and 2 through the use of state, federal, and tribal law.
4. We recognize that at the current time there are no uniform solutions that apply to the diversity of circumstances we face, but as state archaeologists we shall take positive steps to reach legal, negotiated solutions.

WORKSHOP ON MANAGING FEDERAL ARCHAEOLOGICAL COLLECTIONS

The American Society For Conservation Archaeology is sponsoring a workshop-symposium on federal curation to be held in Las Vegas on April 21, 1990, between 9:00 a.m. and noon. The meeting is held in conjunction with the Society for American Archaeology Annual Meeting at the Riviera Hotel. The session is to be chaired by Curtis F. Schaafsma, State Archaeologist of New Mexico, who supplied the following synopsis:

The pending appearance of 36 CFR 79 and the issuance of the General Accounting Office Report in December, 1987, have changed the way in which we will take care of archaeological collections and records. It is now broadly realized that the loss of collections from previous excavations is as harmful to archaeological research as the loss of unexcavated sites through vandalism and unregulated construction. Federal Agencies, the museum community and the interested public need to engage in an active partnership to manage collections and records for the best possible future use. Legally, collections from Federal lands remain the property of the Government and curators must be aware of what the Government will require and what sources of funding will be available. The discussion will focus on 36 CFR 79 and its implications for Federal managers and museum authorities in regard to funding, developing and operating repositories with Federal archaeological collections.

For more information contact: Curtis F. Schaafsma, New Mexico State Archaeologist, Museum of New Mexico, Santa Fe, NM 87504 (505) 827-8941 or Herrick "Rick" Hanks, President, ASCA, BLM Susanville District Office, Susanville, CA 96130 (916) 257-5381.

BOOK AVAILABLE

University Press of Colorado has asked NASA to inform its members of the May 1990 publication of *Mesoamerica's Ancient Cities*, by William M. Ferguson, Arthur H. Rohin and John Q. Royce. The large format

book is a photographic portrayal of the 51 major prehistoric sites of Mexico, Guatemala, Belize, and Honduras and includes aerial and ground photos. Price is \$45.00 clothbound.

NEWS FROM ILLINOIS

Tom Emerson, State Archaeologist of Illinois, kindly supplied a copy of Vol. 1 No. 1 of Illinois Archaeological News published by the Illinois Historic Preservation Agency. You may reach Tom at IHPA, Old State Capitol, Springfield, IL 62701 (217) 785-4512 if you want to inquire about receiving future copies. IAN reported several items of interest to NASA members which I quote below.

Illinois Shipwreck Endangered

A Chicago-based firm, American Diving and Salvage Co., has sued under Admiralty law in federal District Court for sole possession of two famous shipwrecks in Illinois waters. The wrecks are those of the *Seabird* and the *Lady Elgin*. The *Seabird*, an elegant sidewheeler, was headed for Chicago in April, 1868, when it caught fire and sank with only 3 survivors out of a possible 100 people on board. The *Lady Elgin*, the premier passenger ship of her day, had left Chicago for Milwaukee in September, 1860, when she was rammed by a freighter. Later that night the *Lady Elgin* sank, taking with her almost 300 people. These two shipwrecks are among the ten worst losses of life in Great Lakes shipping accidents.

The Illinois Attorney General's Office, representing the IHPA and the IDOT, has asked to intervene in the suit on behalf of the ships. It is the state's position that under the 1987 Federal Abandoned Shipwreck Act and existing state law, the historic shipwrecks in Illinois waters are state property. Although still in the early stages of development, Illinois has been working with groups in the Chicago area to begin the recording of these wrecks; the state is hoping to follow the precedent of other states and ultimately make them available as historic sites to the sport diving community. (IAN 1(1):1-2)

Indiana Enacts Anti-Looting Law

The new Indiana law (SEA 33) extends protection to prehistoric and historic burials and archaeological living sites on both private and public lands. The law requires the Indiana SHPO to develop regulations for excavation permits, handle disposition of human remains, encourage the development of a code of ethics for amateur groups, and perform enforcement. Digging for artifacts that date prior to Dec. 11, 1816, (Indiana Statehood) is punishable by 1 year in prison and a \$5000 fine, while disturbing burials is punishable by 2 years in prison and a \$10,000 fine. Failure to report the disturbance of burials is also punishable by 1 year imprisonment and a \$5000 fine. More information on the Indiana law can be obtained from Dr. R. Stafford, Council of Indiana Archaeology, c/o Laboratory of Anthropology, Indiana State University, Terre Haute, IN 47809. (IAN 1(1):2)

