



October 18, 2005

Dr. Julia King, Chair, Archaeology Task Force  
Advisory Council on Historic Preservation  
1100 Pennsylvania Avenue, NW., Suite 809  
Washington, DC 20004

**RE: Working Principles for Revising the Advisory Council on Historic Preservation's "Policy Statement Regarding Treatment of Human Remains and Grave Goods"**

Dear Dr. King:

The Register of Professional Archaeologists (Register) is a listing of archaeologists (RPAs) who have voluntarily agreed to abide by an explicit code of conduct and standards of research performance. The Register represents the only archaeological organization with a formal grievance procedure that allows government agencies, private companies, tribes, and the public to hold archaeologists accountable for their professional behavior. Formed in 1998, the Register currently lists more than 2,000 RPAs, who work in all jurisdictions of the United States as well as many foreign countries.

The six principles presented by the Advisory Council on Historic Preservation (ACHP) regarding the treatment of human remains and grave goods are consistent with the Register's code of conduct and standards of research performance (The Register's code of conduct and standards of research performance are attached to this letter). We recognize that human remains are an emotional issue. The overriding concern in their treatment must be that the dignity of the deceased and his or her descendents is maintained. The Register recognizes this principle. Our code of conduct explicitly directs archaeologist to "be sensitive to, and respect the legitimate concerns" of groups whose past they are exploring.

We appreciate the ACHP position that federal agencies should have policies in place, which have been negotiated between all interested parties, to guide agency decision making and the agency's response to inadvertent discoveries. The ACHP principles, however, are silent on the constitution of these policies. In particular, how will federal agencies balance the rights of descendants with the public's interest in understanding the past? We recognize that much of the ACHP Archaeology Task Force's effort will focus on just this question.

The Register's primary concern with the ACHP policy on the treatment of human remains and grave goods is the effect the policy might have on professional archaeologists. We strongly urge the ACHP not to create a policy which in order to meet, requires archaeologists to violate the Register's code of ethics and standards of research

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performance. Currently, some state burial laws are implemented in ways that provide Native Americans the ability to dictate archaeological practice. There have been cases in which archaeologists have been asked to remove human remains without recording field information or documenting finds in reports. In some instances, Native Americans have requested archaeologists excavate burials according to professional standards, but then have requested that notes, drawings, and analysis forms be re-interred with the remains, and that the findings not be reported. To comply with either practice is a violation of the Register's standards, which require archaeologists to fully and accurately record all cultural features in the field and to disseminate those results to their peers and the public.

We encourage the ACHP to find ways to ensure that the legitimate rights of Native Americans and archaeologists are included in the new policy. We understand that the task is fraught with difficulties. The Register stands ready to assist you in any way possible to achieve this common goal.

Thank you for the opportunity to comment on this important issue.

Sincerely,

A handwritten signature in black ink, appearing to read "Charles M. Niquette". The signature is written in a cursive style with a large, stylized initial "C".

Charles M. Niquette, RPA, President  
Register of Professional Archaeologists

# Code of Conduct

Archaeology is a profession, and the privilege of professional practice requires professional morality and professional responsibility, as well as professional competence, on the part of each practitioner.

## I. The Archaeologist's Responsibility to the Public

### 1.1 An archaeologist shall:

- (a) Recognize a commitment to represent archaeology and its research results to the public in a responsible manner;
- (b) Actively support conservation of the archaeological resource base;
- (c) Be sensitive to, and respect the legitimate concerns of, groups whose culture histories are the subjects of archaeological investigations;
- (d) Avoid and discourage exaggerated, misleading, or unwarranted statements about archaeological matters that might induce others to engage in unethical or illegal activity;
- (e) Support and comply with the terms of UNESCO Convention on the means of prohibiting the illicit import, export, and transfer of ownership of cultural property, as adopted by the General Conference, 14 November 1970, Paris.

### 1.2 An archaeologist shall not:

- (a) Engage in any illegal or unethical conduct involving archaeological matters or knowingly permit the use of his/her name in support of any illegal or unethical activity involving archaeological matters;
- (b) Give a professional opinion, make a public report, or give legal testimony involving archaeological matters without being as thoroughly informed as might reasonably be expected;
- (c) Engage in conduct involving dishonesty, fraud, deceit or misrepresentation about archaeological matters;
- (d) Undertake any research that affects the archaeological resource base for which she/he is not qualified.

## II. The Archaeologist's Responsibility to Colleagues, Employees, and Students

### 2.1 An archaeologist shall:

- (a) Give appropriate credit for work done by others;
- (b) Stay informed and knowledgeable about developments in her/his field or fields of specialization;
- (c) Accurately, and without undue delay, prepare and properly disseminate a description of research done and its results;

- (d) Communicate and cooperate with colleagues having common professional interests;
- (e) Give due respect to colleagues' interests in, and rights to, information about sites, areas, collections, or data where there is a mutual active or potentially active research concern;
- (f) Know and comply with all federal, state, and local laws, ordinances, and regulations applicable to her/his archaeological research and activities;
- (g) Report knowledge of violations of this Code to proper authorities.
- (h) Honor and comply with the spirit and letter of the Register's Disciplinary procedures.

