

# Bulletin

September 1989

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## OF THE SOCIETY FOR AMERICAN ARCHAEOLOGY

### NEBRASKA PASSES REBURIAL LAW

by Thomas D Thiessen and Mark J Lynott

On May 23, 1989, the Governor of Nebraska signed into law the Unmarked Human Burial Sites and Skeletal Remains Protection Act, which prohibits disturbance of unmarked human graves in the future and mandates the reburial of human remains and associated burial artifacts, including those from existing museum collections, which can be linked to modern tribes or family descendants.

The law is an outgrowth of a bill introduced in 1987, which would have required the reburial of all Native American remains and burial artifacts housed in Nebraska museums. The 1987 bill was defeated in response to opposition expressed by the state's citizens. In the 1989 legislative session, a successor bill, LB 340, was introduced and passed the required three floor votes. Although substantially amended during the floor debate, the law, as passed, still has serious problems, primarily relating to the vagueness of definitions; the unfeasibility of the board established to arbitrate disputes between institutions holding collections and Indian tribes or individuals who request their return; and the time provided for scientific analysis.

The major proponent of the bill is the Pawnee tribe of Oklahoma, which is represented in the matter by attorneys of the Native American Rights Fund (NARF), including Walter Echo-Hawk and Robert Peregoy. After the defeat of the 1987 bill, the Pawnees attempted to negotiate with the Nebraska State Historical Society the return of ancestral remains and burial artifacts. The Society refused to turn over any such materials unless the Pawnees met certain conditions, among which was a request that the Indians provide the Society with a reburial plan that insures the continued existence of the materials. Unwilling to compromise and frustrated by the Society's refusal, the tribe then

sought a legislative solution by enlisting the help of a sympathetic member of the legislature to introduce a bill primarily authored by NARF. Aided by several legislators, NARF organized a highly effective lobby to support LB 340 at the committee hearing.

LB 340 created a bitter controversy in the state. Aided by the Nebraska Indian Commission, NARF and its allies in the legislature waged a press campaign designed to discredit the Nebraska State Historical Society, and especially its director, James A Hanson. A concerned group formed to stimulate like-minded citizens of the state to urge their legislators to oppose the bill. An alternative reburial bill, modeled almost verbatim on the existing Oklahoma law, was advocated by the professional community in the state, but was killed in the committee. The University of Nebraska remained silent on the issue, but individual archaeologists there spoke out against LB 340 as private individuals, as did other state and federally-employed archaeologists in Lincoln. The Association of Students of the University of Nebraska and the Nebraska democratic party passed resolutions supporting the intent of LB 340. The Nebraska chapters of the American Civil Liberties union, the Rainbow Coalition, and the Bishop of the Lincoln Roman Catholic Diocese also came out in support of the bill.

LB 340 passed through the legislature for several reasons, including the fact that Nebraska has the only unicameral legislature in the US; consequently, the bill did not benefit from deliberation in two legislative houses. The NARF-led campaign to advocate the bill was highly organized and well-funded. The bill was actively supported by powerful allies in the legislature and the state Attorney General's office, and the legislative body generally ignored the opinions of state-employed historical and archaeological authorities and the professional community in general.

continued on page 2

### FERC Fines TRANSCO for Site Destruction

On July 26, the Federal Energy Regulatory Commission (FERC) announced a proposed civil penalty of \$37M against the Transcontinental Gas Pipeline Corp (TRANSCO) for destruction of archaeological sites along the Mobile Bay area of Alabama. TRANSCO conducted a survey of the pipeline and located 216 sites. As many as 77 sites may be eligible for the National Register at this time. TRANSCO allegedly commenced construction on March 31, 1987, prior to determining the significance of these sites, for implementing any impact mitigation measures. At least 22 of the 77 sites were subsequently determined to be eligible for the National Register, and the remainder are being evaluated. FERC determined that, by commencing construction in March 1987, TRANSCO achieved a four-year head start on its competitors. The \$37M penalty represents FERC's estimate of the company's gain from this head start. FERC expressed concern with the need to deter future violations of the regulatory process. For additional information call FERC at (202) 357-8088.

### SYMPOSIUM TO HONOR BINFORD

On November 3-5, 1989, students and alumni of the University of New Mexico are presenting papers at a symposium in recognition of the 20th anniversary of Lewis R Binford's affiliation with UNM, in conjunction with the university's centennial commemoration ceremony. It is open to the public. For further information contact: Anthropology Graduate Students, Department of Anthropology, UNM Albuquerque NM 87131, or (505) 277-4524.

### In This Issue

Special report on SAA's anti-looting project, "Save the Past for the Future" and Taos Fort Burgwin Conference, starting on page 3.

See how you can help--page 10.

## MEMBERSHIP STILL A BARGAIN

Our Society is financially stable; our membership numbers are too. Archaeology and archaeologists are successful in producing new knowledge and in earning a living. However, we have begun to face a deficit; our membership growth is relatively slow; archaeological sites are being lost at unbelievable speed; and for the first time, archaeology's legitimacy is being successfully, challenged in public by some Native American groups.

In the face of stability, fixed financial and human resources, and many serious issues which we are being forced to deal with, the Executive Board voted to increase annual dues as follows:

	Old	New
Regular	\$50	\$75
(US & Canada)		
Foreign	40	60
Student	25	37
Retired	25	40
Joint	10	15
Life	1,000	2,250

This increase will show up on the dues billing in October, 1989.

No one enjoys paying dues increases, but archaeologists are marvelous team players. We are famous for this quality in departments, laboratories, projects, and in the Society. The extra money is now essential; there has not been a dues increase in 6 years, and the Society has never been so oriented to service for archaeology and to archaeologists.

Over the last three years, the Society has had to dip into its reserves to pay the increased costs of doing business and for funding special programs -- for a three year total of \$75,000. Our reserve is

now about \$300,000, or less than one year's operating expenses. Any voluntary, non-profit organization should have about one year's expenses in reserve. The dues increase, which will amount to \$49,000 this fiscal year, will balance this year's budget and permit us to start replacing the sums expended from the reserves. Both the Finance Committee and the Executive Board feel strongly that the deficit must be repaid in order to demonstrate the strength of our commitment to sound financial management.

No amount of financial responsibility will deal with the issues we now face as archaeologists, however. Most of us have known for a long time that the Society needed to reorganize. We have a blue print for reorganization in John Evan's report, which has been summarized in the *Bulletin* throughout the last year.

