

## Laura Dean

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**From:** Valerie Hauser  
**Sent:** Tuesday, October 18, 2005 2:10 PM  
**To:** Laura Dean; Tom McCulloch  
**Subject:** FW: COMMENTS (10/18/05)

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**From:** Larry Garvin [mailto:LGarvin@ho-chunk.com]  
**Sent:** Tuesday, October 18, 2005 2:46 PM  
**To:** Valerie Hauser  
**Cc:** Bill Quackenbush; George W. Garvin; Jay Toth; Larry Garvin  
**Subject:** COMMENTS (10/18/05)

October 18, 2005

Ms. Hauser:

Attached are comments submitted on behalf of the Ho-Chunk Nation by Bill Quackenbush, THPO, and George Garvin, Repatriation Researcher. Thanks.

Larry

1. Under the subheading Working Principles, the second bullet uses the term “Encourage”. The sentence, as a whole, would hold more weight if the term “Requires” is substituted for it.

2. Under the same subheading in Principles 4, the fourth bullet used the term “Planning”. The term Planning needs to be described, or possibly laid out in further detail. “Planning” could range from scribbled notes, all the way to an EIS type document otherwise.

As I understand it, an ACHP Task Force is revisiting its Policy Statement Regarding Treatment of Human Remains and Grave Goods” and drafting a set of Working Principles that will assist in guiding the revisions of the 1988 Human Remains Policy. In its *Objectives of an updated policy*, I notice three things being addressed:

- **Goals of this initiative** - ACHP asserting its leadership in historic preservation, Create new policy in resolving the difficult question of what to do with human remains when Federal or State laws do not already prescribe a certain outcome, Create policy that encompasses human remains and funerary objects where their outcome are not governed by current Federal or State laws, Etc.
- **Dilemma of current policy** - Balancing the desire to treat human remains in a respectful and sensitive manner with public interest/study geared towards knowing its collective past, Etc.
- **Benefits arriving from positive efforts** - The new policy will serve to provide a model for other organizations, agencies, or governments seeking to develop their own policies on this matter, Resolving of questionable treatment of human remains and funerary objects in the absence of Federal or State Law, Etc.

Additional, input from the HCN Repatriations Officer addressed the following:

- Regarding the inadvertent discovery of human remains, the protocol of analysis and study of such, causes concern and needs to be addressed

- The analysis and study of the human remains needs to be clearly laid out, and there should be no evasive, destructive type study to the human remains and associated funerary objects.
- Immediate correspondence with all tribes associated with the region where the remains were disturbed, before any analysis or study begins, and only then would the possibility to conduct nondestructive measurements, and nondestructive photography in order to accomplish the basic analysis required by law and the federal inventory process, be granted. At not time should the study process include removal of materials for future refined studies. Destructive analysis such as coating the remains with any protective substance, x-ray analysis study practices such as measuring, etc, should not take place.
- The enforcement instrument needs more severe penalties so State and Federal agencies adhere to this policy and then...
- Presently, the Advisory Council can only make recommendations to the existing laws for the National Historical Preservation Act, Section 106 and Section 110. The Advisory Council needs to have some teeth incorporated into the enforcement aspect.

Lastly, the *tentative wording* that is being used to suggest change, for example, under the principles the term “should”, could be replaced with more assertive wording (such as “will” or “must”) that will add to the need for such change. I wouldn’t really know how to comment on this though, since this is only a draft, and the principles are only for the determination process.