



SOCIETY FOR AMERICAN ARCHAEOLOGY

July 30, 1997

Mr. Charles W. Cartwright, Jr.  
Regional Forester  
Southwest Region  
USDA Forest Service  
517 Gold Avenue  
Albuquerque, NM 87102-0084

Dear Mr. Cartwright:

With more than 6000 members, the Society for American Archaeology (SAA) is the largest professional organization devoted of the study of the archaeology of the Americas. SAA has been involved with the Native American Graves Protection and Repatriation Act of 1990 (NAGPRA) since its inception and testified before both the House and Senate on the draft bill. SAA views NAGPRA as an attempt to balance the concerns that Native Americans have about the remains and artifacts of their ancestors with other public and scientific interests in learning about the prehistory of the United States. SAA strongly supports NAGPRA and attempts to work toward its proper implementation.

The SAA would like to express its concern over the Southwest Region's treatment of cultural affiliation under NAGPRA. In particular, the Society feels that the treatment of this issue provided in the Southwest Region's April 1996 publication *Cultural Affiliation: Prehistoric Cultural Affiliations of Southwestern Indian Tribes* is seriously flawed and asks that the document be withdrawn. Because of the broad scope of its intended use by the Forest Service and other agencies, and its potential for use by other federal agencies and museums, this document could be extremely influential. The disposition of thousands of human remains and tens or hundreds of thousands of objects will be determined directly or indirectly by this document.

As you know, cultural affiliation is a central concept for NAGPRA. The Act defines it as "a relationship of shared group identity which can be reasonably traced historically or prehistorically between a present day Indian Tribe or Native Hawaiian organization and an identifiable earlier group." The Act (which the Forest Service document quotes) also notes that evidence used for cultural affiliation includes "geographical, kinship, biological, archaeological, anthropological, linguistic, folkloric, oral traditional, historical, or other relevant information or expert opinion." Further, the Act, its legislative history, and its implementing regulations make it clear that museums and agencies are to make determinations

substantial consultation, preferably face to face, with affected tribes.

We acknowledge that the Forest Service has enormous responsibilities under NAGPRA and that these responsibilities are not easy to satisfy. We also recognize that considerable time and money has gone into the published document. However, it is the final product that must be judged and we feel that it is not sufficiently responsive to the requirements of NAGPRA to serve the extremely important purposes for which it is intended with respect to the tribes, the scientific community, and the public.

Our concerns about the Forest Service document are that it largely ignores classes of evidence other than archaeological evidence, that it does not adequately deal with the archaeological evidence, that it does not base its determinations on appropriate consultation with the tribes, and that it has not been subject to appropriate review. We recognize that implementation of NAGPRA's definition of cultural affiliation requires some difficult judgments. For that reason, the document's lack of well-defined principles, processes, or standards for making these determinations is troubling. Adequate attention is not paid to the document's problematic equation of archaeological "cultures" with "identifiable earlier groups." In many cases, little argument or evidence is presented on how the relationship of shared group identity has been traced from a prehistoric group to a modern tribe.

We understand that NAGPRA does not require new scientific studies to determine cultural affiliation. However, we believe that agency determinations of cultural affiliation must be based upon active consultations with tribes and upon reasonable efforts by the agency to use readily available information on the categories listed above. The introduction to *Cultural Affiliations* (1986: iii) seems to echo this belief: "These assessments . . . we believe reflect the current state of available knowledge and understanding about the relationships between past and present cultures in the Southwest" and "The authors have reviewed the available sources of evidence as set forth in sections 5 and 7 of NAGPRA and 43 CFR 10.14. These sources include geographical, kinship, biological, archaeological, anthropological, linguistic, folkloric, oral traditional and historical evidence or other relevant information or expert opinion." However, these statements appear divorced from the procedures that the Forest Service used to create the document.