Our real growth and strength will come by reaching out to state archaeological societies and their members. Our public relations problems, which now come in the form of reburial and repatriation legislation and in the looting of archaeological sites, can be dealt with through the Foundation for American Archaeology, conceptualized and soon to be founded. These are major initiatives. They simultaneously expand while democratizing the Society, and initiate a policy of educating our receptive public about the needs and benefits of archaeology. These are our major reasons for a dues increase and constitute the basis for our hope that you will renew your membership at the new rate. We strongly believe that membership in SAA is still a worthwhile bargain.

## Call for Nominations for the SAA Doctoral Prize

The Society for American Archaeology has established a prize -- a lifetime membership -- to be awarded to individuals whose doctoral dissertations are judged to be particularly outstanding and important.

Nominees must have defended their dissertations and have received their PhD degrees in the three years prior to the current deadline (October 1, 1989) in order to be eligible. It is not necessary that a nominee already be a member of the Society.

Non-student members of the SAA are encouraged to nominate students whose dissertations they consider to represent outstanding scholarship and original contributions to the field. At the time of the nomination, nominees are to be informed of the fact, and they may then submit their work in competition if they agree to adhere to the conditions of the competition and the prize. All letters of nomination and three copies of all dissertations entered must be sent by October 1, 1989 to: Patty Jo Watson, SAA Dissertation Prize

Committee, Department of Anthropology, Washington University, One Brookings Dr, St Louis, MO 63130-4899.

## Nebraska continued

Advocates of the bill successfully focused much of the debate on the credibility of the Nebraska State Historical Society, thereby diverting public attention from the real issues at stake. The professional archaeological and museum community in Nebraska was slow to realize the threat to existing museum collections posed by the bill, and did not form an effective counter-lobby. Little assistance in opposing the bill was forthcoming from archaeologists or physical anthropologists from outside the state (there are no practicing physical anthropologists in Nebraska at the present). It was not realized until too late that NARF was simultaneously advocating different and less stringent reburial legislation in Kansas. Public opinion in the state generally supported the reburial concept, which was portrayed in press coverage as a freedom of religion issue, not an historic preservation concern.

Further information can be obtained from SOPA President Mark J Lynott, Midwest Archaeological Center, Federal Bldg, Rm 474, 100 Centennial Mall N, Lincoln, NE 68508, (402) 437-5392.

**Course:** *Current Theory and Method in Archaeology/ UNR*  
January 8-11, 1990 Fee: \$360  
**Instructor:** Patty Jo Watson, PhD

The scope of discussion about goals and methods in archaeology has greatly widened and diversified over the past dozen years. This course will discuss the "post-Processualist" approach, and the major points of disagreement between that framework and Binfordian processualist (new) theoreticians.

**For further information contact:**  
CRM, Div of Continuing Education,  
Univ of NV (Reno) Reno, NV 89557 or  
(702) 784-4046.

## CRM at University Nevada (Reno)

**Course:** *Small Site Analysis/UNR*  
October 23-26, 1989 Fee: \$360  
**Instructor:** Charlotte Beck, PhD  
George T Jones PhD

Qualitative and quantitative techniques for description and analysis of small prehistoric archaeological sites will be presented. Emphasis will be on the assessment of significance and placing small sites in local and regional scientific, cultural-historical, and management contexts.



## SAVE THE PAST FOR THE FUTURE SPECIAL REPORT

Guest Editors:  
**Loretta Neumann**  
**Kathleen Reinburg**

### SAA LEADERSHIP: "WE ARE LISTENING"

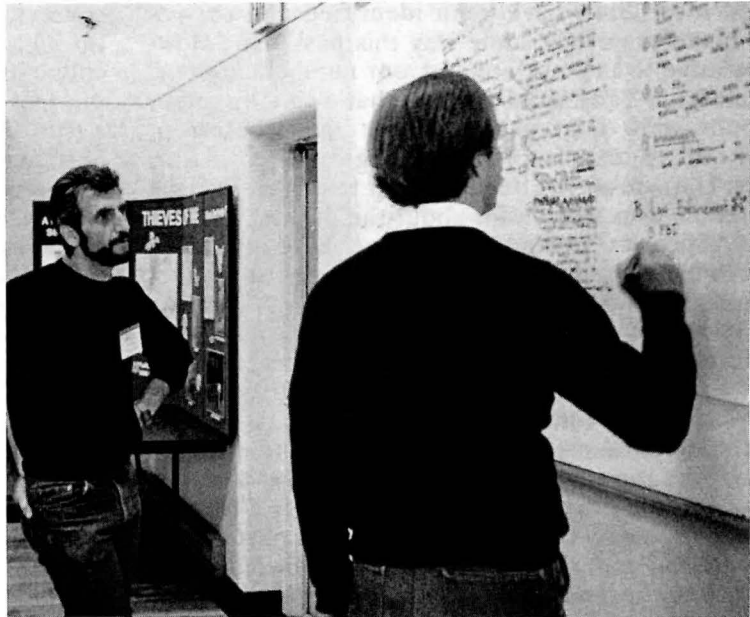
**Jeremy Sabloff, President**

It is an honor to introduce this special section of the Bulletin. These eight pages are meant to do more than report on the Society's anti-looting project, "Save the Past for the Future." They are intended to convey the real commitment that I and the other leaders of the Society feel towards this project. We believe strongly in the need for our profession to address the growing threat of looting and vandalism **now**, before it is too late.

On these pages, you will find reports on the conference held last May at the Fort Burgwin Research Center in Taos, NM. You will also find some strong words, which challenge us to do even more. I am committed to that goal. This November, when the Executive Board meets in Washington DC, we will consider a number of concrete actions that the Society is being asked to take. We do, indeed, want to build on the project we initiated.

Meanwhile, I want to commend those who have worked so hard on this, not the least of whom is my predecessor as SAA president, Dena Dincauze, under whose leadership the project was launched last year. The project was the brainchild of the SAA Governmental Affairs Committee and Loretta Neumann, SAA's Washington Representative who also serves as the project administrator. Others who have major roles are Annetta Cheek, the project planning committee chair, Kathleen Reinburg, project director and Jim Judge, conference director.

I also want to thank our other partners in this effort, the many Federal agencies, organizations and individuals who worked so hard over the past year. Without them this would not have been possible.



Participating in the "Understanding the Problem" workshop are **Richard Brook**, Bureau of Land Management and **David Siegel**, Fish and Wildlife Service.  
(Photo by Kent Bowser).

