



United States  
Department of  
Agriculture

Forest  
Service

Southwestern  
Region

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Dr. Vincas Steponaitis, President  
Society for American Archaeology  
900 Second Street NE #12  
Washington DC 20002-3557

Dear Dr. Steponaitis:

We received your and Dr. William Lovis's letter of July 30, 1997, and have given it considerable thought. We are aware of and appreciate the role the Society for American Archaeology (SAA) played in the formulation of the Native America Graves Protection and Repatriation Act (NAGPRA) and the role the SAA continues to play in providing a forum for professional dialogue with respect to repatriation.

We share many of your concerns about the difficulty of making judgments with respect to cultural affiliation. We acknowledge your criticism concerning the length and detail of our 1995 cultural affiliation assessments. However, these assessments were meant to be brief summaries of our conclusions with respect to various lines of evidence; they were not intended to be comprehensive presentations of that evidence. For this reason, we and our partners in this effort utilized a short-form format, included selected references rather than extensive bibliographies, and summarized key findings. Those findings were based on a review of information we possessed at the time, in accordance with NAGPRA. As you are aware, for prehistoric collections, there frequently is very little information available for certain lines of evidence, such as kinship, linguistic, and in many cases biological evidence. We also considered input from a number of professional colleagues as well as the tribal input we had received at that point. We considered the totality of available evidence in making our determinations.

While broader consultation with the scholarly community, greater detail, and extensive peer review would have influenced the presentation, as you suggest, we do not believe it would have significantly altered the conclusions. We regret that you find it distressing that our assessments were completed without being sent out for "serious external review." However, NAGPRA neither required, encouraged, funded, nor provided additional time for agencies to undertake such a process. We believe we demonstrated a good faith effort to comply with both the terms and the intent of the statute.

We made repeated contacts with tribes in our efforts to initiate consultation on cultural affiliation. Our efforts, like most such efforts in the Southwest



so far, have yielded sincere claims of cultural affiliation but little in the way of previously unpublished, substantive information. We believe many tribes are not ready to provide this information, based on a firm belief that they know who their ancestors were and that should be sufficient. We continue to pursue consultation on cultural affiliation in general and with respect to activities under Sec. 3 of NAGPRA. And we will consider any evidence the tribes provide, when they are ready to provide it. Contrary to your assumption, we have offered tribes the opportunity to view archaeologically recovered materials as well as other NAGPRA cultural items.

Finally, and most importantly, as stated repeatedly in our Cultural Affiliation document, the 1995 assessments were considered to be baseline summaries, subject to revision and modification as new information becomes available. Clearly, we will all learn more as research and consultation continue throughout the Southwest. We do not agree that the "...disposition of thousands of human remains and tens or hundreds of thousands of objects..." will be determined by this document. There are few statutes that have as many checks and balances and safeguards for due process as NAGPRA. Up until the moment of disposition or repatriation, any new claim or new evidence must be considered. Tribes tell us that it may be many years before they are prepared to deal with the repatriation of pre-1990 collections. Meanwhile, the NAGPRA Review Committee is available to help resolve disputes; more information and perspectives are becoming available as other agencies and museums make cultural affiliation documentation available; and more tribes are becoming engaged in the process, especially in terms of planned excavations and inadvertent discoveries.

So far, few academic archaeologists have made substantive contributions on the matter of cultural affiliation. We agree that such independent presentations of evidence and conclusions would be very helpful. Perhaps the SAA can encourage its members who are concerned about the repatriation of remains and objects under NAGPRA to provide such contributions for the consideration of all agencies and museums in the Southwest, not just the Forest Service.

We provided our Notices of cultural affiliation to the tribes in November of 1995, and followed up with copies of the Cultural Affiliation assessments in the spring of 1996. Thus far, the only concerns which have been communicated to us are the Navajo interest in claiming Anasazi remains and the Hopi criticisms, which are essentially repeated in your letter including the emphasis on the Hohokam/Salado assessment for Tonto Basin. We remain open to new evidence regarding both of these cultural affiliation issues. We provided a copy of the assessment document to the NAGPRA Review Committee in the spring of 1996 and also provided copies to most museums and universities in the Southwest. We have received no comments.

We appreciate your concerns regarding our cultural affiliation assessments. However, because of the above factors, we see no reason to withdraw the Cultural Affiliation document as you request. We can assure you that the Forest Service will continue to consult with the tribes and will consider all new evidence regarding cultural affiliation. We will update the assessments as the need arises.

We hope our letter adequately addresses at least some of your concerns. We understand that other respondents have addressed a number of factual errors in your letter regarding the Tonto Basin assessment. We believe it would have been helpful had the Committee on Repatriation consulted some of those knowledgeable about our inventory process prior to writing such a strong letter on behalf of the SAA. We would welcome any substantive contributions the SAA or its members would care to make with respect to any of the assessments. We value the interest and input of your organization and have always considered the SAA a partner on heritage matters. If we can provide any further information or clarification, please contact Regional Archaeologist Dr. Judith Propper, (505) 842-3232, or Dr. Frank E. Wozniak, our NAGPRA Coordinator, (505) 842-3238.

Sincerely,



*CV*  
CHARLES W. CARTWRIGHT, JR.  
Regional Forester

cc:

Evan DeBloois, WO

Frank McManamon, NPS

Tessie Naranjo, NAGPRA Review Committee