



The Commonwealth of Massachusetts
William Francis Galvin, Secretary of the Commonwealth
Massachusetts Historical Commission

June 27, 2006

Archeology Task Force
Advisory Council on Historic Preservation
1100 Pennsylvania Avenue NW Suite 809
Washington DC 20004

ATTN: Tom McCulloch

RE: ACHP's Draft "Policy Statement Regarding Treatment of Burial Sites, Human Remains, and Funerary Objects"

Dear Members of the Archeology Task Force:

The Massachusetts Historical Commission, Office of the State Historic Preservation Officer, is pleased to offer comments on the ACHP's Draft "Policy Statement Regarding Treatment of Burial Sites, Human Remains, and Funerary Objects," in response to the notice published in the Federal Register (71 Fed. Reg. (49), March 14, 2006).

The discussion of Principle 1 should include consideration of appropriate treatment of the cultural landscape that may be a significant, character-defining historical feature of burial places. Further explanation should be provided concerning the sentence "Natural deterioration may be the acceptable or preferred treatment." MHC suggests modifying the sentence to read "Natural deterioration may *also* be the acceptable or preferred treatment if consultation with the affiliated or descendant community so determines. In the absence of a surviving affiliated or descendant group, research may determine the intentions and practices of those who interred the individuals. Historical, archaeological, and ethnographic sources should be evaluated to ascertain the intentions and practices of the affiliated or descendent group, and what can be ascertained of these intentions and practices should be considered in the development of an appropriate treatment plan."

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For Principle 5, the word “completely” should be added. For the discussion of Principle 5, “appropriate expertise in disinterment techniques” could include those who have no archaeological experience in burial excavation, such as cemetery workers who perform exhumations that typically overlook remains and associated funerary objects. MHC suggests that it be specified that “careful” disinterment is the *complete* recovery of the human remains and associated funerary objects in accordance with professional archaeological field techniques for the systematic excavation of grave features, undertaken or directly supervised by a qualified archaeologist with experience in the excavation and recovery of grave features of the type and period of the interments.

The word “standard” should be deleted from the discussion of this principle concerning categories of recorded data, as field technique and practices vary considerably. Instead, “field and/or laboratory procedure” should be substituted, as laboratory analyses may be desired as a result of the consultation.

The non-inclusive list of questions to be addressed in the consultation process for disinterment should add the word “and/or laboratory” after “field.” The question concerning *in situ* field photography should be restated more generally as “What, if any, technical photography should be included in the documentation protocol?” The question concerning containers should be restated as “In what type of container(s) should the remains and associated objects be placed for temporary safekeeping and/or for reinterment?”

Additional questions to consider are:

--What questions do the affiliated or descendent groups have about their ancestors that may be able to be addressed, through collaborative historical, archaeological, and ethnographic scholarly research and scientific analytic methods?

--What specific data potential do the remains and objects possess (taking into account previous, relevant research for sites of a similar type, period, and cultural association, and the qualities and characteristics of the remains and objects)?

--What, if any, samples should be collected and/or retained for specialized analyses?

--What materials and techniques will be used to ensure that the remains and objects are not damaged unnecessarily or lost after disinterment?”

The definition of “human remains” should not be written to exclude the problem of non-grave associated human remains, including naturally shed parts such as discarded teeth, medical waste, or artifacts crafted using human hair. Medical waste may not be composed of human remains “freely given.” Instead of proposing a definition that is counter to common understandings, a separate principle should be developed that differentiates human remains and objects in burial places (primary or secondary inhumations), from incidental discoveries of human remains found in non-grave contexts (such as a refuse pit, a privy, or a midden containing medical or other waste, including amputated parts, surgically extracted or naturally lost teeth, hair, nail parings, coprolites, etc.), or non-funerary objects that incorporate human remains. The discussion of this principle would point out that waste features and non-grave contexts (which may contain human remains) are not considered to be a “burial site” according to the definitions.

If you have any questions, please contact Edward L. Bell, Senior Archaeologist, of my staff.

Sincerely,



Brona Simon
State Archaeologist
Deputy State Historic Preservation Officer
Acting Executive Director
Massachusetts Historical Commission