### A CHALLENGE TO THE PROFESSION

Annetta Cheek, Chair  
Save the Past Planning Committee

I have been working on the Save the Past for the Future project since its inception. To me, it is one of the most exciting and critical activities I have ever been involved with as an archeologist. It is an issue that affects all archaeologists, no matter what our affiliation. If there are no resources remaining in the ground, there will be neither archeology nor archaeologists - unless we are satisfied with excavating material from museums and library shelves.

I have been disappointed, although not surprised, with the level of commitment to solving this problem exhibited by many of my colleagues. As a long-time member of various voluntary organizations - including as Treasurer of the SAA - I know that in most groups 80 percent of the work is done by 20 percent of the members. Maybe it is impossible to change this - maybe this is indeed a natural law of some sort. However, I feel that I need to try. (continued on page 8)

One final note. Don't just read this section. Do something to help. On page 10 you will find a number of suggestions for things you can do and a coupon to send to add your support to the project. Don't hesitate to offer ideas. I assure you that we are listening.





## THE VIEW FROM TAOS

W. James Judge, Conference Director

By all internal measures, the SAA anti-looting project has been highly successful to date. Several hundred individuals have been identified and participated in the project in some way this past year. However, relative to the task at hand, our numbers are few. The view from Taos at this time is that a small number of people know a great deal about the problem of looting and vandalism of archaeological sites in this country. Unfortunately, it is apparent that these are the same people who know a lot about the problem before the SAA project started. So far we have preached mainly to the choir -- it is time now to direct our voices elsewhere.

If there is one single message which emerged from the Taos conference, it is that the archaeological profession must become more responsible to the public, the ultimate consumer of our efforts and the ultimate provider of support for our research. If the past has relevance to the present, then archaeology is a form of insurance to society that the message of the past will be preserved and recognized. We must acknowledge the public as our primary allies and make archaeology meaningful to them.

Archaeology is not high on the nation's list of priorities. Given the magnitude of problems facing this country--drugs, environmental degradation, poverty, etc.--archaeology seems not very important. Even so, preserving the nation's heritage should be the highest priority of professional archaeologists, and the SAA should be the first place to look for leadership in this endeavor. Despite the energy unleashed by the project, however, I fear that the SAA membership may be unresponsive because it requires action on behalf of future archaeology and not necessarily on behalf of our own immediate and narrowly perceived research needs.

If we wish a different future, if we truly believe the work we do is important in some long-term historical context, then we must realize we face a choice. We, through the SAA, can remain a small, relatively obscure collection of academicians motivated largely by self-interest, or we can choose to lead the way in fostering a true appreciation of archaeology by a larger segment of society, that which holds the key to the protection of the resources we hold dear. Yet archaeologists are not rewarded today to foster such appreciation -- instead that kind of public outreach is seen as an extra burden. Indeed they may be penalized rather than rewarded for such activity in their quest for academic tenure.

There is, perhaps, one glimmer of hope, and that can be found in the statements of our colleague Brian Fagan. At this point he seems to be a voice in the wilderness, but his is an articulate voice, from a respected member of our profession. It is his view, expressed in the paper he presented at our project's session at the SAA annual meeting last April in Atlanta, that the profession should legitimize its responsibility to the public by adopting the goal of changing public perceptions of the past as our highest research priority. Making archaeology meaningful to the public could become a legitimate component of the training of future archaeologists, with both research funding and academic rewards as a result.

Does the SAA wish to lead at this time, or will it be dragged reluctantly into the 21st century by some other organization which takes seriously its responsibility for caring for our heritage? Looting may be the best thing to happen to American archaeology today if it shakes the profession out of complacency and isolation, and alters its posture toward our constituency, the public, before its too late.



Conference Director, **Jim Judge** describes plans for interpretive center on Carson NF -- a joint effort between Ft. Burgwin and the Forest Service. Pictured are **Bob Kriebel**, Carson NF; **Loretta Neumann**, SAA & CEHP Inc.; **Kathy Pedrick**, BOR Arizona Projects Office; and **Keith Kintigh**, AZ State Univ. and chair, SAA Reburial Task Force. (Photo by Kent Bowser).

## UNDERSTANDING THE PROBLEM

Chris Christensen Workshop Chair

The "Understanding the Problem" workshop identified five topics for consideration: (1)role of the archaeological profession, (2)role of perpetrators, (3)role of managers, (4)role of the non-perpetrating public and (5)legal issues.

**Archaeological Profession:** The profession lacks a clear sense of the nature, complexity and urgency of the problem of looting and vandalism of archaeological sites. Professionals do not understand the religious and cultural values of Native Americans. Participation by archaeologists in commercial antiquities harvesting lends legitimacy to these enterprises, whether serving as an archaeologist for a treasure salvage expedition on historic shipwrecks or appraising market value and authenticating artifacts for collectors. Some archaeologists have collections of their own which, from whatever sources, pose a conflict of interest. The profession has not provided a clear message in any public forum (written or electronic) that explains the nature and importance of archaeological research.

**Perpetrators:** Six groups are perpetrators of most of the destruction and defacement of cultural resources. Each has its own characteristics and motivations requiring separate strategies. Included are professional looters (treasure hunters, dealers, buyers, some museums and art galleries, etc) whose motives include economic gain, recognition and materialism; intensive collectors whose motives are not monetary but rather personal collections; casual collectors, including intentional defacers who are motivated by power or thrill of danger associated with their criminal behavior and unintentional defacers (such as rock art rubbers) motivated by fun and ignorant of the effects of their actions on the resources; and instigators (film industry, sponsors of artifact shows,



**Ray White**, Chairman of the Miami Nation of Indians in Indiana, speaks on looting and Native American concerns. (Photo by Kent Bowser).

etc.) whose motives are largely monetary.

**Managers:** These are government managers, State Historic Preservation Officers, Advisory Council on Historic Preservation, political officials, landowners and developers. Government agencies do not know the scope and magnitude of looting and vandalism of cultural resources on lands under their jurisdiction. Also unknown are the scope and magnitude of looting and vandalism of cultural resources on non-federal lands. Information is not available on the range and effectiveness of site protection strategies. Legislators and their staffs are unaware of the extent and seriousness of the problem. It is unclear to what extent cultural resources are considered in state, regional and local planning efforts. There is little public or professional recognition of outstanding efforts to preserve and protect cultural resources.