2.2 An archaeologist shall not:

- (a) Falsely or maliciously attempt to injure the reputation of another archaeologist;
- (b) Commit plagiarism in oral or written communication;
- (c) Undertake research that affects the archaeological resource base unless reasonably prompt, appropriate analysis and reporting can be expected;
- (d) Refuse a reasonable request from a qualified colleague for research data;
- (e) Submit a false or misleading application for accreditation by or Membership in the Register of Professional Archaeologists.

III. The Archaeologist's Responsibility to Employers and Clients

3.1 An archaeologist shall:

- (a) Respect the interests of her/his employer or client, so far as is consistent with the public welfare and this Code and Standards;
- (b) Refuse to comply with any request or demand of an employer or client which conflicts with the Code and Standards;
- (c) Recommend to employers or clients the employment of other archaeologists or other expert consultants upon encountering archaeological problems beyond her/his own competence;
- (d) Exercise reasonable care to prevent her/his employees, colleagues, associates and others whose services are utilized by her/him from revealing or using confidential information. Confidential information means information of a non-archaeological nature gained in the course of employment which the employer or client has requested be held inviolate, or the disclosure of which would be embarrassing or would be likely to be detrimental to the employer or client. Information ceases to be confidential when the employer or client so indicates or when such information becomes publicly known.

3.2 An archaeologist shall not:

- (a) Reveal confidential information, unless required by law;
- (b) Use confidential information to the disadvantage of the client or employer;

- (c) Use confidential information for the advantage of herself/himself or a third person, unless the client consents after full disclosure;
- (d) Accept compensation or anything of value for recommending the employment of another archaeologist or other person, unless such compensation or thing of value is fully disclosed to the potential employer or client;
- (e) Recommend or participate in any research which does not comply with the requirements of the Standards of Research Performance.

# Standards of Research Performance

The registered archaeologist has a responsibility to attempt to design and conduct projects that will add to our understanding of past cultures and/or that will develop better theories, methods, or techniques for interpreting the archaeological record, while causing minimal attrition of the archaeological resource base. In the conduct of a research project, the following minimum standards should be followed:

I. The archaeologist has a responsibility to prepare adequately for any research project, whether or not in the field. The archaeologist must:

- 1.1 Assess the adequacy of her/his qualifications for the demands of the project, and minimize inadequacies by acquiring additional expertise, by bringing in associates with the needed qualifications, or by modifying the scope of the project;
- 1.2 Inform herself/himself of relevant previous research;
- 1.3 Develop a scientific plan of research which specifies the objectives of the project, takes into account previous relevant research, employs a suitable methodology, and provides for economical use of the resource base (whether such base consists of an excavation site or of specimens) consistent with the objectives of the project;
- 1.4 Ensure the availability of adequate and competent staff and support facilities to carry the project to completion, and of adequate curatorial facilities for specimens and records;
- 1.5 Comply with all legal requirements, including, without limitation, obtaining all necessary governmental permits and necessary permission from landowners or other persons;
- 1.6 Determine whether the project is likely to interfere with the program or projects of other scholars and, if there is such a likelihood, initiate negotiations to minimize such interference.

II. In conducting research, the archaeologist must follow her/his scientific plan of research, except to the extent that unforeseen circumstances warrant its modification.

III. Procedures for field survey or excavation must meet the following minimal standards:

- 3.1 If specimens are collected, a system for identifying and recording their proveniences must be maintained.

3.2 Uncollected entities such as environmental or cultural features, depositional strata, and the like, must be fully and accurately recorded by appropriate means, and their location recorded.

3.3 The methods employed in data collection must be fully and accurately described. Significant stratigraphic and/or associational relationships among artifacts, other specimens, and cultural and environmental features must also be fully and accurately recorded.

3.4 All records should be intelligible to other archaeologists. If terms lacking commonly held referents are used, they should be clearly defined.

3.5 Insofar as possible, the interests of other researchers should be considered. For example, upper levels of a site should be scientifically excavated and recorded whenever feasible, even if the focus of the project is on underlying levels.

IV. During accessioning, analysis, and storage of specimens and records in the laboratory, the archaeologist must take precautions to ensure that correlations between the specimens and the field records are maintained, so that provenience contextual relationships and the like are not confused or obscured.

V. Specimens and research records resulting from a project must be deposited at an institution with permanent curatorial facilities, unless otherwise required by law.

VI. The archaeologist has responsibility for appropriate dissemination of the results of her/his research to the appropriate constituencies with reasonable dispatch.

6.1 Results reviewed as significant contributions to substantive knowledge of the past or to advancements in theory, method or technique should be disseminated to colleagues and other interested persons by appropriate means such as publications, reports at professional meetings, or letters to colleagues.

6.2 Requests from qualified colleagues for information on research results directly should be honored, if consistent with the researcher's prior rights to publication and with her/his other professional responsibilities.

6.3 Failure to complete a full scholarly report within 10 years after completion of a field project shall be construed as a waiver of an archaeologist's right of primacy with respect to analysis and publication of the data. Upon expiration of such 10-year period, or at such earlier time as the archaeologist shall determine not to publish the results, such data should be made fully accessible to other archaeologists for analysis and publication.

6.4 While contractual obligations in reporting must be respected, archaeologists should not enter into a contract which prohibits the archaeologist from including

her or his own interpretations or conclusions in the contractual reports, or from a continuing right to use the data after completion of the project.

6.5 Archaeologists have an obligation to accede to reasonable requests for information from the news media.