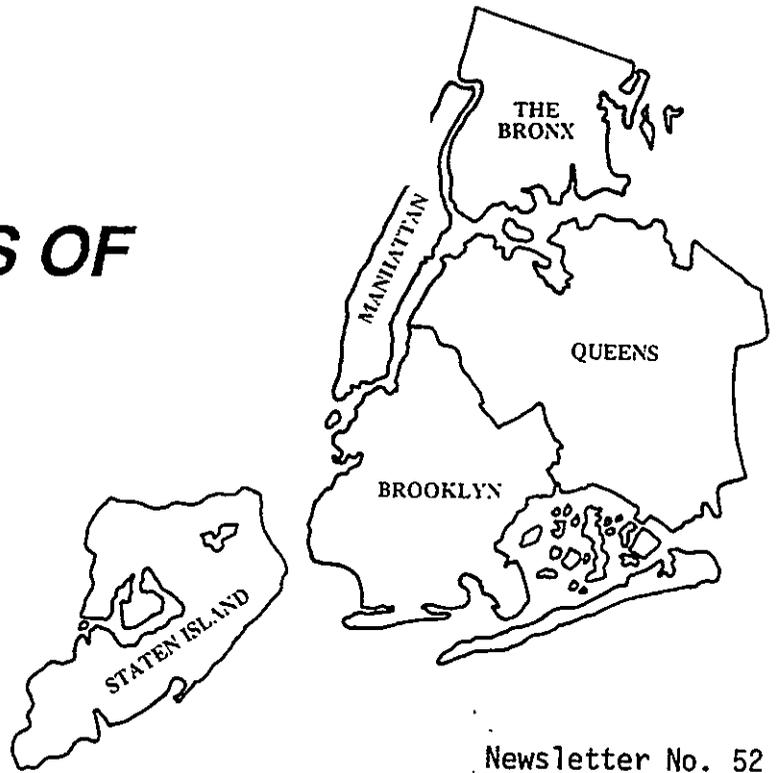


**P**ROFESSIONAL  
**A**RCHAEOLOGISTS OF  
**N**EW  
**Y**ORK  
**C**ITY



Newsletter No. 52  
 January 1991

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NOTICE OF NEXT MEETING: January 19, 1990 (Saturday)  
2 World Trade Center, 78th Floor  
General Membership Meeting: 11:00 AM

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Minutes of the PANYC General Membership  
November 28, 1990 Hunter College, Room 710  
Marshall called the meeting to order at 7:15 PM

SECRETARY'S REPORT: Minutes of September 26, 1990 accepted, with the following corrections: Item 3 under President's Report re. Kazimiroff collection to read "in process of inventory and writing report".

TREASURER'S REPORT: PANYC has 39 paid-up members, 3 complimentary members. Membership year begins in March. Spritzer presented list of unpaid 1990/1991 membership dues; reminders to be sent out with minutes. Geismar, Spritzer to work on putting present Treasurer's name on PANYC account.

PRESIDENT'S REPORT: 1) Marshall has response from Deputy Parks Commissioner Dalton, to her letter to B. Gottbaum. He is negotiating with Mrs. Kazimiroff re. collection and Marshall recommends we await developments. Part of collection belongs to Parks; Parks seeks to get remainder without litigation. Henn pointed out Mrs. Kazimiroff would like recognition for husband's role in assembling collection.

2) Dalton's letter acknowledged PANYC's concerns but no meeting date was offered. Marshall to write again saying she will telephone for appointment for PANYC representatives to meet with Parks and Recreation Dept. to discuss interfacing and special issues.

3) Marshall sent letter of concern re. YMCA-sponsored Atlantic Ave. Tunnel tour, received return call about safety issues. Other response, if any, is unknown.

MEMBERSHIP REPORT: Addendum to L. Cook's application was reviewed and approved by vote. Several recent out-of-city applications have been made, perhaps with the intent of validating applicants' credentials to work in NYC. Marshall advised membership of Executive Committee's recommendation to suspend review of new applications until committee on membership process makes a report. Addition of a statement of intent, and an ethics clause in membership guidelines, are being discussed in committee; Geismar, Davis to join committee. Temporary suspension of processing of new membership applications approved by vote.

ACTION: Cantwell reports <sup>Ed P. Smith</sup> Pagano visited Burial Ridge site in S.I., observing open trenches and ample evidence of looting. <sup>Ed P. Smith</sup> Pagano notified several governmental and privately concerned groups. Concern re. Burial Ridge to be raised in letter to Gottbaum. Cantwell to contact representative of NYC Native American community to explore possibility of appropriate joint action.

AWARDS: Announcement will be sent in December; the date of May 4th Public Meeting will be included in the announcement.

LEGISLATION: Cantwell reports enactment of PL 101609 (Native American Grave Protection and Repatriation Act), to be available in writing in 4-6 weeks. Article 18, which would centralize authority re. Native American burials with the State Dept. of Parks and Recreation, died in committee. Upstate farmers were concerned about work delays when burials are found, pending determination of an expert advisory committee. Cantwell to call Senator Moynihan's office re. progress of Fowler bill.

MUSEUM: Geismar reports Museum of City of New York still interested in hosting proposed Spring lecture series.

NEWSLETTER: Yamin requests clippings for next Newsletter.

PUBLIC PROGRAM: Rothschild sent confirmation of topic: change and evolution in neighborhoods and how to document and trace them.

RESEARCH AND PLANNING: Henn reports Historic Context committee is compiling a brief framework, using SHIPO guidelines, for defining and developing a context; committee exploring use of themes and examples re. historic development and process in the city; to meet again before General Meeting in January.

SPECIAL PUBLICATIONS: Cantwell reports special publication, "Archaeology of New York: an Introduction," to be ready by May Public Meeting. Production issues being addressed. Publication will be made available to schools, is aimed at an 8th grade reading level and costs are to be kept low. A \$3 purchase price is projected.