**Non-Perpetrating Public:** Although not directly involved, the public creates a social climate that influences the allocation of resources and the enactment and enforcement of laws. Opinion leaders and information purveyors are influential and basically define

the problem for the public; however, there tends to be lack of coverage about looting, preservation concerns and archaeology in general. The entertainment industry glamorizes looting ("Indiana Jones" syndrome). The tourism industry portrays looting and collecting as a recreational activity and they use shopping for antiquities as a draw for tourists without outlining legal or ethical restraints. Schools do not teach prehistory and preservation law adequately and do not instill in children the value of our national heritage. Foundations, endowments, funding institutions, museum trustees may legitimize activities that the profession would deem unethical by funding questionable projects, displaying looted artifacts and buying items of unknown provenance.

**Legal Issues:** Highlights of these issues include the fact that the Criminal and Natural Resources Divisions of the Department of Justice do not seem to be taking charge in ARPA prosecutions. Judges lack case history to go by and thus hand down weak sentences which reflect prevailing societal values. Most archaeologists do not have experience as expert witnesses and they lack experience in the legal process and evidence collection. Customs agents are inadequately trained on cultural resources. Private land exemption in most laws is a major problem. Unreported are the gains of sales of both "legal" and illegally gotten artifacts. Tax write-offs for donated collections should be investigated.

Annetta Cheek, Chair  
Save the Past Planning Committee

W James Judge, Conference Director

Workshop Chairs  
Chris Christensen  
Shereen Lerner  
Martin E McAllister

Loretta Neumann, Project Director

Kathleen Reinburg, Project  
Administrator

## PREVENTING THE PROBLEM

Shereen Lerner, Workshop Chair

The goal of the "Preventing the Problem" workshop was to define ways in which archaeological site vandalism can be prevented. Our objective is to "eliminate looting as a major threat to the nation's heritage resources by the year 2000." Our workshop's focus was on three topics--education, volunteers and public outreach.

**Education:** This topic was divided into two areas: formal education and special target groups.

**Formal Education:** Nationwide, a number of programs disseminate archaeological information in public school systems. These include activity units, teacher guides, resource manuals, etc. No central listing exists to help others develop similar programs. Programs have not been recently evaluated for effectiveness. Most are designed for the state and local level (seen as a benefit). We do not know whether the appropriate messages are being sent through these programs.

Recommendations include having SAA work with other professional organizations to evaluate education programs and coordinate and expand public education efforts, establish a clearinghouse for educational materials and programs on archaeology, and evaluate programs in other fields (e.g. environmental education) as models.

**Special target groups:** These include people who can carry the message, "sensitizable" groups and those whose behavior needs to be changed. Target programs include training courses, Boy Scouts, Elder Hostels, etc. Recommendations include having SAA lead in developing pamphlets on the looting problem and how people can get involved, conduct a media campaign and build stronger coalitions with other preservation groups to expand the anti-looting message.

**Volunteer Programs:** These include site stewards, avocational archaeological societies, non-agency participatory archaeology, museum docents, agency sponsored volunteers and awards. Volunteers are highly variable in interests and levels of experience; thus messages and opportunities may vary among them.

Recommendations include encouraging states to fund, develop and implement site steward programs modeled on those in Texas and Arizona. SAA should issue a formal statement encouraging museums to provide opportunities for the general public to view archaeological collections ordinarily inaccessible. SAA should formally recognize the contribution of legitimate avocational societies, endorse their use by agencies and encourage participatory archaeology as a means to reach the public on the detrimental effects of looting and vandalism. SAA should develop a National Volunteers in Archaeology Program (like Earthwatch).

**Public Programs:** These include archaeology weeks, archaeology-environmental fairs, living history museums, amateur archaeological societies, participatory archaeology and travelling exhibits. Media activities include public service announcements, press releases, television news features, special interest magazine articles and talk shows.

Existing efforts focus on educating the public *about* the past, rather than the messages of *protecting* the past, *sharing* the archaeological experience, or *understanding and respecting* cultural values.

Recommendations include having SAA help organize a foundation to conduct a national media campaign to promote archaeology, cooperate in producing an anti-looting pamphlet, evaluate existing programs and formally recognize and endorse public outreach programs as professionally acceptable and of equal status with traditional academic pursuits.



**Len Sipes**, formerly with National Crime Prevention Council, and **Paul Hooge**, Licking County OH Archaeological Society, study looted site on field trip to Carson NF.  
(Photo by Phyllis Messenger).





