



SOCIETY FOR AMERICAN ARCHAEOLOGY

July 9, 2004

John M. Fowler
Executive Director
Advisory Council on Historic Preservation
1100 Pennsylvania Avenue NW #809
Washington, D.C. 20004

Re: ACHP Task Force on Archaeology

Dear John:

On behalf of the Society for American Archaeology (SAA), I'd like to thank you for the opportunity to comment on the Council's draft direction and priorities for the new Task Force on Archaeology. First and foremost, we would like to express our support and appreciation for the creation of this task force. Federal undertakings that fall under the provisions of Section 106 of the National Historic Preservation Act (NHPA) have an enormous impact on the archaeological heritage of the United States every year. It is very heartening to us to see the Council undertaking a major new initiative to examine the archaeology-related issues that are within its purview.

As I am sure you know, SAA is an international organization that, since its founding in 1934, has been dedicated to the research, interpretation, and protection of the archaeological heritage of the Americas. With more than 6900 members, the Society represents professional archaeologists in colleges and universities, museums, government agencies, and the private sector. The SAA has members in all 50 states as well as many other nations around the world.

In your letter, you asked that SAA provide preliminary comments on three specific issues concerning the practice of archaeology within the broader field of historic preservation: improved guidance on archaeological topics for Section 106 practitioners; updating the Council's policy on the treatment of human remains and grave goods; and heritage tourism. We have addressed each issue separately below.

Issue 1: Guidance on archaeological topics for Section 106 practitioners

We definitely agree that additional guidance from the Council on a variety of archaeological topics would be very helpful. Particularly, of course, the *Treatment of Archaeological Properties* handbook needs to be updated. Additionally, guidance on evaluating the eligibility of archaeological sites, including addressing the traditional cultural values of these properties, would be very helpful. Even though the National Register has finally issued its long-awaited bulletin on archaeology, decisions about what constitutes “important information” about the past are made in very ad hoc ways in the Section 106 process and the results vary enormously from place to place.

One of the reasons why there is so much inconsistency in eligibility determinations for archaeological sites, and one of the reasons why so many data recovery efforts aimed at resolving adverse effects yield such disappointing results, is the lack of synthesis of existing archaeological data. Perhaps the greatest flaw in the Section 106 process is its case-specific focus; there is no mechanism for taking all the information that we have gathered in the past 30 years, synthesizing those data, and using the results to guide better-informed eligibility determinations and better-designed data recovery efforts. If the Archaeology Task Force did nothing else, finding a mechanism to address this one issue would do more to improve the quality of the archaeological component of the historic preservation process in this country than anything else.

Issue 2: Update of the Council’s “Policy Statement Regarding Treatment of Human Remains and Grave Goods”

While it is important to update the language and terminology of the existing policy to make them consistent with current federal law and regulation, overall SAA believes that the Council’s policy statement and the ACHP Policy Interpretation Memorandum 89-1 still constitute good public policy and still provide good guidance for making decisions in the public interest during the Section 106 process. The Council’s policy and the interpretive memorandum both emphasize a balanced approach to agency decision making, an approach that weighs issues of scientific merit as well as the interests of descendants. The current policy and guidance are very compatible with SAA’s [*Statement Concerning the Treatment of Human Remains*](#) (attached), which was originally formulated in 1986 and has recently been reaffirmed by the SAA Board of Directors.

While we agree entirely with the requirements in the Council’s regulation for agencies to consult broadly with all Native American groups who ascribe religious and cultural significance to sites and to the human remains that they contain, we encourage the Council to make explicit the difference between consultation, which consists of seeking and considering the views of tribes and other consulting parties, and agency decision-making, which requires balancing all of the views expressed and reaching a decision that is in the public interest. The emphasis in the current policy and interpretive memorandum on balancing demonstrated scientific importance and demonstrated “cultural relationship,” or what would today be referred to as “cultural affiliation,” is a clear example of focusing on the public interest.

