



SOCIETY FOR AMERICAN ARCHAEOLOGY

February 5, 2002

Dr. Robert Stearns
National Park Service
Program Manager, National NAGPRA Program
800 N. Capital St., NW
Washington, DC

Dear Dr. Stearns:

It was a pleasure to meet with you and your staff, and to allow us the opportunity to introduce SAA to you. I was pleased to see the breadth of experience represented by your staff, and I look forward to having a productive working relationship with them.

We discussed several things in our meeting that I would like to briefly summarize. In our meeting with Ms. Stevenson, SAA expressed its opinion that the Secretary of the Interior lacks statutory authority under NAGPRA to promulgate regulations on Culturally Unidentifiable Human Remains. Writing regulations without legal foundation could open the door to needless litigation and conflict. Ms. Stevenson welcomed SAA's opinion on this matter. You will receive our thoughts on this matter soon, if you have not already.

In the meeting with your staff, we discussed two major items. First, SAA pointed out that there is a problem in that while the NAGPRA office cannot screen Federal Register notices, they do set a precedent every time that one is published; and if an unreasonable one is published, that can set an unfortunate precedent. One suggestion made was that notices should be preceded by a disclaimer in standard language claiming that no notice sets a formal precedent. We were heartened by the fact that your staff said that they would give it further serious consideration.

Second, we brought up the issue of dispute resolution. Specifically, there seems to be some confusion among institutions or agencies over the procedures whereby disputes are settled and, especially, the conditions that constitute a formal dispute. Again, we were grateful that your staff took this seriously and offered to give the matter some thought.

Again, we appreciated having the chance to meet you and to initiate a sound working relationship with NPS's new National NAGPRA office.

Sincerely,

/s/

Robert L. Kelly
President