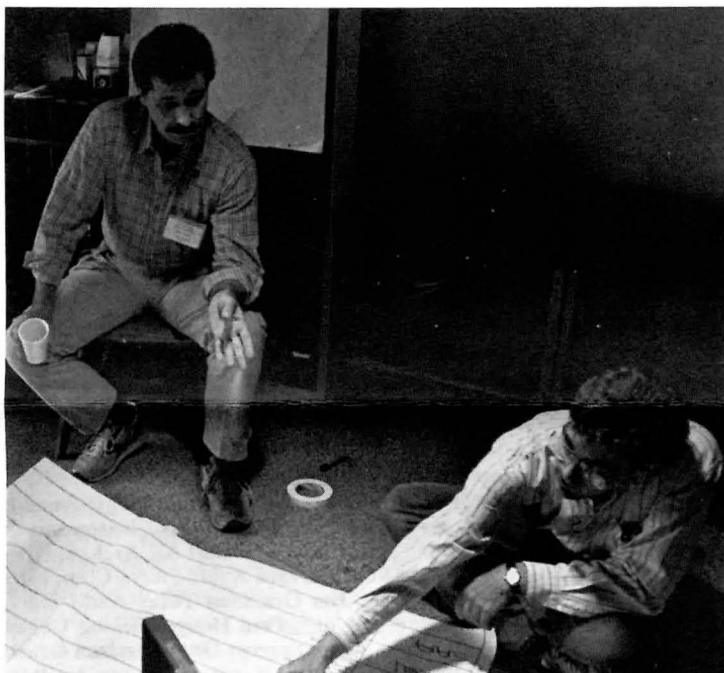
THE TAOS CONFERENCE. Shown, left to right: **1st row:** **Martin McAllister** Arch. Resource Investigations; **Annetta Cheek** OSMRE; **Kathleen M. Reinburg** SAA and CEHP Inc.; **Shereen Lerner** AZ SHPO Office; **Chris Christensen** FS Pacific Northwest Research Station; **Loretta Neumann** SAA and CEHP Inc.; **2nd row:** **Charlie Gilbert** AZ Arch. Society; **Helen Crotty** Am. Rock Art Research Assoc; **Teresa Hoffman** Arizona SHPO Office; **Harvard Ayers** Sierra Club; **Mike Johnson** Fairfax County VA Heritage Resources; **Edward Friedman** Bur. Reclam.; **Jim Gramann** Texas A&M Univ.; **Kent Schneider** FS Southern Region; **Bliss Bruen** Ft. Burgwin Research Center; **3rd row:** **Paul Hooe** Licking County Arch. Society Ohio; **Michael Kaczor** Washington Office, SCS; **Ann Early** Arkansas Arch. Survey; **Gary Knudsen** Ozark-St Francis NF; **Kathy Pedrick** BOR; **Judy Rose** FS Calif. Region; **W. James Judge** Ft. Burgwin Research Center; **4th Row:** **Richard Lange** AZ State Museum; **Susan Morton** Alaska Region NPS; **Lloyd Chapman** Mid-Atlantic Region NPS; **Ann Guthrie Hingston** Cultural Property Advisory Committee USIA; **Phyllis Messenger** Institut. International Studies Univ. Minn; **Chris Kincaid** Glen Canyon Nat'l Rec Area NPS; **Jill Osborn** Deschutes NF; **Gary Stumpf** AZ State Office BLM; **5th Row** (more or less) **Ray White** Miami Nation, Indiana; **Pisit Charoenwongsa** Bangkok Thailand; **George Smith** Washington Office NPS; **Holly Reckord** National Geographic Society; **Patricia Spoerl** Coronado NF; **Gordon Peters** Superior NF; **Cal Calabrese** Midwest Arch. Center NPS; **Brit Storey** BOR; **Paul Nickens** Army Corps of Engineers; **Dan Lenihan** Submerged Cultural Resources Unit NPS; **Richard Brook** Washington Office BLM; **David Siegel** Southwest Region FWS; **Rigby Wright** Manti-LaSal NF; **Top Row(s):** **Charles Cheek** John Milner and Associates; **Jerry Clutts** Ocala NF; **Evan DeBloois** FS Washington Office; **Mary Beaudry** Society for Historical Arch; **Cheryl Ann Munson**, SAA; **Nancy Hawkins** Louisiana SHPO Office; **Judith Propper** FS Southwestern Region; **Alan Downer** Navajo Nation, SAA; **Steve Sigstad** FS Rocky Mountain Region; **Keith Kintigh** AZ State University; **Lehua Lopez**; **Tom Lyons** FS; **Max Witkind** San Juan Resource Area BLM; **Tom Merlin** NM SHPO Office; **Jim Loach** Ranger Activities, Washington Office NPS; **Jim Walker** Arch. Conservancy; **Woody Jones** FLETC; **Leonard Sipes** MD Depart Public Safety; **Peter Pilles** Coconino NF; **Sharon Metzler** Manti-LaSal NF; **Robert Brown** FLETC. In front of all, **Chloe the Dog**. Attending but not shown: **Bob Nykamp** Routt NF; **Gene Nodine** Moab District BLM; **Stephen Potter** National Capital Region NPS; **Paul Rubenstein** Army Corps of Engineers; **Melanie Stright** MMS; **Richard Waldbauer** Washington Office NPS; **Diane Gelburd** Washington Office SCS; **Mannie Martinez** USDA FS. Project Planning Committee members not attending: **Leslie Wildesen:** OSMRE; **Brian Fagan** Univ. CA; **Judy Bense** Univ. West FL.; **Joel Janetski** Brigham Young Univ.; **Kevin Kilcullen** FWS; **George Stuart** National Geographic Society; **Ray Williamson** Office of Technology Assessment.

Key to Acronyms: BLM=Bureau of Land Management; BOR=Bureau of Reclamation; FLETC=Federal Law Enforcement Training Center FS=Forest Service; FWS=Fish and Wildlife Service; MMS= Minerals Management Service; NF=National Forest; NPS=National Park Service; OSMRE=Office of Surface Mining & Enforcement SCS=Soil Conservation Service; SHPO=State Historic Preservation Office. Photo by Kent Bowser.

## CONFERENCE RESOLUTION: "ARCHAEOLOGY IN THE 1990'S MUST CHANGE"

The entire success of this venture depends upon the Society for American Archaeology to make a decision as to whether it wishes to stay primarily an organization of academics who publish a technical journal for academics or whether it truly wishes to become THE Society FOR American Archaeology with all the ramifications this means. The consensus of this conference is that archaeology in the 1990's must change from our traditional perceptions. We can no longer afford to remain academics in isolation. Archaeology must now include all aspects of the archaeological community--academics, amateurs, environmentalists, historic preservationists, etc.--in order to properly serve the entire community and provide a coalition that can effect and achieve the objectives we believe need to be done if we are to save the past for the future.

*Note: This resolution was developed by the Preventing the Problem workshop and unanimously endorsed by the entire Taos conference to be the mission statement of the Save the Past for the Future project.*



**Mike Kaczor** Soil Conservation Service and **Jim Walker** Archaeological Conservancy discuss ideas for private land problems. (Photo by Kent Bowser).

### Cleveland State University Anthropology Faculty Position

Cleveland State University invites archaeologists with Midwestern and/or New World specializations to apply for tenure track position as Assistant/Associate Professor. The position anticipated due to expected retirement. PhD, evidence of strong teaching, research required. CSU is urban, with competitive salaries, and especially seeks women and minority candidates.

Vita and names of three references by October 15, 1989 should be sent to:

**Search Committee, CSU, E 24th and Euclid Avenue  
Cleveland, OH 44115  
Equal Opportunity Employer m/f/h**

### ARPA Handbook and Brochure

To assist in decreasing the amount of archaeological looting, plans are underway for a new handbook and brochure related to the Archaeological Resources Protection Act (ARPA). The handbook will be written in a format that will allow it to act as an instructor's guide for ARPA training courses, as well as be a document for a wide audience. It will provide a ready source of information concerning archaeological resource protection for archaeologists, law enforcement personnel, land managers, lawyers, students and the general public.

The brochure will be a much condensed version of the handbook. It is anticipated that the brochure would be of bi-fold format with text, photographs and other graphics. It would be developed for distribution to the general public but could also be used in ARPA training and archaeological public awareness activities. The authors are Martin McAllister and Judge Sherry Hutt, who are presently working as instructors with the Federal Law Enforcement Training Center (FLETC) for the 40 hour and 12 hour archaeological resource protection training courses.

The handbook and brochure are being developed by the National Park Service (Archaeological Assistance Division and Training Division) in cooperation with FLETC, Soil Conservation Service, Forest Service, Department of the Army, Corps of Engineers, Bureau of Land Management, Bureau of Reclamation and Fish and Wildlife Service, who have tentatively agreed to cooperate with production and distribution.