Illinois Burial Law Goes Into Effect

The "Human Grave Protection Act" went into effect on 11 August, 1989. From the general information that we have received across the state, it appears to have diminished some of the blatant looting of burial sites. The law provides for punishments for grave disturbances that include up to 1 year imprisonment, a \$10,000 fine, confiscation of property used to commit the crime (for example, vehicles), and civil damages for the first offense. Subsequent violations increase prison time to 3-5 years. Anyone who is aware of criminal violations of this law should call their nearest law enforcement agency.

Any disturbance of human burials in unregistered graves now requires a permit from the IHPA. A number of such permits have been issued for the investigation of construction and natural disturbances. (IAN 1(1):2)

TIPS FOR TECHS PUBLISHED

Leland Gilson, State Archaeologist of Oregon, has supplied a "quick series by Oregon SHPO" on archaeological topics useful to

technical staff in land managing agencies. Tips for Techs 1 by Leland is on archaeological survey and includes the interesting statistic that over the last decade 12,000 sites have been recorded while 100 or so sites have been excavated. The ratio 120:1 is a measure of the importance of survey data not only for management but also for research purposes. Tips for Techs 2 by Leland is on eligibility of archaeological sites to the National Register. Both of these Tips topics have application in all states, and you might find the Oregon model useful for your own "quick series". Leland can be reached at Historic Preservation Office, State Parks and Recreation, 525 Trade St. SE, Salem, OR 97310.

PRESERVATION CHALLENGES CONFERENCE SCHEDULED

Hester Davis, State Archaeologist of Arkansas, supplied the announcement of "Preservation Challenges for the 1990s: A Conference for Public Officials" sponsored by National Park Service, Advisory Council on Historic Preservation, National Conference of State Historic Preservation Officers, and General Services Administration. The Conference is scheduled for June 5-7, 1990, in Washington, DC. According to the announcement "Preservation Challenges for the 1990s is the first comprehensive conference to address the special challenges currently facing historic preservation officials; with indepth sessions using actual case studies, the conference will provide participants insights on successfully meeting preservation needs in the 1990s. Over 50 leading experts from around the country, representing a broad range of disciplines, will deliver presentations and participate in panels over two-and-a-half days. There will be a mix of plenary and concurrent sessions, with three tracks available to participants. Participants will learn state-of-the-art techniques and technologies for solving specific preservation problems".

The tentative registration fee is \$150. The conference will be held at Crowne Plaza Hotel in Washington, DC. For more information contact Preservation Challenges Conference, 424, National Park Service, P.O. Box

37127, Washington, DC 20013-7127 (202) 343-9578.

VERMONT ARCHAEOLOGICAL GUIDELINES

Giovanna Peebles, State Archaeologist of Vermont, reports that Guidelines for Archaeological Studies are in effect in Vermont. She notes especially the Guidelines' emphasis on public education and increased, clearer communications with clients, landowners, local governments, and members of the community. The twenty-seven page guide is organized as follows:

- Introduction (Questions and Answers)
- Phase I Identification Study Scope of Work
- Phase I Report Writing
- Phase II Evaluation Study Scope of Work
- Phase II Report Writing
- Phase III Data Recovery Study
- Treatment of Human Remains Discovered in the Field
- Standard Archaeological Practice
- Consideration of Standing Buildings and Structures
- Conservation and Storage of Archaeological Data.

For copies or more information write Division for Historic Preservation, 58 East State Street, Montpelier, VT 05602 (802) 828-3226.

