



## SOCIETY FOR AMERICAN ARCHAEOLOGY

October 23, 2023

The Honorable Alejandro Mayorkas  
Secretary of Homeland Security  
MS 0525 Department of Homeland Security  
2707 Martin Luther King Jr Ave SE  
Washington, DC 20528-0525

Dear Secretary Mayorkas:

The Society for American Archaeology (SAA) strongly disagrees with the administration's recent decision to issue a waiver of crucial preservation and environmental statutes in order to expedite the construction of a wall along the US-Mexico border in Texas. This decision continues a trend of recent administrations' setting aside the law whenever it becomes politically convenient to do so and will endanger irreplaceable cultural heritage resources, including numerous archaeological sites that would normally be protected by federal statute.

The SAA is an international organization that, since its founding in 1934, has been dedicated to research about and interpretation and protection of the archaeological heritage of the Americas. With more than 5,500 members, the SAA represents professional and avocational archaeologists, archaeology students in colleges and universities, and archaeologists working at tribal agencies, museums, government agencies, and the private sector. The SAA has members throughout the United States, as well as in many nations around the world.

As we stated to the George W. Bush, Obama, and Trump administrations, the lands through which the border between the United States and Mexico travels are among the richest in North America in terms of the archaeological heritage of the continent. Humans have inhabited this region for many thousands of years. The archaeological record that both ancient and more recent inhabitants left behind—much of it yet to be discovered—is often the only evidence we have of their existence. Culturally significant artifacts need to be conserved for future generational knowledge, for cultural connections with the present, and for affected tribes to have their heritage secured. Once this evidence is damaged or destroyed, the information it contains is lost forever and our knowledge of the past is irreparably diminished.

Under the Archaeological Resources Protection Act and the National Historic Preservation Act, the federal government commits both to protecting the archaeological resources in its jurisdiction from destruction and to ensuring that federal agencies will consider the effect that their actions will have on these sensitive materials. These and other laws, in essence, give the nation's archaeological record a voice in the government's decision-making process. This administration's waiver sends the distinct message that they are willing to follow the examples of their recent predecessors and dispense with their legal obligations whenever the government feels it expedient to do so.

There is an alternative path forward, as outlined in the September 2023 Government Accountability Office report "Southwest Border: Additional Actions Needed to Address Cultural and Natural Resource Impacts from Barrier Construction." That report recommends that US Customs and Border Protection (CBP) and the Department of the Interior should formulate a strategy to mitigate cultural and natural resource impacts from border-barrier construction, while specifying consulting times with tribes, and CBP and Interior should set up a process for "evaluating lessons learned from its prior assessments of potential impacts."

We understand the gravity of the current situation along the border, from both humanitarian and security standpoints. Securing the border, however, does not mean we must jettison the law's protections for cultural resources. We strongly urge you to proceed utilizing the approach outlined in the GAO report to ensure communication and partnerships with tribal groups, the private sector, and relevant government entities. Only by doing so can we mitigate damage and safeguard traditional and cultural resources and their respectful treatment.

Sincerely,

A handwritten signature in blue ink, appearing to read "D. Sandweiss", is written over a light blue horizontal line.

Daniel H. Sandweiss, Ph.D., RPA  
President