AD HOC COMMITTEE ON LANDMARKS GUIDELINES: No report. S. Baugher has resigned from Landmarks to take research post at Cornell. Marshall to write to Landmarks in view of this change, supporting importance of program to date; urging continuance of line for position of Urban Archaeologist, as well as Landmarks' continued involvement in review process and commitment to NYC archaeology.

NEW BUSINESS: Form to be included in minutes to solicit nominations for next year's officers. Members to be reminded that they cannot vote if dues not current.

NEXT MEETING: Joint meeting with NYAC to be held Saturday, January 19. Wall to arrange for archaeology exhibit at Seaport to be open to NYAC visitors. Marshall to explore meeting place closer to Seaport area to minimize travel, possibly at World Trade Center. Meeting place to be announced in next minutes.

Respectfully submitted, Barbara Davis, Secretary 1990-91

# PROFESSIONAL ARCHAEOLOGISTS OF NEW YORK CITY

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217 Edgewood Avenue  
Westfield, New Jersey 07090  
November 29, 1990

Ms. Laurie Beckelman  
Chair  
Landmarks Preservation Commission  
225 Broadway, 23rd Floor  
New York, New York 10007

Dear Ms. Beckelman:

The members of the Professional Archaeologists of New York City (PANYC) wish to express their concern over the announced resignation of Urban Archaeologist Dr. Sherene Baugher. Dr. Baugher's contributions to the management of archaeological cultural resources in New York City have been a major force in the profession and have dramatically increased the City's understanding of its development. We are sorry to see her leave Landmarks.

We urge Landmarks to continue its commitment to archaeological issues in the City. PANYC sees the role of LPC as the reviewing agency for New York City archaeological work as invaluable.

We certainly hope that the City would not view this as an opportunity to eliminate an essential position within the already under-staffed LPC.

Thank you for your consideration.

Sincerely,



Sydne B. Marshall, Ph.D.  
PANYC President

CC: R Messinger  
E Holtzman

# NEW YORK ARCHAEOLOGICAL COUNCIL

27 Jordan Road - Troy, New York 12180

January 7, 1991

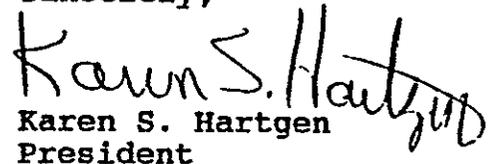
Ms. Laurie Beckelman  
Chair  
Landmarks Preservation Commission  
225 Broadway, 23rd Floor  
NY, NY 10007

Dear Ms. Beckelman,

It has come to the attention of the New York Archaeological Council (NYAC) that Dr. Sherene Baugher is leaving her archeological position with NYCLPC. We would encourage the commission to fill this position as soon as possible and maintain NYCLPC's reputation as leader in the preservation of both structural and archaeological resources. Although these are a very hard times financially, we know that archaeological resources are non-renewable, once they are gone, they can never be regenerated.

NYAC represents over 100 professional archeologists in the state, who are extremely concerned about the preservation and adequate consideration of archeological resources throughout the state. Once again, we request that you fill the archeological position as soon as possible.

Sincerely,

  
Karen S. Hartgen  
President

cc: J. Stokes, SHPO  
S. Marshall, PANYC

# PROFESSIONAL ARCHAEOLOGISTS OF NEW YORK CITY

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217 Edgewood Avenue  
Westfield, New Jersey 07090  
November 30, 1990

William F. Dalton  
Deputy Commissioner Operations  
City of New York Parks & Recreation  
The Arsenal, Central Park  
New York, New York 10021

Dear Deputy Commissioner Dalton:

Thank you for your reply to our letter to Commissioner Gotbaum in which we had requested an opportunity to meet and discuss cultural resources issues as they relate to New York City's Parks.

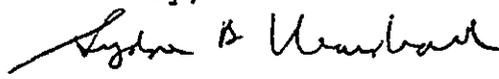
While we were happy to hear that you "share our concerns about archeologically sensitive areas," we feel that a face-to-face meeting between PANYC members and representatives from your office would benefit the Parks department. You have invited our organization to join with you in a "private-public partnership" and we are interested in exploring the directions such a partnership might take.

Archeological excavation is not the only interest PANYC members may share with the Parks Department. For instance, we were alarmed to learn that there has been recent illicit excavation at the Burial Ridge site, Staten Island. This site is located partially on City Parks property and is listed on the National Register of Historic Places as a National Historic Landmark. Other topics for discussion could include issues associated with the care, possible display, and curation of the Kazimiroff collection and information we possess about the archeological sensitivity of many of the City's parks. We sincerely believe that we could provide meaningful input to your planning and management of the parks.

We certainly wish to keep this avenue of communication open and hope that you may be available to meet with PANYC. I will call your office to set up an appointment.

Thank you again for your consideration.

Sincerely,



Sydne B. Marshall, Ph.D.  
PANYC President

CC: B Gotbaum  
A Stein  
E Holtzman

# PROFESSIONAL ARCHAEOLOGISTS OF NEW YORK CITY

217 Edgewood Avenue  
Westfield, New Jersey 07090  
December 7, 1990

Ms. Betsy Gotbaum  
Commissioner, City of New York Department of Parks & Recreation  
The Arsenal, Central Park  
New York, New York 10021

Subject: Recent Illicit Excavation  
Burial Ridge Site, Staten Island

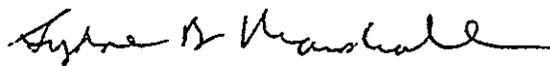
Dear Commissioner Gotbaum:

I am writing on behalf of the Professional Archaeologists of New York City (PANYC) to bring to your attention a crisis situation in Staten Island. It was reported to the organization that fresh grave robbers' trenches, excavated illegally, were identified at the Ward's Point Conservation Area, Tottenville Vicinity, Staten Island. Known locally as the Burial Ridge Site, this site is located partially on City Parks property and is a nationally significant prehistoric site listed on the National Register of Historic Places since September 29, 1982 as a National Historic Landmark (National Register site A 085-01-0030).

