



# SAA STATEMENT CONCERNING THE TREATMENT OF HUMAN REMAINS FOLLOW-UP REPORT

Chairs' Report to the SAA Board of Directors

## Abstract

We, the Chairs of the Committee on Native American Relations and Committee on Repatriation, submit this report on behalf of our committees. Inside this report we summarize our findings and proposed follow-up steps to the SAA President, Board of Directors, and the membership.

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Chair, SAA Committee on Native American Relations, and Chair, SAA Committee on Repatriation

## Acknowledgments

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We thank the many people who helped us in this statement rewrite. Within the Society for American Archaeology (SAA), the following groups provided input and/or reviewed drafts of the statement: Committee on the Americas; Committee on Ethics; Committee on Museums, Collections, and Curation; Publications Committee, Task Force on Decolonization in North American Archaeology; Bioarchaeology Interest Group; Curation Interest Group; Repatriation Interest Group; the Past Presidents Advisory Board; and member volunteers. Outside the SAA, the Advisory Council on Historic Preservation (ACHP), National Association of Tribal Historic Preservation Officers (NATHPO), Society of Black Archaeologists, and Southeastern Archaeological Conference provided invaluable feedback. Most of all we want to thank our committee members whose passion, honesty, and hard work helped make this statement possible.

We acknowledge that the COVID-19 pandemic is a tragic background for the work to rewrite the SAA's Statement Concerning the Treatment of Human Remains. The pandemic has taken away archaeologists, Tribal citizens, and citizen preservationists who worked hard to create the foundations for a collaborative archaeological process. We rewrite this statement in their honor.

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Committee on Repatriation: Lauren Sieg (Chair), Emily Hayflick, Marc Levine, Ellen Lofaro, Katy Mollerud, Ryan Seidemann, Michelle Turner, and Gabriel Yanicki.

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## Introduction

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The summer of 2020 was a time of broad reckoning on issues of social justice and racism. After the death of George Floyd on May 26, 2020, the United States experienced a period of intense street protests over police brutality and racism. The protests grew at a rapid pace and reverberated globally. Against this backdrop, on June 19, 2020, the SAA sent a letter to the University of California Office of the President regarding a proposed repatriation policy in response to the California NAGPRA (Cal-NAGPRA) law (SAA 2020). When some of the California members of the SAA saw the letter, they voiced their opposition and brought the larger SAA membership into the discussion about its contents, which supported scientific endeavors over the voices of descendant communities. On July 7, 2020, the SAA Executive Board met with several committees (Committee on Native American Relations; Committee on Repatriation; and Committee on Museum, Collections and Curation) and requested feedback on the letter, the damage it caused, the many issues facing the SAA as an archaeological organization, and proposed solutions to move the SAA forward.

The SAA Board listened to the many recommendations made at the July 7<sup>th</sup> meeting as well as those made by the Indigenous Archaeological Collective and tasked the Committee on Native American Relations (CNAR) and the Committee on Repatriation (Repat) to rewrite the 1986 SAA Statement on the Treatment of Human Remains. The charge read:

“The board charges the Committee on Native American Relations and Committee on Repatriation to take the lead on producing an updated SAA Statement on the Treatment of Human Remains. The committees will work with the Committee on the Americas, Committee on Museums, Collections and Curation, Committee on Ethics, the Bioarchaeology Interest Group, the Indigenous Peoples Interest Group, Repatriation Interest Group, and other committees, interest groups, task forces, and consultants as needed, to produce a statement that includes sections covering distinct laws, practices, and cultures relevant to archaeologists working in the United States, Canada, and Latin America. A draft will be produced by September 14, 2020, in time for consideration at the Fall 2020 board meeting and returned to the committee with comment by the end of November. A final statement will be approved in time for announcement at the 2021 Annual Meeting. Committees will be provided with records of previous iterations of this statement (SAA Board Motion 145X-38.3, 7/29/2020).

In addition to drafting the revised statement, CNAR and Repat are providing this report outlining the process and decision-making, along with the findings of the two committees. The chairs hope that these findings help inform the SAA Board and general SAA membership regarding the steps taken to rewrite the statement, as well as document the additional findings from the research and outreach during the past year’s rewrite work.

## History of the SAA Statement Concerning Human Remains

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The 1986 SAA Statement Concerning Human Remains (Appendix A) was drafted after a two-year process of deliberation. It began in 1985 when 23 participants convened at the Newberry Library’s D’Arcy McNickle Center for the History of the American Indian in Chicago to discuss reburial issues (Quick 1985; Watkins 2000:13–14). With the recommendations from that conference, the SAA held a plenary session at the 51<sup>st</sup> Annual Meeting, which led to the

Statement Concerning the Treatment of Human Remains in 1986 (Watkins 2000:14). In 1999, the SAA Board voted to reaffirm the statement.

In 2015, the SAA surveyed the membership on repatriation and related topics, including the Statement Concerning the Treatment of Human Remains (Alonzi 2016; Kintigh 2016; for data tables containing the results discussed below, see Appendix B). Survey results showed that 40% of individuals found that the statement reflected their opinions very well, 43% responded that it reflected their opinion to some extent, and only 3% of respondents said it did not reflect their opinions at all. The remainder had no opinion or were not familiar with the statement. When asked if the statement needed revision, however, the numbers suggested more dissatisfaction. Only 25% of respondents felt that it needed no revision. A total of 52% felt that it needed revision, and opinions were divided on what those revisions should be. Half thought the statement should be revised with a greater emphasis on cooperation and balance. The other half were divided between those who thought there should be more emphasis on science (28%) and those who thought there should be more emphasis on Native American rights (22%). The remaining respondents had no opinion on the need for revision or were not familiar with the statement.

The survey data were examined for trends in job setting, age, and country (including the United States, Canada, and Latin America). The analysis of the data by country showed that the high number of respondents from the United States heavily influenced the overall results. Job setting did not vary significantly for the overall results, especially when respondents currently employed in archaeological fields were the only sector considered. The biggest variations appeared to be related to age and country.

Differences by age were pronounced only in certain areas. The oldest respondents (those who graduated between 1955 and 1965) were more likely to agree with the 1986 statement and not see a need for change. The trend reversed for those who graduated after 1965, with a slim majority of respondents believing that the statement should be changed. Across all of the respondents, the percentage who believed that the statement should place greater emphasis on science declined from 100% (for those who graduated from 1955 to 1965) to 17% (for those who graduated from 2005 to 2015). The number of respondents who thought it should place greater emphasis on cooperation and balance, on the other hand, has remained between 44% and 56% for all age cohorts who graduated after 1975, with the highest support among those who graduated between 2005 and 2015. The percentage of respondents who believed the statement should be revised to emphasize Native American rights increased among respondents who graduated after 1965 and plateaued at 27% of respondents among those who graduated after 1995.

The variation by country was also pronounced. While approximately the same percentage of respondents working in the United States and Latin America thought the statement reflected their views very well (43% and 45%, respectively), only 25% of respondents from Canada agreed. Across all regions, only a small percentage (4% or less) responded that it did not reflect their views at all. The types of revisions desired show the greatest difference. Among those in the United States who thought the statement needed revision, approximately 47% wanted it to place greater emphasis on cooperation and balance, while 57% of Canadian respondents and 70% of respondents from Latin America thought it should be revised in this manner. In the United States, 23% of respondents believed the statement should have a greater emphasis on Native American rights, while only 4% of Latin American respondents wanted this change. The highest percentage (31%) of respondents wanting the statement to place greater emphasis on scientific

values was in the United States. In Canada, those who wanted the statement to place more emphasis on Native American rights and those who wanted it to place more emphasis on scientific values were equally divided.

Given the above information, it is apparent that by 2015 approximately half the membership thought that the statement should be changed. Of those who believed it should be changed, there were mixed opinions, but there was a general consensus that it should be changed to reflect a greater emphasis on cooperation and balance; this opinion was particularly strong for respondents from Latin America. In 2016, the SAA started a rewrite of the Statement Concerning the Treatment of Human Remains, but it was not passed. One of the biggest impasses was balancing the legal requirements of the United States with those in other countries in North, Central, and South America (Deb Nichols, personal communication 2020). The history was not lost on our committees, and both CNAR and Repat worked hard to find a solution for a successful rewrite of the statement.

## Summary of Actions Taken

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### **Chairs Formulated a Plan of Action**

The chairs of CNAR and Repat first had to introduce themselves to each other; prior to 2020 they had never met. They began to work together to come up with a plan to rewrite the statement. Both chairs realized the enormity of the task in front of them and also realized that it required a different approach to rewrite the statement. The treatment of human remains is a very sensitive issue throughout archaeology and especially for descendant groups, affiliated communities, and stakeholders. The two committees' work required a thorough review of the data, laws, and policies regarding the treatment of human remains plus outreach soliciting comments from descendant communities who had not been consulted during the creation of the past (1986) human remains statement. CNAR and Repat needed to be able to explain every decision in this process to the SAA membership and the board. In addition, due to the extenuating circumstances that led to the statement rewrite (i.e., the Cal-NAGPRA letter), there would need to be transparency about the process with the SAA membership as well as the various committees / task forces / interest groups (SAA groups) with whom CNAR and Repat were charged to consult in rewriting the statement. In addition, the process needed to be inclusive, involving SAA members, SAA groups, and outside organizations. Unlike 1985, there would be no opportunity to convene panelists for a conference; all work would need to be done remotely via internet conferencing, email, and phone calls due to COVID-19 concerns and time restraints.