### Challenge (from page 3)

Every archeologist I talk to is aware of the basic problem. Every archeologist is concerned about it. Many have not done one positive thing to address it. Resolution of this problem requires *all* of us to do our part *now*. That doesn't mean that we have to spend 50 percent of our time combatting vandalism and looting. However, we must all make some contribution to this battle.

Ideas on how to address this issue abound. Don't wait for someone to tell you what to do. The problem is too big for any organization, including the SAA, to coordinate a national response and tell everyone what part to play. If you wait for that, you are simply looking for an excuse not to take action on your own.

This Bulletin contains several discussions of the looting issue. There are lots of ideas about what you, as an individual, can do. More ideas will be forthcoming in the Proceedings of the SAA's working conference on Save the Past for the Future. Read them. Do them. Once a month, do some little thing that addresses the problem. If you do, a solution will be in sight.



## COMBATING THE PROBLEM

Martin E. McAllister  
Workshop Chair

The "Combating the Problem" workshop, representing archaeologists, land managers and law enforcement officials, recommended 11 actions to improve efforts to reduce looting and vandalism of archaeological resources on public lands and submerged lands and seven relating to private lands.

### Public Lands:

(1) Conduct sample surveys, site studies and other research to determine trends in looting and vandalism by geographic regions.

(2) Revise ARPA uniform regulations to provide for the return of civil penalties to the agency to repair damaged resources and, if possible, amend the law so criminal fines can be used for this purpose also.

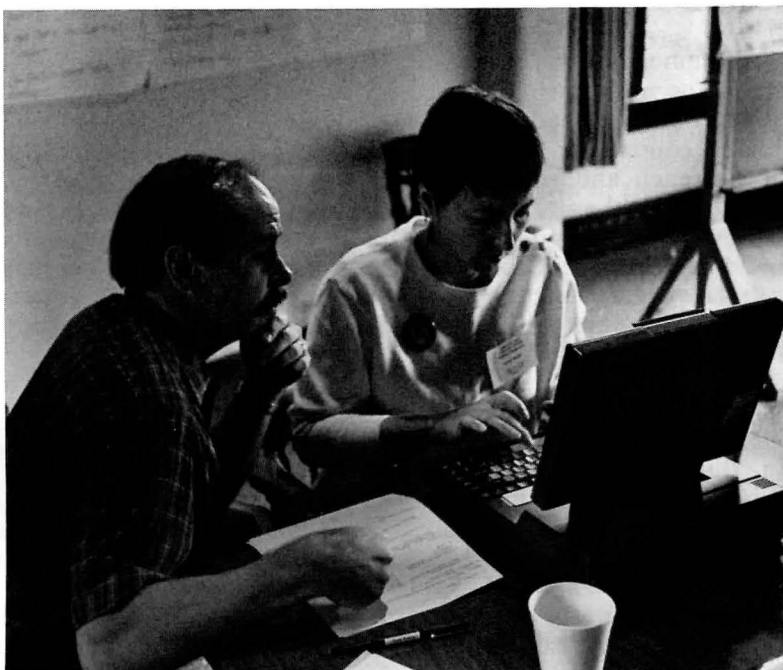
(3) Determine if the more severe monetary penalties of the recent federal uniform sentencing guidelines apply to ARPA and revise uniform regulations to clarify criminal penalties.

(4) Revise ARPA uniform regulations and each agency's regulations to prohibit possession of artifacts on federal lands and consult with tribal groups to determine if a similar prohibition is possible on Indian lands.

(5) Enact new federal legislation asserting U.S. title to submerged archaeological resources within the 200 nautical mile Exclusive Economic Zone and giving management authority for these resources to the Secretary of the Interior.

(6) Provide a full spectrum of law enforcement and protection strategies to reduce looting and vandalism, including: high visibility patrols in areas of greatest vulnerability; investigation of incidents; and undercover, "sting" or other covert operations as appropriate, particularly to disrupt artifact trafficking.

(7) Initiate new public relations campaigns to obtain the widest impact for law enforcement efforts,



NPS representatives **Dick Waldbauer** and **Susan Morton** concentrate on developing recommendations for Combating the Problem. (Photo by Kent Bowser).

including addition of archaeological resources to the national "WETIP" toll free violation reporting number; develop a national ARPA law enforcement poster with a reward message and the "WETIP" 800 number; and establish a trust fund for rewards as an alternative to the ARPA reward program.

(8) Provide information and training on the problem to agency managers, agency law enforcement staffs and judicial system including U.S. Attorney's Offices, judges and professional legal organizations.

(9) Foster management commitment to archaeological protection by improving awareness of the problem at the departmental and agency headquarters levels and by developing effective agency policy on funding and staffing, authorities and operation priorities at all levels.

(10) Develop an interagency archaeological protection effort and cooperative law enforcement agreements among appropriate federal, state and local agencies and Indian tribes, combined agency task forces and intelligence sharing networks.

(11) Improve team approach involving archaeologists and law enforcement personnel in efforts to deal with looting and vandalism by

encouraging them to develop working relationships and exchange information in advance of actual investigations.

### Private Lands:

(1) Enact and enforce state and local laws protecting burial sites.

(2) Encourage use of both prohibitions and incentives in existing general laws, such as tax codes and statutes prohibiting trespass and theft, to protect sites.

(3) Acquire threatened sites and create archaeological preserves for their protection.

(4) Develop and use archaeological easements, registration or landmark programs and planning or zoning ordinances as strategies to protect threatened sites which cannot be acquired.

(5) Create site steward programs to help monitor sites and report incidents of unauthorized looting and vandalism to owners or the proper authorities.

(6) Gather and disseminate data on looting and vandalism of resources on private lands.

(7) Enact and enforce legislation requiring state issued permits for the excavation of privately held sites.

## PSA's to be Developed

One recommendation offered during the Taos anti-looting conference focused on the need for the archaeological community to develop public outreach and education initiatives to combat the site looting problems. A major component of this effort will be production of public service announcements (PSAs) to broad-cast the anti-looting message on public and commercial television stations.

Now at work on initial preparations for the PSAs are Ed Friedman, Bureau of Reclamation and Kevin Kilcullen, Fish and Wildlife Service. It is anticipated that at least three PSA's will be produced with varying lengths of 15, 30 and 60 seconds. Various production options are being examined. These include using existing footage developed by the Federal Law Enforcement Training Center and the Department of the Interior's Take Pride in America office or shooting new footage with a recognizable public figure.