We ask that immediate action be taken to prohibit further destruction of this vital cultural resource. The reported activity violates City ordinances which prohibit unauthorized digging on Parks land. In addition, the issue of the possible disturbance of Native American burials has been a very sensitive one both locally and on the national level. It is imperative that this site receives the legal protection it deserves.

We will appreciate hearing from you about the actions which your department will be taking with regard to this example of blatant vandalism.

Sincerely,

  
Sydne B. Marshall, Ph.D.  
PANYC President

CC:W Dalton

L Beckelman (Landmarks Preservation Commission)  
B Shepard (Staten Island Historical Society)  
H Hartman (Staten Island Institute of Arts and Sciences)  
G Molinari (SI Borough President)  
D Dinkins (Mayor)  
A Stein (City Council President)  
R Richmond (American Indian Community House)  
AM Cantwell (PANYC Native American Affairs Committee)



City of New York  
Parks & Recreation

Betsy Gotbaum  
Commissioner

Staten Island Borough Office  
Clove Lakes Park  
Staten Island, New York 10301

Joseph M. Curran  
Borough Commissioner

December 27, 1990 (718) 390-8000

Sydne B. Marshall, Ph.D.  
President  
Professional Archaeologists of  
New York City  
217 Edgewood Avenue  
Westfield, New Jersey 07090

Dear Mr. Marshall:

I have your letter concerning the vandalism and desecration in the Burial Ridge area of the Conference House Park in Staten Island, and I share your concern for this historic American Indian cemetery.

Tottenville residents have long been aware of the Indian artifacts buried in the Conference House area, but a recent article in the Staten Island Advance has made this information available to a much larger group of people, and I believe that these recent excavations are the consequence of that information having been made public.

I have asked Borough Parks Commissioner Joseph M. Curran to take immediate steps to protect this American Indian burial ground. He has contacted our Parks Enforcement Patrol and the Conference House Administrator; they will be setting up patrols in the Conference House area in order to prevent any further vandalism and, hopefully, to apprehend the people responsible for the excavation you have described. In addition, we will be very carefully backfilling those excavations in order to protect remaining artifacts and to prevent anyone from injuring themselves in any of these open trenches.

Park Rangers, Parks Enforcement Patrol, the 123rd police precinct, and our local parks maintenance forces have all been apprised of the Burial Ridge vandalism which your letter has described. Please be assured that they all will do everything in their power to protect the Burial Ridge area.

Very truly yours,



Betsy Gotbaum

pc: David N. Dinkins, Mayor  
Guy Molinari, Borough President, Staten Island  
Andrew Stein, City Council President  
William F. Dalton, Deputy Commissioner, Parks  
Joseph M. Curran, Borough Commissioner, Staten  
Island Parks  
Vincent Fennell, Chief of Operations

PROFESSIONAL ARCHAEOLOGISTS OF NEW YORK CITY

308 East 6th Street  
New York, New York 10003  
28 December 1990

Ms. Rosemary Richmond  
Director  
American Indian Community House  
404 Lafayette Street  
New York, New York 10003

Dear Ms. Richmond:

I spoke to you November 30th about the desecration and looting of graves at the Native American cemetery at Burial Ridge, Ward's Point, Staten Island. At that time, you were planning to consult with Sherene Baugher of the New York City Landmarks Preservation Commission about the matter.

I am writing you now to reiterate both the commitment of Professional Archaeologists of New York City (PANYC) to putting a stop to such desecration as well as our willingness to work with the Native American community on this important issue. If you would like to meet with me or other PANYC officers, I'd be happy to arrange a meeting at your convenience. You can reach me at the above address or at 998-8550.

Sincerely yours,

Anne-Marie Cantwell  
Chair, Native American Committee

cc: ✓ S. Marshall, President, PANYC  
S. Baugher, NYC Landmarks Preservation Commission



LANDMARKS PRESERVATION COMMISSION

225 BROADWAY, NEW YORK, N. Y. 10007

(212) 553-1100

LAURIE BECKELMAN  
CHAIR

January 2, 1991

Ms. Sydne B. Marshall, Ph.D.  
PANYC President  
217 Edgewood Avenue  
Westfield, NJ 07090

Dear Ms. Marshall:

Enclosed please find the response that Commissioner Gotbaum wrote to me concerning the endangered Burial Ridge area in Staten Island. I am sharing this letter with you so that you have reassurance that the Parks Departments will do everything to protect the American Indian burial ground.

Yours truly,

Laurie Beckelman  
Chair

LB/np

enclosure



City of New York  
Parks & Recreation

Betsy Gotbaum  
Commissioner

Staten Island Borough Office  
Clove Lakes Park  
Staten Island, New York 10301

Joseph M. Curran  
Borough Commissioner

(718) 390-8000

December 21, 1990

Laurie Beckelman  
Chairperson  
Landmarks Preservation Commission  
225 Broadway  
New York, N.Y. 10007

Dear Ms. Beckelman:

I have your letter concerning the vandalism and desecration in the Burial Ridge area of the Conference House Park in Staten Island, and I share your concern for this historic American Indian cemetery.

Tottenville residents have long been aware of the Indian artifacts buried in the Conference House area, but a recent article in the Staten Island Advance has made this information available to a much larger group of people, and I believe that these recent excavations are the consequence of that information having been made public.

I have asked Borough Parks Commissioner Joseph M. Curran to take immediate steps to protect this American Indian burial ground. He has contacted our Parks Enforcement Patrol and the Conference House Administrator; they will be setting up patrols in the Conference House area in order to prevent any further vandalism and, hopefully, to apprehend the people responsible for the excavation you have described. In addition, we will be very carefully backfilling those excavations in order to protect remaining artifacts and to prevent anyone from injuring themselves in any of these open trenches.

Park Rangers, Parks Enforcement Patrol, the 123rd police precinct, and our local parks maintenance forces have all been apprised of the Burial Ridge vandalism which your letter has described. Please be assured that they all will do everything in their power to protect the Burial Ridge area.