First, each chair met with their respective committee to brief them on the statement rewrite charge, discuss the initial plan to rewrite the statement, and brainstorm themes for the statement. Following those meetings, both chairs worked to finalize the plan for the statement rewrite that would be presented at a joint meeting of our committees.

There were two key decisions the chairs made during the planning portion of the statement rewrite. The first was choosing one specific file sharing, message board, and meeting service for the committees to use during the statement rewrite. Microsoft Teams was decided upon due to both chairs' familiarity with it through their jobs and committee members' access to it. The next decision was to completely rewrite the statement rather than add revisions to the 1986 version. The original statement was outdated and controversial, and the new statement

needed to avoid use of language or content that was reminiscent of the portions that are now understood as problematic.

## **September 26<sup>th</sup> Committee Meeting**

On September 26, 2020, members of CNAR and Repat met together via Zoom to go over the plan created by the chairs. The chairs presented the charge from the SAA Board, and then proposed a plan, timeline, roles of committee members, and rules of the committee members for the statement rewrite. The committees reviewed themes and ideas from their respective brainstorming sessions prior to the joint meeting (Appendix D). In particular, we focused on the need (and board charge) for the statement to be broader than NAGPRA and U.S.-based repatriation because it would involve multiple communities and countries, including communities that lacked comparable legal protections, as well as those who have different opinions. At the same time, the committees felt that it was important for the SAA to express support for NAGPRA, and the statement could be a way to bridge legal requirements and ethical obligations. Indigenous communities are disproportionately affected by archaeological work in the Americas, and we did not want to make the statement so broad that these points get lost. As an alternative, we discussed drafting a separate board resolution that specifically supports NAGPRA and repatriation laws. We also talked about a resolution that acknowledges the SAA's role in sanctioning archaeological work that is unethical.

In addition to discussing NAGPRA, the committees also reviewed other potential themes and topics to include in the statement. The principles of consultation, collaboration, and listening were considered important and applicable to all situations. We considered how broad to make the statement; namely, whether it should include American archaeologists who work in Europe or Asia. We referred to the charge for clarification; it explicitly states that it will be for the United States, Canada, and Latin America. The committees expressed the hope that the principles in the statement would be applicable outside the Americas. There was also discussion of broadening the scope to address international repatriation, repatriation of funerary objects, sacred objects and objects of cultural patrimony, and including animal ancestors in the statement. There was a sense that the statement needed to be specific to human remains due to the specific language in the charge, and the work on the statement would make it apparent that there is a need for additional action in other areas. The chairs stated that they would draft a separate report to the board that would recommend additional topics on which the SAA should provide further guidance, such as defining appropriate consultation/collaboration with descendant groups and data sovereignty. These other actions could be pursued once the statement revisions were completed.

The two committees were divided into four subgroups to review the following: literature about researching human remains, laws governing human remains, other organization policies, and colleges and university policies in regard to human remains. The chairs gave the subgroups the ability to choose how they sampled the vast information available to them. The subgroups were to work on their research and provide a summary report at the next meeting sometime in late November to early December.

## **Meeting with Relevant SAA Committees / Task Forces / Interest Groups**

After the September 26, 2020, meeting, the chairs contacted the various SAA committees / task forces / interest groups to brief them on the statement rewrite. The chairs first reached out to the committees / interest groups listed in the SAA board's charge: the Committee on the Americas; the Committee on Museums, Collections, and Curation; the Committee on Ethics; the

Bioarchaeology Interest Group (BIG); the Indigenous Peoples Interest Group; and the Repatriation Interest Group. Upon further consideration, it was realized that the Publications Committee and the newly formed Task Force on Decolonization in North American Archaeology and Task Force on Social Justice also needed to be consulted. The chairs emailed the various chairs associated with each SAA committee / task force / interest group inviting them to provide early comments and offering to meet with them to discuss our charge and plan for rewriting the statement.

The chairs of CNAR and Repat met on October 4, 2020, with the Ethics Committee chair and BIG co-chairs. The chairs went over the charge from the SAA Board, outlined the proposed writing process, and shared the ideas that the two committees thought needed to be in the statement. The chair of the Ethics Committee and co-chairs of BIG were concerned about the statement applying a United States model for repatriation in Central and South America. Of all the SAA groups consulted, only BIG provided a set of comments to the chairs in time for the initial drafting of the revised statement. The BIG Ethics Subcommittee recommended that the statement avoid being too NAGPRA-focused; they noted it should contain language that provides for ethical practice outside the United States and stresses the importance of collaboration and communication with descendant communities and local stakeholders. Collaboration should be understood as integral to all stages of research, from study design to publication to curation, and it should apply to collaborators from other disciplines. They noted that there are many situations where descendant communities are not legally recognized and that they can be contextually dependent and variable. BIG provided concrete suggestions on wording, such as using preferred terms like “human ancestors” rather than “human remains” and avoiding value-laden terms such as “legitimate.” They suggested that funerary objects and sacred objects be included in the statement. They also provided references for relevant literature and extant policies.

### **NAGPRA 30<sup>th</sup> Anniversary Statement**

November 16, 2020, was the 30<sup>th</sup> anniversary of NAGPRA. The SAA Board felt that the SAA should release a statement in honor of the date. CNAR and Repat worked on the proposed anniversary statement. In addition to marking the anniversary and expressing support for NAGPRA, the board used the statement as an opportunity to inform the membership that the SAA would be revising the Statement Concerning the Treatment of Human Remains. Included in the announcement was an email address for SAA membership to provide their comments, ideas, suggestions, and experiences to be considered in drafting the revisions. After consulting with the SAA executive director on an appropriate email domain, a Gmail account was established for the comments.

The most challenging part about the SAA NAGPRA anniversary statement was timing the release of the statement. Both the chairs and the SAA communications team were keenly aware that the 2020 election would drown out the statement if it was released too early, but conversely, if the SAA released the NAGPRA anniversary statement after November 16<sup>th</sup>, we would be seen as being too reactionary to our membership. November 9<sup>th</sup> was established as the date of the release.

### **December 3<sup>rd</sup> Email and Results**

In case the announcement of the statement rewrite was missed in the November 9<sup>th</sup> email on the NAGPRA 30<sup>th</sup> Anniversary Statement, the chairs sent a second email to the entire SAA

membership on December 3<sup>rd</sup> inviting them to comment on and review the proposed updated draft SAA Statement Concerning the Treatment of Human Remains. In total, the committees received a total of 15 comments, 13 from individual SAA members and 2 from associated organizations: the Advisory Council on Historic Preservation and the Southeastern Archaeological Conference (SEAC).

The majority of the comments expressed support for the statement rewrite. The comments acknowledged the shift in archaeology in which archaeologists acknowledge descendant communities' rights to have authority over how their ancestral remains are treated. Two commenters reminded the committees that the statement should be broad enough to be applicable throughout the Americas (North, Central, South America). One commenter was concerned that this statement would continue the overreach of university policies as a result of NAGPRA that harms the ability of archaeologists to do research. There were also concerns about DNA testing and data sovereignty in regard to human remains.

### **December 5<sup>th</sup> Joint Committee Meeting**

On December 5, 2020, the four subgroups reported their findings to the combined committees. Due to the meeting date being near the holidays and the end of school terms, the chairs did not make the meeting mandatory. Each subgroup could choose a representative, but all committee members were welcomed to attend. The four subgroups were the following: literature about researching human remains, laws governing human remains, other organization policies, and colleges and university policies in regard to human remains. Below are summaries of the findings of the committees.

The literature review group was comprised of Karen Brunso and Gabriel Yanicki. They reviewed publications regarding ethics and best practices for the treatment of human remains. The literature described the acquisition of human remains for study and preservation as a colonial practice, often with direct disregard for the wishes of Indigenous peoples and minority or marginalized groups. Cultural heritage preservation and research must be done in accord with values that vary between different societies, cultures, and groups. Importantly, research practices must reflect the values of the many descendant communities whose ancestral heritage the archaeological record represents. Scientific study of human remains is still possible as long as researchers treat remains respectfully. Research must be guided by the principles of consultation, collaboration, and consent. This literature review highlighted the challenges of defining human remains due to the term's broadness, encompassing a wide range of tissues, not all imbued with the same significance. Non-human objects, including sacred objects and burial goods, can be treated the same as actual human remains in some cultural contexts as well as legal ones, as is the case with NAGPRA. The complicated nature and broadness of the definitions of human remains requires that researchers and their work have an informed perspective, emphasizing the importance of collaboration and consultation with descendant groups, as will be discussed later in this report.