To illustrate some important concerns, we will use "Hohokam and Salado: Tonto Basin and Globe Highlands," the lengthiest section of the entire report, as an example. Our intent is not to take a position on the validity of the conclusions, but to comment on the process. Over the last several years, this area has been the subject of one of the largest archaeological mitigation efforts ever undertaken in the United States (with total funding well in excess of \$10,000,000). Three major archaeological contractors were involved (for work on Forest Service land under contract with the Bureau of Reclamation) and many tribes expressed a belief that they may be culturally affiliated with the Salado.

Despite the fact that this cultural affiliation section was being written after most or all of the

field work had been done and while much of the writeup was in progress, its authors wrote it without consultation or review by any of the three contractors who, among them, employed most of the recognized experts on the issue. Because of the contractual relationships, and also scholarly courtesy, all these contractors were readily accessible to the Forest Service. Given the enormous amount of readily available information, it is not reasonable to believe that any single individual (or here, two individuals) could adequately control all of the archaeological, physical anthropological, or historical information, much less the relevant ethnographic and oral traditional information. Broader consultation with the scholarly community would surely have influenced the presentation. It also seems quite plausible that other, equally qualified, individuals might have considered the available evidence and reached quite different conclusions. Further, this section includes exactly seven references, four archaeological and three ethnographic; published volumes from the mitigation work have bibliographies of 30-60 pages. Thus, it is difficult to evaluate independently the quality of inferences. Our point is not to argue with the conclusions but to express concern over the rather closed process by which *Cultural Affiliations* was developed, the consequent lack of consultation with obvious experts, the limited documentation of the evidence, and the inferred cultural affiliations.

Far more seriously, to our knowledge, the Forest Service has not offered any of the tribes an opportunity to systematically examine the objects or remains resulting from these excavations. While such visits sometimes confirm or enhance a tribe's prior beliefs about affiliation, they sometimes also result in a tribe deciding that affiliation is unlikely. A great deal of experience has shown that viewing the archaeologically recovered materials is enormously informative to tribes: it helps them immeasurably in coming to their own conclusions about affiliation and in defining the relevant traditional evidence that would allow them to make that case.

Although *Cultural Affiliations* enumerates many consultations with the tribes, the content of the document reflects a clear lack of consultations of the sort that NAGPRA requires. In any case, the document took most of the oral traditional information from published (often long ago) ethnographic accounts. While these are valuable sources, some have well-known problems. Moreover, much relevant information simply has not been written down anywhere; only tribal people in particular positions have this knowledge. It simply does not work to consult with tribes in the same way that one might with the Sierra Club or a representative of the timber industry. Because the strategies that the Forest Service used to effect the consultation apparently have not been effective, perhaps it could study and employ methods that other agencies and museums have used in quite successful consultations.

Finally, we find it both surprising and distressing that a document of such importance would be published and adopted without any serious external review. Only through such a process can it be decided that this document reflects "the current state of available knowledge" as it claims. Sections of the document should have been sent with a request for comments to recognized experts in the academic and consulting archaeology communities and to the tribes. From such a review, the Forest Service could have obtained invaluable information and commentary. While some sections may be adequate as they stand, that should be established by appropriate review.

Thus, we ask that the Forest Service withdraw the document and not use its conclusions to establish cultural affiliation under NAGPRA. If the Forest Service is prepared to continue using the document, we suggest that the agency submit the document to the NAGPRA Review Committee for a review of whether it adequately deals with the evidence relevant to cultural affiliation and whether the tribal consultation leading to this document has been appropriate.

SAA would be happy to consult with the Southwest Region in developing a more effective process to determine cultural affiliation or to assist the Southwest region in obtaining professional review. Please contact us if we can provide any assistance. We will appreciate your consideration of these issues.

Sincerely,



Vincas Steponaitis, Ph.D.  
President



William Lovis, Ph.D.  
Chair, Committee on Repatriation

cc: Tessie Naranjo, NAGPRA Review Committee  
Frank McManamon, National Park Service  
Secretary Dan Glickman, USDA  
Michael Dombeck, Chief, USDA Forest Service  
Evan DeBloois, Forest Service, Washington, DC  
Leigh Jenkins, Director, Hopi Cultural Preservation Office, Hopi Tribe