Very truly yours,

Betsy Gotbaum

# PROFESSIONAL ARCHAEOLOGISTS OF NEW YORK CITY

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217 Edgewood Avenue  
Westfield, New Jersey 07090  
December 14, 1990

Dr. Ray Williams  
SOPA Secretary  
Department of Anthropology  
University of South Florida  
Tampa, Florida 33620

Dear Dr. Williams:

I am responding to Nancy White's "Note to the Membership Re State Professional Councils" in the December 1990 issue of the SOPA Newsletter.

The Professional Archaeologists of New York City (PANYC) is an organization of professional archaeologists with research interests in New York City. Since 1980, we have served as a communication link among the professionals and as a watchdog for the City's cultural resources. Our By-Laws state that the purpose of PANYC is twofold:

- 1) to promote cooperation and communication among professional archaeologists in New York City; and
- 2) to advise and educate public agencies and the general public on matters relating to the archaeology of New York City.

We meet approximately five times each year. One of our meetings is usually a joint meeting with the New York Archaeological Council (NYAC), our state level counterpart. We also sponsor an annual public symposium. This is a program of papers presented along the lines of a theme, presented on Saturday morning, free to the public.

We have an executive board which meets prior to the general membership meeting. The membership are encouraged to participate in the organization by joining one of our various committees (e.g. Action Committee, Membership, Public Program, etc.). Committees meet in person or work together by telephone and report their accomplishments at the general membership meetings.

PANYC publishes a newsletter which is circulated to members and subscribers. PANYC also sponsors a money-award competition to the judged best submitted paper (undergraduate or graduate) which focuses on an archaeological issue in New York City. This has been established in memory of Dr. Bert Salwen, one of our founding members. PANYC is proud that this year it will publish a special publication, dedicated to both Drs. Bert Salwen and Lynn Ceci, on New York City archaeology geared to children.

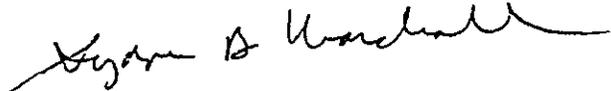
The current officers of PANYC are:

President	Sydne Marshall
Vice President	Nan Rothschild
Secretary	Barbara Davis
Treasurer	Shelly Spritzer

Executive Board	Sarah Bridges
	Anne-Marie Cantwell
	Anne Donadeo
	Joan Geismar
	Joel Klein
	Roselle Henn

If we can provide any additional information please feel free to call me during the day at my office at Ebasco Environmental (201) 460-6404.

Sincerely,



Sydne B. Marshall, Ph.D.  
PANYC President

PROFESSIONAL ARCHAEOLOGISTS OF NEW YORK CITY

217 Edgewood Avenue  
Westfield, New Jersey  
December 18, 1990

Ms. Laurie Beckelman  
Chair  
Landmarks Preservation Commission  
225 Broadway  
New York, New York 10007

Subject: Certificate of Appropriateness  
Borough of Staten Island  
361 Great Kills Road  
Poillon-Seguine-Britton House

Dear Ms. Beckelman:

The Professional Archaeologists of New York City (PANYC) wish to comment on the above referenced Certificate. The lot in which the referenced project is proposed has the potential to contain archaeological remains which can provide information on the history of the City and its diverse residents. We request that a documentary review and, if warranted, appropriate archaeological testing or recovery programs of archaeological resources be undertaken prior to construction of this project in order to ensure that this information will not be lost.

Thank you for your attention.

Sincerely,



Sydne B. Marshall, Ph.D.  
President, PANYC

# One Hundred First Congress of the United States of America

AT THE SECOND SESSION

*Began and held at the City of Washington on Tuesday, the twenty-third day of January,  
one thousand nine hundred and ninety*

## An Act

To provide for the protection of Native American graves, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the  
United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

This Act may be cited as the "Native American Graves Protection and Repatriation Act".

### SEC. 2. DEFINITIONS.

For purposes of this Act, the term—

(1) "burial site" means any natural or prepared physical location, whether originally below, on, or above the surface of the earth, into which as a part of the death rite or ceremony of a culture, individual human remains are deposited.

(2) "cultural affiliation" means that there is a relationship of shared group identity which can be reasonably traced historically or prehistorically between a present day Indian tribe or Native Hawaiian organization and an identifiable earlier group.

(3) "cultural items" means human remains and—

(A) "associated funerary objects" which shall mean objects that, as a part of the death rite or ceremony of a culture, are reasonably believed to have been placed with individual human remains either at the time of death or later, and both the human remains and associated funerary objects are presently in the possession or control of a Federal agency or museum, except that other items exclusively made for burial purposes or to contain human remains shall be considered as associated funerary objects.

(B) "unassociated funerary objects" which shall mean objects that, as a part of the death rite or ceremony of a culture, are reasonably believed to have been placed with individual human remains either at the time of death or later, where the remains are not in the possession or control of the Federal agency or museum and the objects can be identified by a preponderance of the evidence as related to specific individuals or families or to known human remains or, by a preponderance of the evidence, as having been removed from a specific burial site of an individual culturally affiliated with a particular Indian tribe,

(C) "sacred objects" which shall mean specific ceremonial objects which are needed by traditional Native American religious leaders for the practice of traditional Native American religions by their present day adherents, and

(D) "cultural patrimony" which shall mean an object having ongoing historical, traditional, or cultural importance central to the Native American group or culture itself, rather than property owned by an individual Native

American, and which, therefore, cannot be alienated, appropriated, or conveyed by any individual regardless of whether or not the individual is a member of the Indian tribe or Native Hawaiian organization and such object shall have been considered inalienable by such Native American group at the time the object was separated from such group.

(4) "Federal agency" means any department, agency, or instrumentality of the United States. Such term does not include the Smithsonian Institution.