The law subgroup was comprised of Ellen Lofaro and Michelle Turner. They were tasked with reviewing relevant laws within the United States and in other countries with regard to human remains. Within the United States, there are multiple, overlapping sets of local, state, federal, and tribal laws, in addition to myriad regulations and societal traditions that mimic laws. The federal legislation to protect human remains in the United States is extensive and does not have parallels elsewhere in the Americas. In many Latin American countries, human remains from archaeological contexts are considered part of the national patrimony, and national agencies

that issue permits for archaeological work are the organizations that control the regulations for excavation and research on human remains.

The subgroup reviewing other organization policies was comprised of Jayne-Leigh Thomas, Rebecca Hawkins, Angela Neller, and Emilie LeBrell. They examined policies from multiple organizations, primarily organizations outside the United States. They found that the policies have certain themes in common, including dignity, respect, transparency, the need for appropriate curation, and the inclusion of viewpoints of descendants and/or groups with a cultural relationship to the human remains. However, many of these policies do not define or specify how to act in accordance with these terms. Many policies also acknowledge the importance of research on human remains.

The college/university policy group was comprised of Lewis Borck, Sam Duwe, Emily Hayflick, Mark Levine, and Charles Riggs. They reviewed 15 policies and found that the policies follow two general trends: those that state a commitment to following federal and state repatriation laws (primarily NAGPRA) and those that go beyond the law to encompass the concerns of descendant communities more broadly. Among the former are policies that reflect the scientific/educational mission of the institution and allow for the use of human remains in teaching and research, or policies that emphasize the law and ethical and respectful behavior. Among the latter are policies that extend the spirit of NAGPRA to include consultation and sensitivity to Indigenous concerns throughout the research process, or policies that emphasize Indigenous peoples and their concerns, including the acknowledgment of the historical trauma caused by anthropology and associated fields.

Following the reports, the chairs discussed the logistics of writing the statement. The committee members indicated that they were happy to have the chairs draft the initial statement, upon which they would offer their comments. The chairs also previewed a rough outline of this statement report to the committee members and garnered their initial input.

## **Meeting with Outside Groups**

The chair of CNAR, Karen Brunso, made an effort to reach out to tribal nations and emailed the National Association of Tribal Historic Preservation Officers (NATHPO) to see if they would be interested in helping the SAA organize a listening session for its members. They confirmed their interest, and on December 9<sup>th</sup>, the two committee chairs (Karen Brunso and Lauren Sieg) and the two board liaisons (Bonnie Pitblado and Kelley Hays-Gilpin) participated in a listening session hosted by NATHPO, attended by representatives of 16 tribes from across the United States, including the Southwest, Midwest, Northeast, Plains, Southeast, Columbia Plateau, and California. The tribal representatives voiced several concerns in regard to the statement and the SAA in general, such as:

- Education of archaeologists about tribal issues and the current laws that govern burials are very important.
- Tribal sovereignty is not understood by archaeologists, and it must be included in the statement.
- The SAA has had several policies that have been unfavorable to tribes, including the lack of consultation on publications, bad time slots and tiny meeting rooms for the annual meeting, and the contents of the 1986 SAA Statement Concerning the Treatment of Human Remains, which elevated scientific research above other concerns.

- The SAA needs to acknowledge past unethical behavior by its members and the trauma to tribal communities caused by archaeologists.
- Tribes should be consulted about human remains research being done on their ancestors.
- Tribes are subject matter experts on who their ancestors are.

## **Drafting the Statement**

The holiday season provided the chairs the opportunity to write the statement. The chairs reviewed the four subgroup reports and notes on the comments by membership, SAA groups, and outside groups to provide the substance of the statement. Several themes became apparent to the chairs; these became the themes that formed the basis of the principles. There were certain terms (e.g., respect, human remains) that have a wide range of definitions and the chairs chose not to define them. Other topics such as DNA testing and data sovereignty were deemed too broad to be included in the statement. (The chairs have recommendations regarding these topics listed later in this report for the board's consideration; see page 14.)

The chairs submitted the first draft of the statement to the members of CNAR and Repat for their review on December 31, 2020. After receiving comments, the chairs produced a new draft. One of the questions brought up by CNAR and Repat members was whether the draft constituted a statement. To address this question, the chairs submitted the latest draft to the board for preliminary review. On January 23, 2021, the board confirmed that the draft qualified as a statement.

## **January tSAR Article**

The initial plan included an article in the March 2021 edition of *The SAA Archaeological Record* (tSAR) to inform the membership about the statement rewrite. During an October 28, 2020, email exchange between CNAR and Repat's board liaisons and the SAA executive director, it was suggested that the chairs write an article for the January 2021 tSAR summarizing the revision process outlined in the September 26<sup>th</sup> meeting. The article included the board's charge to the two committees, the committees' outlined plan, a call for volunteers to review the document, and a message from the chairs to the membership acknowledging past mistakes but also providing the membership with hope that changes could be made. While it was a challenge to complete it in the short time available, the publication of the article was beneficial to the overall process by reaching more of the membership and generating more interest in volunteer members to review the draft statement.

## **January/February Circulation of Statement**

On January 24, 2021, the chairs emailed the SAA groups with whom they had been consulting to provide the draft statement (Appendix E). The SAA groups were instructed to provide comments to the chairs by February 26<sup>th</sup> and were invited to meet before that date. At the same time, the chairs used the Gmail account to email the SAA members who volunteered to review the statement. The chairs asked the volunteer reviewers to have their comments back by February 26<sup>th</sup> as well.

Also on January 24<sup>th</sup>, the chair of the SAA Publications Committee emailed the CNAR and Repat chairs about the SAA Style Guide directions for using images of human remains. On January 31<sup>st</sup>, the chairs of CNAR and Repat met with the chair of the Publications Committee to

discuss the congruence of the revisions to the publication guidelines with the revisions to the statement. The Publications Committee chair recommended that the revised statement include a link to the SAA Style Guide section on human remains where publications are mentioned in the statement.

BIG provided comments on February 12, 2021. BIG's written comments expressed concerns about the lack of definitions, the limits based on geographical scope, the absence of a clear statement on repatriation, and the style, which they felt did not sufficiently emphasize ethical practice. The interest group recommended that the statement promote adherence to guidelines for ethical practice, which could be particularly helpful when laws were in conflict with one another. BIG also noted that it can be very difficult, if not impossible, to identify a descendant community and that the laws referenced in the statement include state-level laws as well as national legislation. On February 20, 2021, the co-chairs of BIG, the chairs of CNAR and Repat, and the two bioarchaeologist members of CNAR and Repat met to discuss BIG's comments and concerns. Following discussions of the charge, the need for a format that could be easily taught, and the deliberate choice to keep language broad, the co-chairs of BIG grew more comfortable with the statement and recommended that the preamble explicitly address the question of scope, with a qualifying sentence that it could be used outside of the Americas. The chairs of CNAR and Repat were encouraged to make the types of work and work settings covered by the statement comprehensive.

Members of the SAA Board provided comments in early February, and the chairs met with the entire board on February 13, 2021. In individual written comments, board members noted that the term "should" was the appropriate one to use and that the complexity of working with human remains and descendant communities throughout the Americas necessitated a broadly based and flexible set of guidelines. If the statement tried to mandate professional practices that conflicted with laws, particularly in countries with state patrimony laws, it would be seen as irrelevant. It was noted that, even outside the United States, there is a growing awareness of the importance of ethical research, collaboration with descendant communities, and repatriation. There were concerns about the absence of definitions for human remains, descendant group, interested party, and benefit. There was also a recognition of the contextually dependent nature of those definitions and the utility of having a broad view of them. One commenter recommended that the statement reference the range of laws, regulations, and universal frameworks for work with human remains. Another pointed out that the statement should recognize that archaeologists could go beyond the letter of the law. There were comments about the need to have data usage and access added to the list of covered activities. One board member reflected on instances of unethical research and determined that the new statement would have provided helpful guidance in those situations. During the meeting, the chairs went over how the statement was drafted and answered the board's questions about it. The SAA Board also provided their comments on the statement and guidance to the chairs on their questions. In both written comments and verbally during the meeting, some board members stated that there was no need for an explicit acknowledgment of balance.

On February 18, 2021, the Past Presidents Advisory Group (PPAG) provided several comments on the draft of the revised policy. They recommended that the statement look to the SAA's purpose and objectives in formulating an official SAA position. In particular, they advised that the statement recognize that the first objective of the Society, as laid out in the SAA bylaws, is "to promote and to stimulate . . . research in the archaeology of the American continents." As such, the statement should reflect a balance between interests of descendant

communities and the advancement of archaeological knowledge about human heritage. Like others, they expressed concerns about why certain terms were undefined, with particular concern about the ambiguity of the term “descendant community,” the ability to determine benefit, and the identification of the appropriate person or group from whom to obtain consent. They cautioned that parts of it were too centered on the United States and recommended that it be reviewed to ensure that the principles were more broadly applicable. They recommended that the statement emphasize that archaeologists who work with human remains should be professionally qualified to do so and provided some useful suggestions for links to existing professional standards.

