

**Summary of Public Comments on the Advisory Council on Historic Preservation's
Draft "Policy Statement Regarding Treatment of Burial Sites, Human Remains and
Funerary Objects"**

Received on: April 10, 2006
At: Citizen Potawatomi Cultural Center, Shawnee, OK
Summarized by: Julia A. King

Participants: Julia A. King (ACHP member)
John Fowler (ACHP Executive Director)
Monique Fordham (ACHP Native American Program)
John Barrett (Chairman, Citizen Potawatomi Nation)
Joyce Bear (THPO, Muscogee Creek Nation)
Jeremy Finch (THPO, Citizen Potawatomi Nation)
Lisa C. Stopp (Acting THPO, United Keetoowah Band of Cherokee)
(Native American Advisory Group Members present as Observers)

Summary Comments:

Introductory remarks and a presentation of the meeting's purpose were made by Julie King and John Fowler.

Preamble

- No comments directly referred to the Preamble.

Principle 1

- No comments directly referred to Principle 1.

Principle 2

- No comments directly referred to Principle 2.

Principle 3

- Chairman Barrett expressed concern with Federal agencies not engaging in consultation in an early and timely manner; or, in the case of a project he described, consulting with the Citizen Potawatomi nation at all.
- Ms. Bear described projects in the Southeastern United States, her tribe's ancestral lands, during which the Muscogee Creek Nation is not notified. Many of these projects involve departments of transportation; another project involved the Tennessee Valley Authority, which sold thousands of acres to a private interest; consultation for these efforts was not initiated, or was initiated very late, or was initiated in the form of a letter or email asking for comments. Ms. Bear also raised the issue of being compensated for consultation.

Principle 4

- An unidentified man discussed the importance of oral history, and his understanding that the scientific community gives little or no credence to oral history narratives. He drew a distinction between the intellectual and emotional angles embedded in the discussion of the policy.
- Mr. Finch agreed that values of burial sites are not simply “intellectual.”

Principle 5

- Mr. Finch expressed concern with the phrases, “careful disinterment,” which he believed to be out of focus, and “respectfully” as “self explanatory.” Mr. Finch noted that definitions of “respectfully” changes/may change from tribe to tribe. Federal agency officials will have a hard time understanding tribal definitions of respect.
- Mr. Finch observed that with regard to questions asked when disinterment must occur, the list in the Burial Sites guidance is a good start, but he would like to suggest additional language. This language comes from an agreement entered into by tribes with the Office of the State Archaeologist in Iowa, in particular concerning culturally unidentified remains. Their agreement specifically excluded destructive analyses; that such analyses are abhorrent. The agreement specified that analyses should focus on determining whether bones are human, their antiquity, numbers of individuals represented, age, and sex; other studies are not considered necessary. Archaeologists have had remains long enough; and most if not all studies rarely result in positive outcomes for Native Americans. If there is identifying to be done, it should be limited to an agreed upon list, as was done with the Iowa State Archaeologist. The agreement also specified accessibility of human remains and funerary objects, as well as reports. As NAGPRA inventories were updated, tribes must be kept informed. Mr. Finch noted that he will give his suggestions to NAAG which may pass them onto the Task Force. Mr. Finch noted he was speaking as a member of the Citizen Potawatomi nation and not as a member of NAAG in this presentation.

Principle 6

- No comments directly referred to Principle 6.

Principle 7

- No comments directly referred to Principle 7.

Principle 8

- Ms. Bear also described a project in Alabama involving a department of transportation, where one hundred plus human remains were excavated; although in her tribe’s ancestral lands, there was no contact and no consultation, although her tribe made contacts. Her tribe requested inventories, but were sent elsewhere. She was finally contacted by the DOT when, after the remains were returned to the landowner, the landowner had contacted a tribe currently in Alabama to return the remains; this tribe planned to rebury the remains. The DOT was now contacting Ms. Bear to inquire if she or her tribe would object to the reburial. Ms. Bear stated she did not object to the other tribe’s involvement;

but she did not want these remains buried at this time because of her tribe's interest in the remains.

General Procedural Issues

- Ms. Bear observed that there were 39 tribes in the region, but that they were not present at this meeting, and she is not sure why. [This was a subject taken up by the NAAG members present at the meeting at the end of the meeting]

General Legal Issues

- No comments directly referred to General Legal Issues.

Miscellaneous

- Mr. Finch suggested that burial sites are important (or significant) not necessarily because of their information potential, but for other reasons.
- Mr. Cachola, then chair of NAAG, offers NAAG's services for assisting with future meeting.