(5) "Federal lands" means any land other than tribal lands which are controlled or owned by the United States, including lands selected by but not yet conveyed to Alaska Native Corporations and groups organized pursuant to the Alaska Native Claims Settlement Act of 1971.

(6) "Hui Malama I Na Kupuna O Hawai'i Nei" means the nonprofit, Native Hawaiian organization incorporated under the laws of the State of Hawaii by that name on April 17, 1989, for the purpose of providing guidance and expertise in decisions dealing with Native Hawaiian cultural issues, particularly burial issues.

(7) "Indian tribe" means any tribe, band, nation, or other organized group or community of Indians, including any Alaska Native village (as defined in, or established pursuant to, the Alaska Native Claims Settlement Act), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

(8) "museum" means any institution or State or local government agency (including any institution of higher learning) that receives Federal funds and has possession of, or control over, Native American cultural items. Such term does not include the Smithsonian Institution or any other Federal agency.

(9) "Native American" means of, or relating to, a tribe, people, or culture that is indigenous to the United States.

(10) "Native Hawaiian" means any individual who is a descendant of the aboriginal people who, prior to 1778, occupied and exercised sovereignty in the area that now constitutes the State of Hawaii.

(11) "Native Hawaiian organization" means any organization which—

(A) serves and represents the interests of Native Hawaiians,

(B) has as a primary and stated purpose the provision of services to Native Hawaiians, and

(C) has expertise in Native Hawaiian Affairs, and shall include the Office of Hawaiian Affairs and Hui Malama I Na Kupuna O Hawai'i Nei.

(12) "Office of Hawaiian Affairs" means the Office of Hawaiian Affairs established by the constitution of the State of Hawaii.

(13) "right of possession" means possession obtained with the voluntary consent of an individual or group that had authority of alienation. The original acquisition of a Native American unassociated funerary object, sacred object or object of cultural patrimony from an Indian tribe or Native Hawaiian organization with the voluntary consent of an individual or group with authority to alienate such object is deemed to give right of possession of that object, unless the phrase so defined would, as

applied in section 7(c), result in a Fifth Amendment taking by the United States as determined by the United States Claims Court pursuant to 28 U.S.C. 1491 in which event the "right of possession" shall be as provided under otherwise applicable property law. The original acquisition of Native American human remains and associated funerary objects which were excavated, exhumed, or otherwise obtained with full knowledge and consent of the next of kin or the official governing body of the appropriate culturally affiliated Indian tribe or Native Hawaiian organization is deemed to give right of possession to those remains

(14) "Secretary" means the Secretary of the Interior.

(15) "tribal land" means—

(A) all lands within the exterior boundaries of any Indian reservation;

(B) all dependent Indian communities;

(C) any lands administered for the benefit of Native Hawaiians pursuant to the Hawaiian Homes Commission Act, 1920, and section 4 of Public Law 86-3.

**SEC. 3. OWNERSHIP.**

(a) **NATIVE AMERICAN HUMAN REMAINS AND OBJECTS.**—The ownership or control of Native American cultural items which are excavated or discovered on Federal or tribal lands after the date of enactment of this Act shall be (with priority given in the order listed)—

(1) in the case of Native American human remains and associated funerary objects, in the lineal descendants of the Native American; or

(2) in any case in which such lineal descendants cannot be ascertained, and in the case of unassociated funerary objects, sacred objects, and objects of cultural patrimony—

(A) in the Indian tribe or Native Hawaiian organization on whose tribal land such objects or remains were discovered;

(B) in the Indian tribe or Native Hawaiian organization which has the closest cultural affiliation with such remains or objects and which, upon notice, states a claim for such remains or objects; or

(C) if the cultural affiliation of the objects cannot be reasonably ascertained and if the objects were discovered on Federal land that is recognized by a final judgment of the Indian Claims Commission or the United States Court of Claims as the aboriginal land of some Indian tribe—

(1) in the Indian tribe that is recognized as aboriginally occupying the area in which the objects were discovered, if upon notice, such tribe states a claim for such remains or objects, or

(2) if it can be shown by a preponderance of the evidence that a different tribe has a stronger cultural relationship with the remains or objects than the tribe or organization specified in paragraph (1), in the Indian tribe that has the strongest demonstrated relationship, if upon notice, such tribe states a claim for such remains or objects.

(b) **UNCLAIMED NATIVE AMERICAN HUMAN REMAINS AND OBJECTS.**—Native American cultural items not claimed under subsec-

tion (a) shall be disposed of in accordance with regulations promulgated by the Secretary in consultation with the review committee established under section 8, Native American groups, representatives of museums and the scientific community.

(c) **INTENTIONAL EXCAVATION AND REMOVAL OF NATIVE AMERICAN HUMAN REMAINS AND OBJECTS.**—The intentional removal from or excavation of Native American cultural items from Federal or tribal lands for purposes of discovery, study, or removal of such items is permitted only if—

(1) such items are excavated or removed pursuant to a permit issued under section 4 of the Archaeological Resources Protection Act of 1979 (93 Stat. 721; 16 U.S.C. 470aa et seq.) which shall be consistent with this Act;

(2) such items are excavated or removed after consultation with or, in the case of tribal lands, consent of the appropriate (if any) Indian tribe or Native Hawaiian organization;

(3) the ownership and right of control of the disposition of such items shall be as provided in subsections (a) and (b); and

(4) proof of consultation or consent under paragraph (2) is shown.

(d) **INADVERTENT DISCOVERY OF NATIVE AMERICAN REMAINS AND OBJECTS.**—(1) Any person who knows, or has reason to know, that such person has discovered Native American cultural items on Federal or tribal lands after the date of enactment of this Act shall notify, in writing, the Secretary of the Department, or head of any other agency or instrumentality of the United States, having primary management authority with respect to Federal lands and the appropriate Indian tribe or Native Hawaiian organization with respect to tribal lands, if known or readily ascertainable, and, in the case of lands that have been selected by an Alaska Native Corporation or group organized pursuant to the Alaska Native Claims Settlement Act of 1971, the appropriate corporation or group. If the discovery occurred in connection with an activity, including (but not limited to) construction, mining, logging, and agriculture, the person shall cease the activity in the area of the discovery, make a reasonable effort to protect the items discovered before resuming such activity, and provide notice under this subsection. Following the notification under this subsection, and upon certification by the Secretary of the department or the head of any agency or instrumentality of the United States or the appropriate Indian tribe or Native Hawaiian organization that notification has been received, the activity may resume after 30 days of such certification.