Also on February 18, 2021, the Committee on Ethics provided comments. They suggested hyperlinks to the SAA Principles of Archaeological Ethics. As with PPAG, the committee saw a need for definitions for terms such as descendant community and human remains and provided some suggestions. The committee also saw a need for clarification on qualifications and training needed for work on human remains. There were questions about why the geographic scope was limited to the Americas. The committee noted that the term “interested group” could be construed very broadly and include groups with only a tangential interest. The Ethics comments pointed out that dignity may not be a good standard, as it is not afforded to all living people. The comments cautioned that that statement should not leave all decision-making in the hands of the archaeologist. Finally, the committee recommended that the statement encourage collaboration and a good faith effort to abide by the spirit, as well as the letter, of the laws.

On February 15<sup>th</sup>, the chair of Repat met with members of the Society of Black Archaeologists (SBA) and discussed the statement. The SBA representatives were interested in reviewing the statement and shared it with other members. Comments were received from the SBA on February 24<sup>th</sup>. They noted that the statement was more in line with current ethical standards and recommended additional emphasis on the importance of collaboration with and consent of descendant communities, with suggested language for that emphasis.

The CNAR and Repat chairs met with the Task Force on Decolonization in North America on February 19, 2021. The chairs reviewed the process for the revisions and then the committee members talked about different approaches to the statement. They were broadly supportive of the draft. However, they never submitted any written comments on the statement.

Comments from colleagues in Central and South America were solicited through Silvia Salgado, a member of the SAA Board. On February 25, she provided perspectives from colleagues in Argentina, Bolivia, Guatemala, and Mexico. The comments suggest that some of the principles would not be applicable in countries with state patrimony laws, but that there is a growing interest in repatriation in Indigenous communities. Argentina, for example, recently passed a law on repatriation.

On February 26<sup>th</sup>, the Task Force on Social Justice provided comments on the statement. The task force asked if the SAA principles aligned with other organization’s principles and how they would impact work in related fields. The comments suggested inclusion of “race as a socially constructed identity” in Principle 2 and agreed that consent is important to ethical research.

Comments from membership were accepted through February 26, 2021. The comments received were broadly supportive of the changes, with specific recommendations for additional revisions. The comments will be archived and only the most frequent comments are summarized here. A repeated concern was the need to implement the principles at a local level in a way that

was culturally appropriate; terms and practices would vary accordingly. The explanatory text after the first principle was the most problematic, with many questions regarding how benefit would be defined. There was concern that the statement did not recognize the legal responsibilities that surround human remains and how those responsibilities may conflict with the principles. The term “descendant community” was often discussed in the comments; there were questions as to how it would be defined, whether it included more than Indigenous communities, how the rights of a descendant community would be evaluated in relation to the rights of a lineal descendant or other interested groups, or if one could even be identified in some cases. Commenters asked for definitions of human remains, consultation, and collaboration, as well as guidance on what constitutes appropriate consent. The use of the terms dignity and respect were questioned, given that definitions would vary and that living peoples are not always afforded them. There was interest in the statement providing details about the myriad of laws that cover human remains in the Americas as well as an explanation of best practices. Several commenters were concerned that the list of covered activities was not broad enough and did not clearly state the obligation to share data and results with communities. The need for standards on publications and presentations that discuss and depict human remains was highlighted by several members. There were recommendations to recognize that there may be instances when archaeologists will need to respect a community's desire for no work on human remains, include funerary objects, address DNA and destructive testing, explicitly support repatriation, and acknowledge the harm that archaeology has caused. There was criticism that the statement was too U.S.-centric and questions about why it was limited to the Americas. Lastly, there were specific recommendations on style and syntax.

On March 1<sup>st</sup>, the Committee on Museums, Curation and Collections provided written comments. The committee generally supported the statement. There was a question as to why the statement did not include funerary objects. The committee recommended that it include an explicit mention of respectful curation and future research access to any data. Finally, the committee provided some helpful modifications to the text.

Also on March 1<sup>st</sup>, the Committee on the Americas provided written comments. In general, the committee was supportive of the principles of the statement. There was a question about Principle 1, particularly about how benefit would be decided and the importance of recognizing that descendant communities are not all alike, and, in some cases, may not be known.

The Repatriation Interest Group provided written comments on March 3, 2021. The group suggested that the research design, at a minimum, include a statement on how it would benefit a descendant community. They also recommended that the statement apply to institutions and organizations conducting experimental research for forensic and taphonomic studies.

## **March tSAR Article**

In the March edition of tSAR, the CNAR and Repat chairs updated the SAA membership on the progress of the statement rewrite. The chairs shared what the committees learned from the research and listening sessions and how the committees drafted the statement, provided a link to the draft statement, and listed next steps. The biggest concern for the editor of tSAR was having a link that could be inserted in the article in time for publication. After consultation with the executive director of the SAA and our two board liaisons, the chairs learned that this was a relatively easy thing to set up and the article moved forward.

## **March Review of Comments and Finishing Statement**

On March 6<sup>th</sup> and 8<sup>th</sup>, CNAR and Repat met together to go over the comments on the draft statement. A total of 34 sets of comments were received; one was from an organization (ACHP) and the others were from individual members. At the March 6<sup>th</sup> meeting, the committees went over the introduction and Principles 1–2. The introduction was modified to explain the geographic scope and note that the principles could be applied outside the Americas. It was expanded to clarify that it is not just a matter of how to work with human remains but also a matter of if any work should be done at all. The explanatory text for Principle 1 was rewritten to better contextualize the concept of privilege and to remove reference to benefit. The potential for new work to be done was reiterated. The text of Principle 2 was slightly reworded and reordered to better explain the concepts of dignity and respect. In the March 8<sup>th</sup> meeting, the committees went over Principles 3 through 5 and the conclusion of the statement. Principle 3 was reworded to better explain with whom to consult and collaborate and from whom consent should be obtained. Principle 4 was broadened to make the legal obligations contingent on relevant laws, court rulings, treaties, etc., and references to specific U.S. legislation and the United Nations Declaration on the Rights of Indigenous People (UNDRIP) were removed. A statement about the relationship between legal and ethical obligations was added. Principle 5 was reworded to be more all-encompassing of the activities covered by the statement and to recognize that it applies to future uses of the data that were originally collected. The concluding paragraphs were modified slightly to correct an error and to add a reference to UNDRIP. After each meeting, the chairs proofread the revised version, and after the March 8<sup>th</sup> meeting, we sent the final edited statement for an up or down vote by the committees. Once the committees voted to move the statement forward, the chairs submitted the revised draft statement (Appendix F) to the SAA executive director to be placed on the SAA website so that members would have time to review it prior to its consideration by the board.

## **Annual Meeting Forum**

The chairs of CNAR and Repat held an open forum on the changes to the statement on April 14, 2021, just prior to the start of the SAA annual meeting. Approximately 100 people attended. The forum was an opportunity for the chairs to review the process and key decisions used to create the draft statement, then solicit feedback from the forum attendees. Because of the online format for the annual meeting, the forum was held as a webinar, where attendees submitted questions in writing through a Q&A feature. The comments during the forum were notably different than those provided during the general review period, suggesting that many concerns had been addressed by the revisions. There were questions about who was consulted for the draft, including Indigenous groups inside the United States, as well as archaeologists from countries outside the United States. There was interest in having a document to accompany the statement that outlined the process and people who were consulted in drafting the revisions. Participant members expressed a desire for the statement to address the use of existing data, how to show respect at archaeological sites even when not working with human remains, what to do when the standards of an archaeologist may be different than that of a community, and inclusion of funding for collaboration in projects. There were concerns about definitions of stewardship, stakeholder, and the difference between dignity and respect. Commenters recommended that the statement elaborate more on legal responsibilities and make it clear that collaboration would involve an understanding of cultural practices prior to beginning excavations as well as sharing

results with communities and seeking their comments. There was a recommendation that the SAA produce a document specifically for the United States. Following the open forum, the committees met a final time to discuss revisions. Principles 2 and 3 were reworded slightly to address concerns. The committees provided an updated draft to the board on April 16<sup>th</sup> (Appendix G).

## **Approval of the Statement**

The revised Statement Concerning the Treatment of Human Remains was approved by the SAA Board on April 28, 2021. On April 30<sup>th</sup>, the SAA sent an e-mail to the membership informing them that the statement had been updated and posted to the SAA website. The revised statement was translated into Spanish; the translated version was also placed on the website.

## **Next Steps**

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When our committees began looking into the various sources of information to rewrite the SAA Statement Concerning the Treatment of Human Remains, CNAR and Repat realized that this statement could not cover all of the topics associated with human remains and that more steps were needed. A lone sentence within this proposed new statement could not cover the complexity of these issues. It is our recommendation that the SAA begin looking at either using existing committees or making new task forces to create guidance for our membership on these complicated topics, which are discussed in more detail below.