The Bureau of Reclamation and Bureau of Land Management have offered use of their video production facilities to assist in developing the PSA's. No specific timetable has been set for completion, but it is hoped a product will be finished for distribution by late 1989 or early 1990.

## HOW YOU CAN HELP

- \* Help document looting and vandalism in your area by taking photographs of such activity. Send us slides and photographs of looted sites for use in public education efforts. Use them yourselves to show others and to illustrate articles in newspapers and magazines.
- \* Write your own articles--not only for professional journals but for newsletters, op-ed pieces or letters to the editor for newspapers, magazines and other publications.
- \* If you have had first hand experience with this issue, get on radio or television talk shows--this is much easier to do in smaller towns and cities, but such efforts can reach a large audience.
- \* Send us copies of articles on looting and archaeology in general from your local papers, to help maintain our press file.
- \* Keep informed, get on our mailing list and in our directory.
- \* Give talks at local schools, civic organizations and other local groups.
- \* If in the field, invite groups to see your excavation first hand.
- \* Send information to the National Park Service for LOOT and LEAP databases. LOOT is a listing of looting cases that have been prosecuted. LEAP is a list of educational products resulting from archaeology. You can contact the National Park Service Archaeological Assistance Division, P.O. Box 37127, Washington DC 20013-7127. Phone: (202) 343-4101.

## SUPPORT

Financial support for this project is being provided by federal agencies, professional societies, organizations and foundations (listed in alphabetical order in each category):

**Partners:** Bureau of Land Management, Bureau of Reclamation, Forest Service (National), Forest Service (Region 4), National Park Service

**Sponsors:** Army Corps of Engineers, Minerals Management Service

**Contributors:** Dimick Foundation, Fish & Wildlife Service, Forest Service (Region 8), National Conference of State Historic Preservation Officers, National Oceanic & Atmospheric Administration, National Trust for Historic Preservation, Soil Conservation Service

**Supporters:** National Parks and Conservation Association, Society for Historical Archaeology

## YES, I WANT TO HELP!

- ☐ I would like to be included on the Save the Past for the Future directory  
☐ I am a member of the Society for American Archaeology ☐ I am not a member, send information.  
☐ I would like ☐ free anti-looting brochures to distribute.  
☐ I would like to help the project by purchasing a tee-shirt!

Note: These beautiful white-on-black tee shirts with the anti-looting logo of Tsagaglalal ("She Who Watches") are a great way to publicize the need to protect sites while helping to support the project.

**Child:** Small( ) Medium( ) Large( ) **Adult:** Small( ) Medium( ) Large( ) XLarge( )  
 XX Large( )

\$10.00 a Shirt: # shirts: \_\_\_\_\_ \$ \_\_\_\_\_  
 Shipping & Handling: \$2 first shirt \$ \_\_\_\_\_  
 \$1 each additional shirt \$ \_\_\_\_\_  
**TOTAL** \$ \_\_\_\_\_

**Name:** \_\_\_\_\_

**Address:** \_\_\_\_\_

**Phone:** \_\_\_\_\_



Check or money order payable to: SAA Anti-looting Project, SAA Office of Government Relations,  
 1333 Connecticut Avenue NW, Suite 400, Washington, DC 20036.

## Placement

**INDIANA UNIVERSITY  
at INDIANAPOLIS**

The Department of Anthropology invites applications for a tenure-track professorship in archaeology to begin in August 1990. PhD required. Must contribute to continued development of public oriented program in urban university, demonstrate skill/interest in teaching, work-well with colleagues on other subdisciplines, and pursue sustained program of significant research. A real specialization in New World archaeology required. Other areas of interest can include historic or prehistoric midwestern archaeology. Candidate should be able to develop opportunities for student field experience. Minorities and women are encouraged to apply. Send letter, vita, and names of references by October 10, 1989 to Susan Sutton, Department of Anthropology, IUPUI, 425 University Blvd, Indianapolis, IN 46202-4150. Affirmative Action/Equal Opportunity Employer

**ANTHROPOLOGY ASSISTANT/  
ASSOCIATE PROFESSOR**

Full-time tenure track position beginning Fall 1990. PhD preferred or ABD in anthropology or related discipline is required. A specialization in Midwestern and/or New World archaeology is preferred. Other qualifications include demonstrated teaching ability and scholarly achievement. Applicants must be able to teach general education courses and show commitment to undergraduate teaching. Courses to include introductory courses, archaeology, and field techniques. Salary is competitive. Review of applications will begin on November 1, 1989. Minorities and women are strongly encouraged to apply. Submit letters of interest, vita, and three letters of recommendation to: Donald G Williams (Chair), Anthropology Program, Grand Valley State University, Allendale MI 49401. EOE/AA

**SURVEY ARCHAEOLOGIST  
UNIVERSITY OF IOWA**

A survey archaeologist is sought at the Highway Archaeology Program, Office of the State Archaeologist, University of Iowa. This immediate opening for a

permanent position involves full-time archaeological survey and site testing for proposed Iowa Department of Transportation projects. The individual will serve as project archaeologist and perform field investigation and laboratory analysis, and prepare reports. The majority of the work involves Federal Aid projects for primary/interstate, secondary road, and urban system projects. The University of Iowa developed and has maintained a contract to perform cultural resource investigations for the Iowa DOT since 1970.

Applicants must meet minimum professional qualifications for archaeology as defined by the Department of the Interior (36CFR61). These include a graduate degree in archaeology, anthropology, or closely related field; at least one year of full-time professional experience at a supervisory level in the study of archaeological resources; at least one year full-time professional experience or equivalent specialized training in archaeological research, administration, or management; at least four months of supervised field and analytic experience in general North American archaeology; and demonstrated ability to carry research to completion.

Applicants should send a current resume, statement of interest, and the names of three references to: Carl Merry, Project Director, Highway Archaeology Program, 308 Eastlawn Bldg, Univ of Iowa, Iowa City, IA 52242.

**RIVERSIDE CAMPUS U of CA  
Search Re-Opened**

**SEARCH RE-OPENED, APPLICATION DEADLINE EXTENDED -- for chief administrative and research officer** (Archaeological Research Unit, University of California, Riverside). Project supervision experience and archaeological field experience in East California/Great Basin/Southwest desirable. Applications with 3 letters of reference and several examples of scholarly work should be submitted to Chair, ARU Search Committee, Anthropology Department, University of California, Riverside, CA 92521-0418 by October 31, 1989. UCR is an affirmative action and equal opportunity employer. Minority and women candidates are strongly urged to apply.