(2) The disposition of and control over any cultural items excavated or removed under this subsection shall be determined as provided for in this section.

(3) If the Secretary of the Interior consents, the responsibilities (in whole or in part) under paragraphs (1) and (2) of the Secretary of any department (other than the Department of the Interior) or the head of any other agency or instrumentality may be delegated to the Secretary with respect to any land managed by such other Secretary or agency head.

(e) **RELINQUISHMENT.**—Nothing in this section shall prevent the governing body of an Indian tribe or Native Hawaiian organization from expressly relinquishing control over any Native American human remains, or title to or control over any funerary object, or sacred object.

**SEC. 4. ILLEGAL TRAFFICKING.**

(a) **ILLEGAL TRAFFICKING.**—Chapter 53 of title 18, United States Code, is amended by adding at the end thereof the following new section:

**“§ 1170. Illegal Trafficking in Native American Human Remains and Cultural Items**

“(a) Whoever knowingly sells, purchases, uses for profit, or transports for sale or profit, the human remains of a Native American without the right of possession to those remains as provided in the Native American Graves Protection and Repatriation Act shall be fined in accordance with this title, or imprisoned not more than 12 months, or both, and in the case of a second or subsequent violation, be fined in accordance with this title, or imprisoned not more than 5 years, or both.

“(b) Whoever knowingly sells, purchases, uses for profit, or transports for sale or profit any Native American cultural items obtained in violation of the Native American Grave Protection and Repatriation Act shall be fined in accordance with this title, imprisoned not more than one year, or both, and in the case of a second or subsequent violation, be fined in accordance with this title, imprisoned not more than 5 years, or both.”

(b) **TABLE OF CONTENTS.**—The table of contents for chapter 53 of title 18, United States Code, is amended by adding at the end thereof the following new item:

“1170. Illegal Trafficking in Native American Human Remains and Cultural Items.”

**SEC. 5. INVENTORY FOR HUMAN REMAINS AND ASSOCIATED FUNERARY OBJECTS.**

(a) **IN GENERAL.**—Each Federal agency and each museum which has possession or control over holdings or collections of Native American human remains and associated funerary objects shall compile an inventory of such items and, to the extent possible based on information possessed by such museum or Federal agency, identify the geographical and cultural affiliation of such item.

(b) **REQUIREMENTS.**—(1) The inventories and identifications required under subsection (a) shall be—

(A) completed in consultation with tribal government and Native Hawaiian organization officials and traditional religious leaders;

(B) completed by not later than the date that is 5 years after the date of enactment of this Act, and

(C) made available both during the time they are being conducted and afterward to a review committee established under section 8.

(2) Upon request by an Indian tribe or Native Hawaiian organization which receives or should have received notice, a museum or Federal agency shall supply additional available documentation to supplement the information required by subsection (a) of this section. The term “documentation” means a summary of existing museum or Federal agency records, including inventories or catalogues, relevant studies, or other pertinent data for the limited purpose of determining the geographical origin, cultural affiliation, and basic facts surrounding acquisition and accession of Native American human remains and associated funerary objects subject to this section. Such term does not mean, and this Act shall not be

construed to be an authorization for, the initiation of new scientific studies of such remains and associated funerary objects or other means of acquiring or preserving additional scientific information from such remains and objects.

(c) **EXTENSION OF TIME FOR INVENTORY.**—Any museum which has made a good faith effort to carry out an inventory and identification under this section, but which has been unable to complete the process, may appeal to the Secretary for an extension of the time requirements set forth in subsection (b)(1)(B). The Secretary may extend such time requirements for any such museum upon a finding of good faith effort. An indication of good faith shall include the development of a plan to carry out the inventory and identification process.

(d) **NOTIFICATION.**—(1) If the cultural affiliation of any particular Native American human remains or associated funerary objects is determined pursuant to this section, the Federal agency or museum concerned shall, not later than 6 months after the completion of the inventory, notify the affected Indian tribes or Native Hawaiian organizations.

(2) The notice required by paragraph (1) shall include information—

(A) which identifies each Native American human remains or associated funerary objects and the circumstances surrounding its acquisition;

(B) which lists the human remains or associated funerary objects that are clearly identifiable as to tribal origin; and

(C) which lists the Native American human remains and associated funerary objects that are not clearly identifiable as being culturally affiliated with that Indian tribe or Native Hawaiian organization, but which, given the totality of circumstances surrounding acquisition of the remains or objects, are determined by a reasonable belief to be remains or objects culturally affiliated with the Indian tribe or Native Hawaiian organization.

(3) A copy of each notice provided under paragraph (1) shall be sent to the Secretary who shall publish each notice in the Federal Register.

(e) **INVENTORY.**—For the purposes of this section, the term “inventory” means a simple itemized list that summarizes the information called for by this section.

**SEC. 6. SUMMARY FOR UNASSOCIATED FUNERARY OBJECTS, SACRED OBJECTS, AND CULTURAL PATRIMONY.**

(a) **IN GENERAL.**—Each Federal agency or museum which has possession or control over holdings or collections of Native American unassociated funerary objects, sacred objects, or objects of cultural patrimony shall provide a written summary of such objects based upon available information held by such agency or museum. The summary shall describe the scope of the collection, kinds of objects included, reference to geographical location, means and period of acquisition and cultural affiliation, where readily ascertainable.

(b) **REQUIREMENTS.**—(1) The summary required under subsection (a) shall be—

(A) in lieu of an object-by-object inventory;

(B) followed by consultation with tribal government and Native Hawaiian organization officials and traditional religious leaders; and

(1) completed by not later than the date that is 3 years after the date of enactment of this Act.