### *SHORT TERM*

#### **1. Chicago Annual Meeting in 2022**

The City of Chicago has special relevance to the SAA Statement Concerning the Treatment of Human Remains. As noted earlier in the report, it was a 1985 conference in Chicago that led to the creation of the SAA Statement Concerning the Treatment of Human Remains. It is fitting to acknowledge this history at the Chicago Annual Meeting in 2022. We recommend that the SAA host a large forum, preferably the President's Forum, to discuss the updated SAA Statement Concerning the Treatment of Human Remains. We recommend that the presenters include Indigenous speakers, bioarchaeologists, ethicists, and people from a broad geographic area (such as Canada, United States, and the various countries that make up Central and South America). CNAR and Repat will help in the organization of the session, including recruiting speakers from some of the many people who provided comments. If the SAA finds it appropriate, this forum could be published in an edited volume.

#### **2. Rules Regarding Conferences and Publications on Human Remains and Funerary Objects**

While the chairs of CNAR and Repat were working on creating a process to rewrite the statement, an incident at a regional conference brought up a correlated issue to human remains. The Southeastern Archaeological Conference (SEAC) released the latest edition of its journal *Southeastern Archaeology* (Volume 39, Issue 3) with funerary objects on its cover (SEAC 2020, Facebook). SEAC's Committee on Native American Affairs brought this issue to SEAC's

Voting Officer's attention and SEAC is currently is looking at developing policies to address the issues brought up (SEAC 2020).

What does the publication of funerary objects have to do with human remains? During our meeting with NATHPO, the tribal representatives brought up archaeological publications and conferences as an area of concern. They stated that they are never consulted about what should or should not be published and presented about their cultures. Additionally, in our meeting, the chairs of BIG spoke of their frustration about not having bioarchaeology-related books displayed in the book room. At first these positions may seem very different, but it is our committees' recommendation that two task forces staffed with people from multiple perspectives seek to find common ground and set a policy that can guide the SAA on presenting archaeological data in an ethical manner. One task force should look at funerary objects in publications. The other should look at how photographs of human remains should be handled at conferences, from warning labels for presentations to the display of books with human remains on their covers.

### **3. Guidance for Field Schools in the United States**

As part of the law review, an e-mail went out through the state archaeologist listserv asking for links or copies of their various state burial laws. Some of the respondents mentioned that this was the first time that they had talked with a representative of the SAA in a few years. The other thing that was mentioned was a request for the SAA to develop guidance for field schools within the United States. The respondents mentioned various horror stories of their offices having to deal with inadvertent discoveries at field schools that they did not know were happening in the first place. It is our recommendation that a task force be appointed to create guidance for field schools within the United States.

## *LONG TERM*

### **1. Education Reform**

Now that the statement is approved, there will need to be a multipronged approach on education. The first issue that needs to be addressed is developing some educational guidance on teaching the contents of the statement. One tribal representative reminded the CNAR and Repat chairs during the NATHPO listening session that early education on ethical behavior was the key to allowing archaeology to move beyond the mistakes of the past. It is our recommendation that once the statement is passed, the SAA Committee on Education and Curriculum should develop educational materials based on the SAA Statement Concerning the Treatment of Human Remains. In our February discussion with the SAA Board, it was also recommended that the statement have a Spanish-language curriculum as well.

How does one consult and/or collaborate with descendant communities? What constitutes consent? These definitions are key for the statement's Principle 3. The literature reviewed said that archaeologists should keep descendant communities informed and provide them the ability to approve or refuse research on their ancestors' remains. In addition, during the NATHPO listening session, the tribal representatives stressed that the terms in Principle 3 must be clearly defined. It is our committees' recommendation that both CNAR and Repat be given a charge to develop educational materials that provide guidance on how to consult, collaborate, and seek consent with descendant communities. Once this material is written, Principle 3 can reference back to the material to further strengthen the Statement Concerning the Treatment of Human Remains along with practice of archaeology.

Another key part of the statement, descendant communities, is a term for which the membership regularly requested definitions during the comment period. Educational material should be developed to address this term, ranging from practical guidance (e.g., a listing of resources such as the NATHPO “Find a THPO” Directory), to information on how the term originated, to case studies highlighting the range of ways that archaeologists have engaged with descendant communities regarding their work with human remains. A thematic edition of tSAR could be used to share this information.

From our review of the many legal documents and our outreach to NATHPO, both CNAR and Repat came to the conclusion there needs to be educational materials developed specifically for the United States. The United States has many laws that dictate how human remains are handled throughout the archaeological process. Laws such as Native American Graves Protection and Repatriation Act, National Historic Preservation Act, Archaeological Resource Protection Act, American Indian Religious Freedom Act, and the various state laws that govern cemeteries and burials are just a few laws that archaeologists must follow when working in the United States. If the African American Burial Protection Act is passed, that too will govern how African American burials are treated. The broad nature of the current charge does not allow for the current document to specifically cover the many laws in the United States that can govern the treatment of human remains. The 2021 annual meeting and its aftereffects showed that education in the many laws that govern burials is needed. Additionally, the current statement on human remains does not cover funerary objects, which are included in the laws and should be part of any discussion and any work involving human remains. It is our recommendation that Education, CNAR and Repat be given a charge to work on creating these education materials.

Finally, within our literature and outside organization reviews, another term came up over and over: best practices. Best practices were recommended regarding working with human remains. When the committees reviewed the documents further, we found that best practices were not clearly defined. It is our recommendation that the SAA create a task force to define what best practices are that encompasses all aspects of work with human remains. This task force needs to have bioarchaeologists, descendant community members, and both cultural resource management archaeologists and academic archaeologists as members. A statement defining best practices would help archaeologists handle human remains ethically and avoid mistakes.

## **2a. Destructive Testing Protocols/DNA protocols**

Archaeology is not a static field and scientific advances are moving at a breakneck pace. There are new destructive tests that can provide more detailed analyses of dates, substances, and DNA. As referenced earlier in this report, SAA members wrote comments about the need for the SAA to address DNA testing in the statement so that descendant communities are consulted before any destructive testing is performed. In our meeting with NATHPO, the tribal representatives stressed that they were not being consulted on destructive testing done on their ancestors. The representatives were not necessarily opposed to destructive testing but wanted to have their sovereignty respected on research involving their ancestors.

Archaeological materials are a finite resource. Archaeologists, as stewards of the archaeological record, must be more diligent about what we submit for testing and how we involve descendant communities. It is CNAR and Repat’s recommendation that a task force be formed where protocols on what should be tested and how to involve descendant communities in the process are created. The task force will need to include members from outside the SAA such

as ethicists that specialize in these questions as well the scientists that run the tests and members of the various descendant communities that have not been consulted in the past. They should produce a report to the SAA Board with these recommended protocols.

## **2b. Data Sovereignty**

Technology has led to many changes within archaeology. With this change, some issues have arisen. Data sovereignty is one of those issues. The literature says that when working with human remains, data must be securely kept but available to other researchers. Data sovereignty was brought up in our call for comments on the statement. When meeting with NATHPO, tribal officials voiced their concerns about the availability of the data from research done on their ancestors. Tribal officials also talked about other issues relating to data sovereignty such as access to archaeological data such as state site file access and research data from institutions. SAA members also are aware of the need for data sovereignty statements and brought it to our attention in the call for statement comments. It is our recommendation that the SAA create a task force to provide guidance to address the many issues surrounding data sovereignty. It will need to be comprised of government archaeologists from both the state and Federal levels, Tribal citizens, museum personnel, and academic archaeologists to break down the broad subject of data sovereignty into specific guidance documents. This will take several years and may take several task forces, but this work is essential so that there is uniformity in policies across archaeology.

## **3. Survey**

Since the statement is a living document, both CNAR and Repat are charged with monitoring the membership's understanding of the document and determining if there are any changes needed to be made. The data from the SAA's 2015 NAGPRA survey was crucial for the statement rewrite. Therefore, the chairs recommend that membership be surveyed in three years (2024) to determine if the statement is understood and supported. The data will help the committees understand if the educational materials from the document are being understood or if there are portions of the document that need to be strengthened.

## **Conclusion**

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How do CNAR and Repat conclude the work done over the last nine months? The committees rewrote the statement by consulting as many people as possible; reviewing as many documents, laws, and policies as possible; and listening to those whose voices were not reflected in the 1986 statement. The statement that was crafted from this work was broadly written so that it could be adapted and applied to as many settings as possible. It reflects what the committees felt was the archaeology we should all be doing—an archaeology that takes into consideration the voices of descendant communities, affiliated groups, and other stakeholders and asks archaeologists to be better and do better in their craft. It is a privilege to practice archaeology and speak about the past, particularly the histories of other communities. Archaeologists must begin to practice our craft with that understanding. It is the hope of CNAR and Repat that the SAA membership will use this statement and this report to continue the work toward ethical archaeological practices now and in the future.

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## Appendix A: 1986 Statement Concerning the Treatment of Human Remains

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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 the degree of their 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 cooperation between archaeologists and others who share that goal.