SOUTH DAKOTA BURIAL LAW

James Haug, State Archaeologist of South Dakota reports on that state's new burial law: "The South Dakota Legislature passed a bill this session entitled 'An Act to provide for the identification and disposition of certain human skeletal remains and impose certain penalties'. The bill's sponsor, a representative from Rapid City, indicated that she had read about recent laws in other states which provided protection for unmarked or prehistoric burials and thought that it was time such a bill were passed in South Dakota, especially since 1990 has been proclaimed a year of Indian-white reconciliation by Governor Mickelson.

"The law makes it a felony to knowingly disturb an unmarked grave, whether by destroying it as part of a construction pro-

ject or by digging it up. The only people--other than law enforcement personnel--who may disturb a burial are archaeologists working under permit from the state archaeologist. It is also now a felony to exhibit a burial or to buy or sell human skeletal remains or grave goods for profit.

"Provision is made in the law for reburial of human skeletons found in South Dakota which are not under the jurisdiction of a modern cemetery authority. In cases where the remains can be shown to be those of any tribe now residing in South Dakota, representatives of that tribe, as designated by the State Office of Indian Affairs, will be consulted regarding disposition of the remains. In those cases where the remains cannot be linked to any modern tribe, the state archaeologist will arrange to have them reinterred at a location which has been set aside for that purpose. The State Historical Society Board of Trustees has now been granted rule making authority to implement the law. All human skeletons in the care of the state were reburied in 1986 under the direction of the late Robert Alex, who was the state archaeologist at the time. Bob was also instrumental in establishing a set of procedures for the state to allow for postmortem examinations and reburial of human skeletons found on state land.

"This legislation marks another step forward in how the dead are treated in South Dakota. Modern cemeteries have long been protected by law, but unmarked or prehistoric graves were not. South Dakota's new law makes certain that those who loot or deface burials will be punished accordingly. Unfortunately, the law in its present form, given its rather odd definition of human skeletal remains, offers protection only for Sioux Indian burials. It omits many of the other peoples who have lived in South Dakota in the past--Arikara, Mandan, Hidatsa, Cheyenne, and more recent European settlers and soldiers, who were often buried in unmarked graves. The task ahead will be to see about strengthening the law to provide protection to the graves of the other past inhabitants of South Dakota, both Indian and non-Indian".

NEWS FROM MARYLAND

Tyler Bastian, State Archaeologist of Maryland, reports on recent developments regarding burial laws and reorganization: "Protection of cemeteries and unmarked graves has attracted increased concern by genealogists, historic preservationists, archeologists, and Native Americans during the past few years in Maryland. The Council for Maryland Archeology prepared a position statement last year, but continues to discuss the issue. A study committee organized by the state historic preservation office last summer drafted a bill for the Maryland General Assembly, but its introduction was postponed until next year in order to involve additional constituent groups, including public health officers and county associations. Moreover a Resolution now before the General Assembly requests the Governor to establish a Task Force to study existing Maryland laws and policies on the protection of cemeteries and unmarked human burials and to report by January 1991. The Resolution specifies representation by the archeological and physical anthropological professions as well as by minority groups and others.

"A bill transferring the Division of Archeology, including the State Archeologist's office, from the Maryland Geological Survey (Department of Natural Resources) to the Maryland Historical Trust (Department of Housing and Community Development) has been introduced in the Maryland General Assembly for the third consecutive year. Division of Archeology staff members working under a cooperative agreement with the State Highway Administration would be transferred to that agency. This year's bill differs from the previous ones in that it has an emergency designation, and that continuation of salaries and operating budgets after 30 June 1990 for all eight classified positions presently in the Division of Archeology are linked to the passage of the bill by early April".

PENDING LEGISLATION

Six separate bills and companions concerning archaeological matters, particularly human

remains, are in various stages of the legislative process. Enclosed for your information is a summary sheet and overview prepared for the National Conference of State Historic Preservation Officers by CEHP, Inc. Certainly the most far-reaching piece of legislation is S. 1579, The National Historic Preservation Policy Act, sponsored by Senator Fowler. A copy is enclosed; it would be helpful to review it before the upcoming SAA meeting as there will likely be much discussion of its provisions.

NEW EDITOR

This will be my last newsletter issue. I thank all NASA members who have contributed items for the last four issues and urge all members to support the Association by helping the new editor in the same way.
Jim Miller