(2) Upon request, Indian Tribes and Native Hawaiian organizations shall have access to records, catalogues, relevant studies or other pertinent data for the limited purposes of determining the geographic origin, cultural affiliation, and basic facts surrounding acquisition and accession of Native American objects subject to this section. Such information shall be provided in a reasonable manner to be agreed upon by all parties.

#### SEC. 7. REPATRIATION.

(a) REPATRIATION OF NATIVE AMERICAN HUMAN REMAINS AND OBJECTS POSSESSED OR CONTROLLED BY FEDERAL AGENCIES AND MUSEUMS.—(1) If, pursuant to section 5, the cultural affiliation of Native American human remains and associated funerary objects with a particular Indian tribe or Native Hawaiian organization is established, then the Federal agency or museum, upon the request of a known lineal descendant of the Native American or of the tribe or organization and pursuant to subsections (b) and (e) of this section, shall expeditiously return such remains and associated funerary objects.

(2) If, pursuant to section 6, the cultural affiliation with a particular Indian tribe or Native Hawaiian organization is shown with respect to unassociated funerary objects, sacred objects or objects of cultural patrimony, then the Federal agency or museum, upon the request of the Indian tribe or Native Hawaiian organization and pursuant to subsections (b), (c) and (e) of this section, shall expeditiously return such objects.

(3) The return of cultural items covered by this Act shall be in consultation with the requesting lineal descendant or tribe or organization to determine the place and manner of delivery of such items.

(4) Where cultural affiliation of Native American human remains and funerary objects has not been established in an inventory prepared pursuant to section 5, or the summary pursuant to section 6, or where Native American human remains and funerary objects are not included upon any such inventory, then, upon request and pursuant to subsections (b) and (e) and, in the case of unassociated funerary objects, subsection (c), such Native American human remains and funerary objects shall be expeditiously returned where the requesting Indian tribe or Native Hawaiian organization can show cultural affiliation by a preponderance of the evidence based upon geographical, kinship, biological, archaeological, anthropological, linguistic, folkloric, oral traditional, historical, or other relevant information or expert opinion.

(5) Upon request and pursuant to subsections (b), (c) and (e), sacred objects and objects of cultural patrimony shall be expeditiously returned where—

(A) the requesting party is the direct lineal descendant of an individual who owned the sacred object;

(B) the requesting Indian tribe or Native Hawaiian organization can show that the object was owned or controlled by the tribe or organization; or

(C) the requesting Indian tribe or Native Hawaiian organization can show that the sacred object was owned or controlled by a member thereof, provided that in the case where a sacred object was owned by a member thereof, there are no identifiable

lineal descendants of said member or the lineal descendants, upon notice, have failed to make a claim for the object under this Act.

(b) **SCIENTIFIC STUDY.**—If the lineal descendant, Indian tribe, or Native Hawaiian organization requests the return of culturally affiliated Native American cultural items, the Federal agency or museum shall expeditiously return such items unless such items are indispensable for completion of a specific scientific study, the outcome of which would be of major benefit to the United States. Such items shall be returned by no later than 90 days after the date on which the scientific study is completed.

(c) **STANDARD OF REPATRIATION.**—If a known lineal descendant or an Indian tribe or Native Hawaiian organization requests the return of Native American unassociated funerary objects, sacred objects or objects of cultural patrimony pursuant to this Act and presents evidence which, if standing alone before the introduction of evidence to the contrary, would support a finding that the Federal agency or museum did not have the right of possession, then such agency or museum shall return such objects unless it can overcome such inference and prove that it has a right of possession to the objects.

(d) **SHARING OF INFORMATION BY FEDERAL AGENCIES AND MUSEUMS.**—Any Federal agency or museum shall share what information it does possess regarding the object in question with the known lineal descendant, Indian tribe, or Native Hawaiian organization to assist in making a claim under this section.

(e) **COMPETING CLAIMS.**—Where there are multiple requests for repatriation of any cultural item and, after complying with the requirements of this Act, the Federal agency or museum cannot clearly determine which requesting party is the most appropriate claimant, the agency or museum may retain such item until the requesting parties agree upon its disposition or the dispute is otherwise resolved pursuant to the provisions of this Act or by a court of competent jurisdiction.

(f) **MUSEUM OBLIGATION.**—Any museum which repatriates any item in good faith pursuant to this Act shall not be liable for claims by an aggrieved party or for claims of breach of fiduciary duty, public trust, or violations of state law that are inconsistent with the provisions of this Act.

#### SEC. 8. REVIEW COMMITTEE.

(a) **ESTABLISHMENT.**—Within 120 days after the date of enactment of this Act, the Secretary shall establish a committee to monitor and review the implementation of the inventory and identification process and repatriation activities required under sections 5, 6 and 7.

(b) **MEMBERSHIP.**—(1) The Committee established under subsection (a) shall be composed of 7 members,

(A) 3 of whom shall be appointed by the Secretary from nominations submitted by Indian tribes, Native Hawaiian organizations, and traditional Native American religious leaders with at least 2 of such persons being traditional Indian religious leaders;

(B) 3 of whom shall be appointed by the Secretary from nominations submitted by national museum organizations and scientific organizations; and

(C) 1 who shall be appointed by the Secretary from a list of persons developed and consented to by all of the members appointed pursuant to subparagraphs (A) and (B).

(2) The Secretary may not appoint Federal officers or employees to the committee.

(3) In the event vacancies shall occur, such vacancies shall be filled by the Secretary in the same manner as the original appointment within 90 days of the occurrence of such vacancy.