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

## Appendix B: 2015 Repatriation Survey Results

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How well does the current SAA Statement Concerning the Treatment of Human Remains reflect your views? (All results)

I am not familiar with the SAA position on repatriation	187
I have no opinion on this	79
Not at all	64
Somewhat/varies by issue	794
Very Well	740
<b>Total</b>	<b>1,864</b>

Do you think the current SAA Statement Concerning the Treatment of Human Remains needs revision? (All results)

I am not familiar with the SAA position	128
I have no opinion on this	300
Does not need revision	469
Needs revision	987
<i>Greater emphasis on cooperation &amp; balance</i>	494
<i>Greater emphasis on scientific values</i>	279
<i>Greater emphasis on Native American rights</i>	214
<b>Total</b>	<b>1,884</b>

How well does the current SAA Statement Concerning the Treatment of Human Remains reflect your views? (Response divided by professional setting)

	Educ	CRM	Govt	Retired	Museum	Private Found	Tribal	Avocational
I am not familiar with the SAA position	83	37	26	13	11	6	8	1
I have no opinion on this	32	16	19	9	4	2	1	0
Not at all	25	13	10	7	9	2	0	1
Somewhat/varies by issue	327	178	120	65	62	15	7	5
Very Well	317	159	95	67	67	12	9	5
<b>Totals</b>	<b>784</b>	<b>403</b>	<b>270</b>	<b>161</b>	<b>144</b>	<b>37</b>	<b>25</b>	<b>12</b>

Do you think the current SAA Statement Concerning the Treatment of Human Remains needs revision? (Response divided by professional setting)

	Educ	CRM	Govt	Retired	Museum	Private Found	Tribal	Avocational
I am not familiar with the SAA position	57	19	20	1	8	5	5	1
I have no opinion on this	117	71	5	27	14	6	8	2
Does not need revision	210	106	52	44	39	4	2	4
Needs revision	410	212	152	81	87	24	11	6
<i>Greater emphasis on cooperation &amp; balance</i>	209	114	78	43	39	13	6	1
<i>Greater emphasis on scientific values</i>	117	48	42	28	25	7	3	2
<i>Greater emphasis on Native American rights</i>	84	50	32	10	23	4	2	3
<b>Totals</b>	<b>794</b>	<b>408</b>	<b>274</b>	<b>162</b>	<b>148</b>	<b>39</b>	<b>26</b>	<b>13</b>

How well does the current SAA Statement Concerning the Treatment of Human Remains reflect your views? (Response divided by date of degree)

	1955–1965	1965–1975	1975–1985	1985–1995	1995–2005	2005–2015
I am not familiar with the SAA position	3	7	15	21	27	113
I have no opinion on this	0	10	10	6	14	39
Not at all	0	6	4	8	23	23
Somewhat/varies by issue	3	42	97	132	163	355
Very well	8	55	103	111	157	305
<b>Totals</b>	<b>14</b>	<b>120</b>	<b>229</b>	<b>278</b>	<b>384</b>	<b>835</b>

Do you think the current SAA Statement Concerning the Treatment of Human Remains needs revision? (Response divided by date of degree)

	1955–1965	1965–1975	1975–1985	1985–1995	1995–2005	2005–2015
Does not need revision	7	28	74	78	101	181
I am not familiar with the SAA position	1	2	7	12	18	88
I have no opinion on this	2	23	34	41	68	132
Needs revision						
<i>Greater emphasis on cooperation and balance</i>	0	20	59	75	91	249
<i>Greater emphasis on Native American rights</i>	0	4	13	24	55	118
<i>Greater emphasis on scientific values</i>	3	44	45	50	60	75
<b>Totals</b>	<b>13</b>	<b>121</b>	<b>232</b>	<b>280</b>	<b>393</b>	<b>843</b>

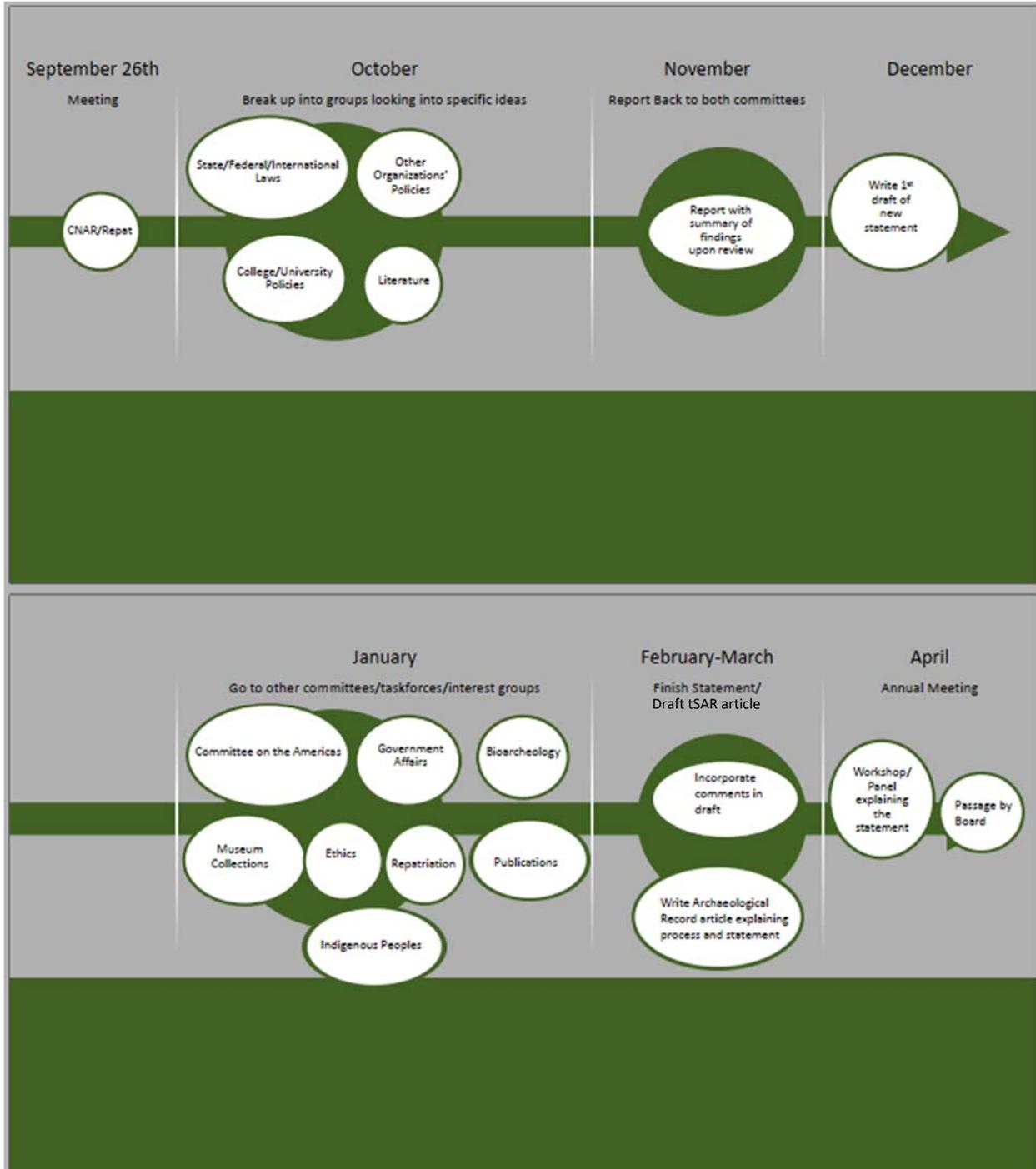
How well does the current SAA Statement Concerning the Treatment of Human Remains reflect your views? (Response divided by region; individuals who work in multiple regions not included)

	United States	Canada	Latin America	Non-American
I am not familiar with the SAA position	58	11	21	3
I have no opinion on this	24	2	13	4
Not at all	40	0	1	0
Somewhat/varies by topic	395	14	42	7
Very Well	395	9	62	1
<b>Total</b>	<b>912</b>	<b>36</b>	<b>139</b>	<b>25</b>

Do you think the current SAA Statement Concerning the Treatment of Human Remains needs revision? (Response divided by region; individuals who work in multiple regions not included)

	United States	Canada	Latin America	Old World
I am not familiar with the SAA position	42	6	10	4
I have no opinion on this	121	10	40	5
Does not need revision	241	6	33	10
Needs revision	521	14	57	6
<i>Greater emphasis on cooperation and balance</i>	<i>244</i>	<i>8</i>	<i>40</i>	<i>4</i>
<i>Greater emphasis on scientific values</i>	<i>159</i>	<i>3</i>	<i>15</i>	<i>1</i>
<i>Greater emphasis on Native American rights</i>	<i>118</i>	<i>3</i>	<i>2</i>	<i>1</i>
<b>Total</b>	<b>925</b>	<b>36</b>	<b>140</b>	<b>25</b>

# Appendix C: September 2020 Plan for Revisions



# Appendix D: Themes from September 2020 Brainstorming Sessions

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## SUPPORT FOR REPATRIATION AT THE OUTSET

### ACKNOWLEDGMENT OF DESCENDANT COMMUNITIES

- Acknowledgment of tribal sovereignty
- Recognition of the authority that descendant communities have to make decisions about human remains
- Data sovereignty
- Awareness of the disproportionate impact on and harm to marginalized communities

### PEOPLE/COMMUNITY-FOCUSED

- Reminder that archaeology is a subset of anthropology, the study of man
- More humanist language
- Emphasis on respect for descendant communities and putting people first

### COLLABORATION/CONSULTATION

- Need for consultation for fieldwork, research, publication, presentations, curation
- Need for collaboration on research. The new parts of the 2016 policy discuss collaboration and could be used here.