Issue 3: Archaeological Resources and Heritage Tourism

One of the central programs of the Society for American Archaeology is Public Education and Outreach. We feel very strongly that archaeological research, and especially research completed in compliance with NHPA, should be shared widely with the public, which ultimately funds this work. We would encourage the Task Force to focus not just on archaeology tourism, which tends to involve a very small segment of the archaeological record and to focus on excavation, but also on the whole range of archaeological sites and research as a source of public enjoyment and education. We would like to see the Task Force examine ways to maximize the public component of archaeological work carried out in compliance with Section 106; how can the resulting increases in our knowledge about the past best be shared with the public, how can we ensure that public archaeology maximally contributes to public enjoyment and to the education of future generations?

In addition to these comments, I am attaching an article from the September 1996 issue of the **SAA Bulletin** entitled [Conference on "Renewing our National Archaeological Program."](#) SAA, in partnership with the Society (now Register) of Professional Archaeologists, the National Park Service, and others, convened a conference of experts in the field of public archaeology to envision needed changes and improvements for the future. Although some of the suggestions and ideas from the working conference are outside the purview of the Council, many directly address improvements in the Section 106 process and other aspects of NHPA, and we would encourage the Task Force to consider and build upon this previous work.

Again, thank you very much for the opportunity to comment at this early stage in the Task Force's work, and we look forward to working with them on substantive issues in the future.

Sincerely,



Lynne Sebastian, Ph.D., RPA
President

Cc: Dr. Tom McCulloch



SOCIETY FOR AMERICAN ARCHAEOLOGY

**Society for American Archaeology
Statement Concerning the Treatment of Human Remains**

Archaeologists are committed to understanding and communicating the richness of the cultural heritage of humanity, and they acknowledge and respect the diversity of beliefs about, and interests in, the past and its material remains.

It is the ethical responsibility of archaeologists to advocate and to aid in the conservation of archaeological data, as specified in the Bylaws of the Society for American Archaeology. Mortuary evidence is an integral part of the archaeological record of past culture and behavior in that it informs directly upon social structure and organization and, less directly, upon aspects of religion and ideology. Human remains, as an integral part of the mortuary record, provide unique information about demography, diet, disease, and genetic relationships among human groups. Research in archaeology, bioarchaeology, biological anthropology, and medicine depends upon responsible scholars having collections of human remains available both for replicative research and research that addresses new questions or employs new analytical techniques.

There is great diversity in cultural and religious values concerning the treatment of human remains. Individuals and cultural groups have legitimate concerns derived from cultural and religious beliefs about the treatment and disposition of remains of their ancestors or members that may conflict with legitimate scientific interests in those remains. The concerns of different cultures, as presented by their designated representatives and leaders, must be recognized and respected.

The Society for American Archaeology recognizes both scientific and traditional interests in human remains. Human skeletal materials must at all times be treated with dignity and respect. Commercial exploitation of ancient human remains is abhorrent. Whatever their ultimate disposition, all human remains should receive appropriate scientific study, should be responsibly and carefully conserved, and should be accessible only for legitimate scientific or educational purposes.

The Society for American Archaeology opposes universal or indiscriminate reburial of human remains, either from ongoing excavations or from extant collections. Conflicting claims concerning the proper treatment and disposition of particular human remains must be resolved on a case-by-case basis through consideration of the scientific importance of the material, the cultural and religious values of the interested individuals or groups, and the strength of their relationship to the remains in question.

The scientific importance of particular human remains should be determined by their potential to aid in present and future research, and thus depends on professional judgments concerning their degree of physical and contextual integrity. The weight accorded any claim made by an individual or group concerning particular human remains should depend upon the strength of their demonstrated biological or cultural affinity with the remains in question. If remains can be identified as that of a known individual for whom specific biological descendants can be traced, the disposition of those remains, including possible reburial, should be determined by the closest living relatives.

The Society for American Archaeology encourages close and effective communication between scholars engaged in the study of human remains and the communities that may have biological or cultural affinities to those remains. Because vandalism and looting threaten the record of the human past, including human remains, the protection of this record necessitates the cooperation between archaeologists and others who share that goal.

Because controversies involving the treatment of human remains cannot properly be resolved nation-wide in a uniform way, the Society opposes any Federal legislation that seeks to impose a uniform standard for determining disposition of all human remains.

Recognizing the diversity of potential legal interests in the material record of the human past, archaeologists have a professional responsibility to seek to ensure that laws governing that record are consistent with the objectives, principles, and formal statements of the Society for American Archaeology.

[Adopted by SAA board in May 1986; reaffirmed in March 1999.]