**SANTA CRUZ CAMPUS  
University of California**

The Board of Studies in Anthropology at the University of California at Santa Cruz invites applications for a tenure track position in archaeology. Appointment will be to the rank of Assistant Professor at a salary range of from \$32,400 to \$36,500. PhD required by February 1990. We are seeking applicants with active field research programs and skills in analyzing archaeological materials other than fauna. Teaching experience is desirable. Responsibilities will include an introductory course in archaeology, upper division courses and graduate teaching in a program with a predominantly cultural anthropological focus. A vita, a letter describing your potential contribution to such a program, a list of three referees, and copies of exemplary publications should be sent to: Chair of Search Committee, Professor Diane Gifford-Gonzalez, Board of Studies in Anthropology, Kerr Hall, University of CA, Santa Cruz, CA 95064. Refer to job #178-890. Final filing date is November 10, 1989. The University of California is an Equal Opportunity/Affirmative Action Employer.

**POSITION WITH CULTURAL  
RESOURCES GROUP OF WAPORA**

WAPORA Inc, a rapidly expanding national consulting firm, has an opening for a principal investigator in prehistoric archaeology in its Cincinnati office. Specialized experience in lithic analysis is desired. PhD would be a plus, but an MA and relevant experience in the Eastern Woodlands could be cited. The job offers competitive salary, benefits, personal research support, and pleasant lifestyle in Cincinnati. Send vita and letter of interest to David Rue, WAPORA, Inc, 2110 Anderson Ferry Rd, Cincinnati OH 45238.

**FROM LAS VEGAS  
TO NEW ORLEANS**

The Society's 1991 Annual Meeting will be held in New Orleans April 24-28.

In the meantime, plans are being readied for the 1990 meeting in Las Vegas, April 18-22.



## OF THE SOCIETY FOR AMERICAN ARCHAEOLOGY

### NEBRASKA PASSES REBURIAL LAW

by Thomas D Thiessen and Mark J Lynott

On May 23, 1989, the Governor of Nebraska signed into law the Unmarked Human Burial Sites and Skeletal Remains Protection Act, which prohibits disturbance of unmarked human graves in the future and mandates the reburial of human remains and associated burial artifacts, including those from existing museum collections, which can be linked to modern tribes or family descendents.

The law is an outgrowth of a bill introduced in 1987, which would have required the reburial of all Native American remains and burial artifacts housed in Nebraska museums. The 1987 bill was defeated in response to opposition expressed by the state's citizens. In the 1989 legislative session, a successor bill, LB 340, was introduced and passed the required three floor votes. Although substantially amended during the floor debate, the law, as passed, still has serious problems, primarily relating to the vagueness of definitions; the unfeasibility of the board established to arbitrate disputes between institutions holding collections and Indian tribes or individuals who request their return; and the time provided for scientific analysis.

The major proponent of the bill is the Pawnee tribe of Oklahoma, which is represented in the matter by attorneys of the Native American Rights Fund (NARF), including Walter Echo-Hawk and Robert Peregoy. After the defeat of the 1987 bill, the Pawnees attempted to negotiate with the Nebraska State Historical Society the return of ancestral remains and burial artifacts. The Society refused to turn over any such materials unless the Pawnees met certain conditions, among which was a request that the Indians provide the Society with a reburial plan that insures the continued existence of the materials. Unwilling to compromise and frustrated by the Society's refusal, the tribe then

sought a legislative solution by enlisting the help of a sympathetic member of the legislature to introduce a bill primarily authored by NARF. Aided by several legislators, NARF organized a highly effective lobby to support LB 340 at the committee hearing.

LB 340 created a bitter controversy in the state. Aided by the Nebraska Indian Commission, NARF and its allies in the legislature waged a press campaign designed to discredit the Nebraska State Historical Society, and especially its director, James A. Hanson. A concerned group formed to stimulate like-minded citizens of the state to urge their legislators to oppose the bill. An alternative reburial bill, modeled almost verbatim on the existing Oklahoma law, was advocated by the professional community in the state, but was killed in the committee. The University of Nebraska remained silent on the issue, but individual archaeologists there spoke out against LB 340 as private individuals, as did other state and federally-employed archaeologists in Lincoln. The Association of Students of the University of Nebraska and the Nebraska democratic party passed resolutions supporting the intent of LB 340. The Nebraska chapters of the American Civil Liberties Union, the Rainbow Coalition, and the Bishop of the Lincoln Roman Catholic Diocese also came out in support of the bill.

LB 340 passed through the legislature for several reasons, including the fact that Nebraska has the only unicameral legislature in the US; consequently, the bill did not benefit from deliberation in two legislative houses. The NARF-led campaign to advocate the bill was highly organized and well-funded. The bill was actively supported by powerful allies in the legislature and the state Attorney General's office, and the legislative body generally ignored the opinions of state-employed historical and archaeological authorities and the professional community in general.

continued on page 2

### FERC Fines TRANSCO for Site Destruction

On July 26, the Federal Energy Regulatory Commission (FERC) announced a proposed civil penalty of \$37M against the Transcontinental Gas Pipeline Corp (TRANSCO) for destruction of archaeological sites along the Mobile Bay area of Alabama. TRANSCO conducted a survey of the pipeline and located 216 sites. As many as 77 sites may be eligible for the National Register at this time. TRANSCO allegedly commenced construction on March 31, 1987, prior to determining the significance of these sites, for implementing any impact mitigation measures. At least 22 of the 77 sites were subsequently determined to be eligible for the National Register, and the remainder are being evaluated. FERC determined that, by commencing construction in March 1987, TRANSCO achieved a four-year head start on its competitors. The \$37M penalty represents FERC's estimate of the company's gain from this head start. FERC expressed concern with the need to deter future violations of the regulatory process. For additional information call FERC at (202) 357-8088.

### SYMPOSIUM TO HONOR BINFORD

On November 3-5, 1989, students and alumni of the University of New Mexico are presenting papers at a symposium in recognition of the 20th anniversary of Lewis R. Binford's affiliation with UNM, in conjunction with the university's centennial commemoration ceremony. It is open to the public. For further information contact: Anthropology Graduate Students, Department of Anthropology, UNM Albuquerque NM 87131, or (505) 277-4524.

### In This Issue

Special report on SAA's anti-looting project, "Save the Past for the Future" and Taos Fort Burgwin Conference, starting on page 3.

See how you can help--page 10.