### APPLICABILITY

- Applicability to every aspect of archaeological work
- The statement should be tailored for the Americas, but wherever possible it should be broad enough to be applicable to other locations
- Roles and responsibilities of archaeologists in the discovery/research/repatriation of remains
- Inclusion of funerary objects as well as human remains

### REFERENCES

- References to relevant sections of the Principles of Archaeological Ethics
- References to existing national/state/local/institutional/international/tribal laws and policies

### LOGISTICAL CONSIDERATIONS

- Living document with follow-up

- Schedule for review and updates
- Every 7 years with the review beginning at 5/6 years by both CNAR and Repat.
- Education on the statement to future generations of archaeologists
- Around 5 pages
- Terms that aren't vague or subjective (such as the word "appropriate")
- The statement should be relatively short, so it is easy to read on a page or on a website. Less is more. Some details or parts that have to be edited out could be included in the tSAR article

#### ADDITIONAL CONSIDERATIONS:

- Ask board to announce revision effort to all membership by e-mail/Facebook/Twitter and provide e-mail address for people to send comments (set up a Gmail account for this?) and possibly a link to a voluntary survey to get a sense where membership stands with knowledge of the relevant laws, concerns, practices
- Hold a CNAR/Repat workshop at the Annual Meeting—a listening session on the statement rather than a training workshop (maybe also a Q&A on the session?)
- tSAR publication

## Appendix E: First Draft of Revised Statement (January 24, 2021)

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

Archaeology is the study of the ancient and recent human past through material remains. Because archaeologists may encounter and study human remains as part of their work, the Society of American Archaeology (SAA) has created this statement to reflect SAA's values of stewardship and accountability in the context of work with human remains.

There are differing viewpoints on many aspects of work with human remains, such as the definition of human remains, what constitutes consultation/collaboration, and ideas about best practices. The statement cannot address the specifics of all viewpoints; instead it outlines broad principles. It is the archaeologist's responsibility to seek and incorporate the perspectives of descendent communities and other interested parties (which may include civic, governmental, religious organizations as well as local populations) in making decisions about working with human remains.

The principles outlined in this statement should apply to all aspects of archaeological work in the Americas (North, Central, and South America) involving human remains, including, but not limited to, excavation, research, education, curation, exhibits, and publication. By using these principles, archaeologists can work with human remains in manner that avoids the harm caused by some of archaeology's past practices.

#### **Principle 1: It is a privilege, not a right, to work with human remains.**

Any research involving ancestral remains should benefit the descendent community.

#### **Principle 2: Human remains should be treated with dignity and respect.**

All human remains should be treated with dignity and respect regardless of ethnicity, sex, age, religion, nationality, socioeconomic status, cultural tradition, manner of death, form of burial, or circumstances of excavation and/or acquisition. Human remains should be treated with the dignity afforded to living people.

#### **Principle 3: Archaeologists should consult, collaborate, and obtain consent when working with human remains.**

Prior to and during the excavation or study of human remains, archaeologists should make every effort to identify, consult and collaborate with descendent communities and other interested parties. Archaeologists should obtain consent from descendent communities for any work involving the ancestral remains of those communities. Some descendent communities may not be empowered (or even yet delineated) to express their views, but archaeologists should make every effort to discern and consider their viewpoints.

#### **Principle 4: It is the responsibility of the archaeologist to know and follow all applicable laws.<sup>1</sup>**

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<sup>1</sup> Link to: ACHP, National NAGPRA, Library of Congress on International Laws, NCSHPO, NATHPO

In the United States, archaeologists must understand and respect the sovereignty of Tribal Nations, including the authority to repatriate<sup>2</sup> and make decisions on how their ancestors and funerary objects are treated. The United Nations Declaration on the Rights of Indigenous Peoples, Principle 12,<sup>3</sup> provides a universal framework for the treatment of Indigenous human remains.

**Principle 5: Archaeologists should follow best practices and uphold the highest ethical standards when working with human remains.**

All work with human remains must be done by qualified, knowledgeable, and skilled staff who have received training on research ethics. Students working with human remains must be closely supervised by experienced and appropriately trained staff. Archaeologists must be transparent about funding sources and seek to avoid conflicts of interest, violations of privacy, or other harm during their research on human remains and in any subsequent archiving of the data.

The SAA encourages institutions and our membership to develop detailed policies and procedures for the treatment of human remains during excavations, lab research, teaching, curation, exhibition, and/or curation, even if it is not expected that human remains will be encountered. The principles outlined above can provide the framework for developing these policies.

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Ethical standards for archaeological practice will continue to evolve; laws and protocols will change. As a result, this statement will be reviewed at a minimum every seven years to ensure that it reflects the developments in laws and standards. It is the responsibility of the Committee on Native American Relations<sup>4</sup> (CNAR) and the Committee on Repatriation<sup>5</sup> (Repat) to update the statement for review and approval by the SAA Board of Directors.<sup>6</sup>

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<sup>2</sup> Hyperlink to SAA 30<sup>th</sup> Anniversary NAGPRA Statement.

<sup>3</sup> Hyperlink to UNDRIP.

<sup>4</sup> Hyperlink to SAA committee page.

<sup>5</sup> Hyperlink to SAA committee page.

<sup>6</sup> Hyperlink to SAA Board of Directors page.

# Appendix F: Second Draft of Revised Statement (March 10, 2021)

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## **The Society of American Archaeology Statement Concerning the Treatment of Human Remains March 10, 2021**

Archaeology is the study of the ancient and recent human past through material remains. Because archaeologists may encounter and study human remains as part of their work, the Society for American Archaeology (SAA) is providing this statement to reflect SAA's values of stewardship and accountability<sup>7</sup> in the context of work with human remains.

There are differing viewpoints on many aspects of work with human remains, such as the definition of human remains, what constitutes consultation or collaboration, and ideas about best practices. This statement cannot address the specifics of all viewpoints; instead, it outlines broad principles. It is the archaeologist's responsibility to seek and incorporate the perspectives of descendant communities, affiliated groups, and other stakeholders in making decisions about how and whether to work with human remains.

Since its founding in 1934, the SAA has been dedicated to the archaeological heritage of the Americas. Because of this focus, the principles outlined in this statement apply to all aspects of archaeological work in the Americas (North, Central, and South America) involving human remains. The work covered by this statement includes, but is not limited to, excavation, research, education, curation, exhibits, and publication. While the statement is intended to apply to the Americas, it can also provide guidance to SAA members who work in other regions. By using these principles, archaeologists can avoid the harm associated with some of archaeology's past practices.

### **Principle 1: Working with human remains is a privilege, not a right.**

Archaeologists should approach work with human remains from a perspective of stewardship, responsibility, and equity, rather than entitlement, ownership, or exclusivity. Any work involving human remains should respect the views and interests of descendant communities, affiliated groups, and other stakeholders. In some cases, this may mean that work should not be done unless it is legally required.

### **Principle 2: Human remains should be treated with dignity and respect.**

Human remains are deserving of the dignity afforded to living people. This principle applies to all human remains, regardless of ethnicity, sex, age, religion, nationality, socioeconomic status, cultural tradition, form of burial, condition of remains, and/or circumstances of acquisition.

### **Principle 3: Archaeologists should consult, collaborate, and obtain consent when working with human remains.**

In each stage of work with human remains, archaeologists should make every effort to consult and collaborate with descendant communities, affiliated groups, and other stakeholders. Archaeologists should consult and collaborate as broadly as possible, keeping in mind that there

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<sup>7</sup> Hyperlink to SAA Principles of Ethics page.

may be descendant communities, affiliated groups, and other stakeholders whose interests have not been previously recognized or acknowledged. Archaeologists should seek to obtain consent from descendant communities, affiliated groups, and other stakeholders for any work involving human remains.

**Principle 4: It is the responsibility of the archaeologist to understand and comply with the applicable law.**

Each country has its own laws and treaties that relate to work with human remains. Archaeologists should recognize the unique legal responsibilities surrounding the sovereign authority of Indigenous nations as established through treaties, court cases, and law. Legal obligations set a minimum threshold for work with human remains, but ethical obligations may go beyond the letter of the law.

**Principle 5: Archaeologists should follow best practices and uphold the highest ethical standards when working with human remains.**

All work with human remains must be done by individuals with the appropriate qualifications and training. Students must be carefully supervised by experienced and properly trained personnel. Archaeologists must be transparent about funding sources and seek to avoid conflicts of interest, violations of privacy, or other harm during their work and in any subsequent archiving and use of the data.

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The SAA encourages its members and their affiliated institutions to develop detailed policies and procedures for the treatment of human remains during excavations, lab research, teaching, curation, exhibition, and/or publication, even if they do not expect to encounter human remains. The principles outlined above can provide the framework for developing these policies. In addition, the United Nations Declaration on the Rights of Indigenous Peoples, Principle 12,<sup>8</sup> establishes certain rights regarding Indigenous human remains and is a helpful resource when creating policies.

Ethical standards for archaeological practice will continue to change. As a result, this statement will be reviewed at a minimum every seven years to ensure that it reflects the developments in laws and standards. It is the responsibility of the Committee on Native American Relations<sup>9</sup> (CNAR) and the Committee on Repatriation<sup>10</sup> (Repat) to draft an updated statement in accordance with the charge issued by the SAA Board of Directors.<sup>11</sup>

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<sup>8</sup> Hyperlink to UNDRIP.

<sup>9</sup> Hyperlink to SAA Committee page.

<sup>10</sup> Hyperlink to SAA Committee page.

<sup>11</sup> Hyperlink to SAA Board of Directors page.

## Appendix G: Final Draft of Revised Statement (April 14, 2021)

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### The Society for American Archaeology Statement Concerning the Treatment of Human Remains April 14, 2021

Archaeology is the study of the ancient and recent human past through material remains. Because archaeologists may encounter and study human remains as part of their work, the Society for American Archaeology (SAA) is providing this statement to reflect [SAA's values of stewardship and accountability](#) in the context of work with human remains.

There are differing viewpoints on many aspects of work with human remains, such as the definition of human remains, what constitutes consultation or collaboration, and ideas about best practices. This statement cannot address the specifics of all viewpoints; instead, it outlines broad principles. It is the archaeologist's responsibility to seek and incorporate the perspectives of descendant communities, affiliated groups, and other stakeholders in making decisions about how and whether to work with human remains.

Since its founding in 1934, the SAA has been dedicated to the archaeological heritage of the Americas. Because of this focus, the principles outlined in this statement apply to all aspects of archaeological work in the Americas (North, Central, and South America) involving human remains. The work covered by this statement includes, but is not limited to, excavation, research, education, curation, exhibits, and publication. While the statement is intended to apply to the Americas, it can also provide guidance to SAA members who work in other regions. By using these principles, archaeologists can avoid the harm associated with some of archaeology's past practices.

#### **Principle 1: Working with human remains is a privilege, not a right.**

Archaeologists should approach work with human remains from a perspective of ethical stewardship, responsibility, and equity, rather than entitlement, ownership, or exclusivity. Any work involving human remains should respect the views and interests of descendant communities, affiliated groups, and other stakeholders. In some cases, this may mean that work should not be done unless it is legally required.

#### **Principle 2: Human remains should be treated with dignity and respect.**

Human remains are deserving of the dignity and respect afforded to living people. This principle applies to all human remains, regardless of ethnicity, sex, age, religion, nationality, socioeconomic status, cultural tradition, form of burial, condition of remains, and/or circumstances of acquisition.

#### **Principle 3: Archaeologists should consult, collaborate, and obtain consent when working with human remains.**

In each stage of work with human remains, archaeologists should make every effort to consult, collaborate, and maintain communication with descendant communities, affiliated groups, and other stakeholders. Archaeologists should consult and collaborate as broadly as possible, keeping in mind that there may be descendant communities, affiliated groups, and other stakeholders whose interests have not been previously recognized or acknowledged.

Archaeologists should seek to obtain consent from descendant communities, affiliated groups, and other stakeholders for any work involving human remains.

**Principle 4: It is the responsibility of the archaeologist to understand and comply with the applicable law.**

Each country has its own laws and treaties that relate to work with human remains. Archaeologists should recognize the unique legal responsibilities surrounding the sovereign authority of Indigenous nations as established through treaties, court cases, and law. Legal obligations set a minimum threshold for work with human remains, but ethical obligations may go beyond the letter of the law.

**Principle 5: Archaeologists should follow best practices and uphold the highest ethical standards when working with human remains.**

All work with human remains must be done by individuals with the appropriate qualifications and training. Students must be carefully supervised by experienced and properly trained personnel. Archaeologists must be transparent about funding sources and seek to avoid conflicts of interest, violations of privacy, or other harm during their work and in any subsequent archiving and use of the data.

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The SAA encourages its members and their affiliated institutions to develop detailed policies and procedures for the treatment of human remains during excavations, lab research, teaching, curation, exhibition, and/or publication, even if they do not expect to encounter human remains. The principles outlined above can provide the framework for developing these policies. In addition, the [United Nations Declaration on the Rights of Indigenous Peoples, Principle 12](#), establishes certain rights regarding Indigenous human remains and is a helpful resource when creating policies.

Ethical standards for archaeological practice will continue to change. As a result, this statement will be reviewed at a minimum every seven years to ensure that it reflects the developments in laws and standards. It is the responsibility of the [Committee on Native American Relations](#) (CNAR) and the [Committee on Repatriation](#) (Repat) to draft an updated statement in accordance with the charge issued by the SAA [Board of Directors](#).

## Appendix H: Statement Timeline

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- June 19, 2020: SAA sends University of California president a letter in regard to CalNAGPRA Policy.
- June 24, 2020: CalNAGPRA letter retracted.
- June 28, 2020: Indigenous Archaeological Collective (IAC) sends SAA board a letter protesting the CalNAGPRA letter.
- July 9, 2020: Board meets with relevant committees about CNAR, Repat, and Committee on Museum, Collections and Curation about next steps for SAA after the CalNAGPRA letter.
- July 29, 2020: Board adopts resolution to rewrite SAA Statement Concerning the Treatment of Human Remains.
- August 21, 2020: CNAR meeting to go over the committee charge.
- August 31, 2020: Repat meeting to go over committee charge.
- September 26, 2020: Joint meeting between CNAR/Repat to go over charge and go over the process to rewrite the statement. Committees broken up into four subgroups.
- September 28, 2020: Chairs e-mail the chairs of Committee on the Americas; Committee on Museums, Collections and Curation; Committee on Ethics; Publications Committee; Bioarchaeology Interest Group; Repatriation Interest Group; Curation Interest Group; and Task Force on the Revision of the SAA Principles of Archaeological Ethics Stage Two (TF-2) about the statement rewrite.
- October 4, 2020: CNAR and Repat chairs met with chairs of Bioarchaeology Interest Group and Committee on Ethics for to discuss the statement rewrite.
- October 9, 2020: CNAR and Repat get a charge to write a statement in honor of the 30<sup>th</sup> anniversary of NAGPRA.
- November 1, 2020: CNAR and Repat chairs e-mailed the Task Force on Decolonization in North American Archaeology, Curation Interest Group, and Task Force on the Revision of the SAA Principles of Archaeological Ethics if they would like to provide comments prior to our committees creating a draft.
- November 9, 2020: SAA releases the 30<sup>th</sup> Anniversary Statement.
- November 16, 2020: CNAR and Repat meet with SAA Communication Committee group to discuss about the follow from the 30<sup>th</sup> NAGPRA Anniversary statement.
- December 2, 2020: Bioarchaeology Interest Group submits comments to the chairs.
- December 3, 2020: E-mail from chairs goes out to membership requesting information and reviewers from the membership.
- December 5, 2020: Joint meeting between CNAR and Repat to go over subgroup reports.
- December 9, 2020: Chairs along with both board liaisons participate in a listening session with the National Association of Tribal Historic Preservation Offices (NATHPO).
- December 15, 2020: Chairs meet with Deb Nichols to discuss past history of statement rewrites, reaching out to past presidents, and Latin American colleagues.
- December 31, 2020: Initial draft sent out to CNAR and Repat for their review.

- January 12, 2021: Chairs e-mail board liaisons asking a question if the updated draft statement is a statement.
- January 16, 2021: SAA Board says statement is a statement.
- January 17, 2021: Statement e-mailed to the chairs of the chairs of Committee on the Americas; Committee on Museums, Collections and Curation; Committee on Ethics; Publications Committee; Bioarchaeology Interest Group; Repatriation Interest Group; Curation Interest Group; and Task Force on the Revision of the SAA Principles of Archaeological Ethics Stage Two (TF-2) for their comments due by COB on February 26, 2021.
- January 24, 2021: Publication Committee e-mails relevant publication information for the statement.
- January 31, 2021: CNAR and Repat chairs met with Publications Committee about the statement.
- February 12, 2021: BIG submits comments on draft statement.
- February 13, 2021: Met with SAA Board to go over first draft of the statement.
- February 19, 2021: Met with Decolonization Task Force to answer their questions on the statement.
- February 20, 2021: Met with BIG Task Force chairs to go over their comments.
- February 26, 2021: Date all comments are due.
- March 6 & 8, 2021: CNAR and Repat meet to go over comments and edit the statement.
- April 14, 2021: CNAR and Repat host open forum about to present the final draft and give the SAA membership a last chance to comment. CNAR and Repat met to go over comments and make the final edits to the document.
- April 16, 2021: CNAR and Repat send the final draft of the statement to the board for their consideration.
- April 28, 2021: SAA Board approves the statement.
- April 30, 2021: SAA informs the membership of the statement's approval.