(4) Members of the committee established under subsection (a) shall serve without pay, but shall be reimbursed at a rate equal to the daily rate for GS-18 of the General Schedule for each day (including travel time) for which the member is actually engaged in committee business. Each member shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(c) RESPONSIBILITIES.—The committee established under subsection (a) shall be responsible for—

(1) designating one of the members of the committee as chairman;

(2) monitoring the inventory and identification process conducted under sections 5 and 6 to ensure a fair, objective consideration and assessment of all available relevant information and evidence;

(3) upon the request of any affected party, reviewing and making findings related to—

(A) the identity or cultural affiliation of cultural items, or

(B) the return of such items;

(4) facilitating the resolution of any disputes among Indian tribes, Native Hawaiian organizations, or lineal descendants and Federal agencies or museums relating to the return of such items including convening the parties to the dispute if deemed desirable;

(5) compiling an inventory of culturally unidentifiable human remains that are in the possession or control of each Federal agency and museum and recommending specific actions for developing a process for disposition of such remains;

(6) consulting with Indian tribes and Native Hawaiian organizations and museums on matters within the scope of the work of the committee affecting such tribes or organizations;

(7) consulting with the Secretary in the development of regulations to carry out this Act;

(8) performing such other related functions as the Secretary may assign to the committee; and

(9) making recommendations, if appropriate, regarding future care of cultural items which are to be repatriated.

(d) Any records and findings made by the review committee pursuant to this Act relating to the identity or cultural affiliation of any cultural items and the return of such items may be admissible in any action brought under section 15 of this Act.

(e) RECOMMENDATIONS AND REPORT.—The committee shall make the recommendations under paragraph (c)(5) in consultation with Indian tribes and Native Hawaiian organizations and appropriate scientific and museum groups.

(f) ACCESS.—The Secretary shall ensure that the committee established under subsection (a) and the members of the committee have reasonable access to Native American cultural items under review and to associated scientific and historical documents.

(g) DUTIES OF SECRETARY.—The Secretary shall—

(1) establish such rules and regulations for the committee as may be necessary, and

(2) provide reasonable administrative and staff support necessary for the deliberations of the committee.

(h) ANNUAL REPORT.—The committee established under subsection (a) shall submit an annual report to the Congress on the progress made, and any barriers encountered, in implementing this section during the previous year.

(i) TERMINATION.—The committee established under subsection (a) shall terminate at the end of the 120-day period beginning on the day the Secretary certifies, in a report submitted to Congress, that the work of the committee has been completed.

#### SEC. 9. PENALTY.

(a) PENALTY.—Any museum that fails to comply with the requirements of this Act may be assessed a civil penalty by the Secretary of the Interior pursuant to procedures established by the Secretary through regulation. A penalty assessed under this subsection shall be determined on the record after opportunity for an agency hearing. Each violation under this subsection shall be a separate offense.

(b) AMOUNT OF PENALTY.—The amount of a penalty assessed under subsection (a) shall be determined under regulations promulgated pursuant to this Act, taking into account, in addition to other factors—

(1) the archaeological, historical, or commercial value of the item involved;

(2) the damages suffered, both economic and noneconomic, by an aggrieved party, and

(3) the number of violations that have occurred.

(c) ACTIONS TO RECOVER PENALTIES.—If any museum fails to pay an assessment of a civil penalty pursuant to a final order of the Secretary that has been issued under subsection (a) and not appealed or after a final judgment has been rendered on appeal of such order, the Attorney General may institute a civil action in an appropriate district court of the United States to collect the penalty. In such action, the validity and amount of such penalty shall not be subject to review.

(d) SUBPOENAS.—In hearings held pursuant to subsection (a), subpoenas may be issued for the attendance and testimony of witnesses and the production of relevant papers, books, and documents. Witnesses so summoned shall be paid the same fees and mileage that are paid to witnesses in the courts of the United States.

#### SEC. 10. GRANTS.

(a) INDIAN TRIBES AND NATIVE HAWAIIAN ORGANIZATIONS.—The Secretary is authorized to make grants to Indian tribes and Native Hawaiian organizations for the purpose of assisting such tribes and organizations in the repatriation of Native American cultural items.

(b) MUSEUMS.—The Secretary is authorized to make grants to museums for the purpose of assisting the museums in conducting the inventories and identification required under sections 5 and 6.

#### SEC. 11. SAVINGS PROVISIONS.

Nothing in this Act shall be construed to—

(1) limit the authority of any Federal agency or museum to—

(A) return or repatriate Native American cultural items to Indian tribes, Native Hawaiian organizations, or individuals, and

- (B) enter into any other agreement with the consent of the culturally affiliated tribe or organization as to the disposition of, or control over, items covered by this Act;
- (2) delay actions on repatriation requests that are pending on the date of enactment of this Act;
- (3) deny or otherwise affect access to any court;
- (4) limit any procedural or substantive right which may otherwise be secured to individuals or Indian tribes or Native Hawaiian organizations; or
- (5) limit the application of any State or Federal law pertaining to theft or stolen property.

**SEC. 12. SPECIAL RELATIONSHIP BETWEEN FEDERAL GOVERNMENT AND INDIAN TRIBES.**

This Act reflects the unique relationship between the Federal Government and Indian tribes and Native Hawaiian organizations and should not be construed to establish a precedent with respect to any other individual, organization or foreign government.

**SEC. 13. REGULATIONS.**

The Secretary shall promulgate regulations to carry out this Act within 12 months of enactment.

**SEC. 14. AUTHORIZATION OF APPROPRIATIONS.**

There is authorized to be appropriated such sums as may be necessary to carry out this Act.

**SEC. 15. ENFORCEMENT.**

The United States district courts shall have jurisdiction over any action brought by any person alleging a violation of this Act and shall have the authority to issue such orders as may be necessary to enforce the provisions of this Act.

*Speaker of the House of Representatives.*

*Vice President of the United States and  
President of the Senate.*



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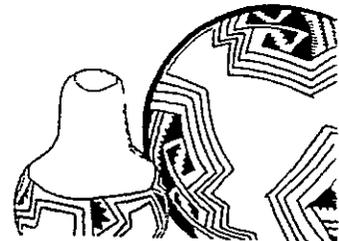
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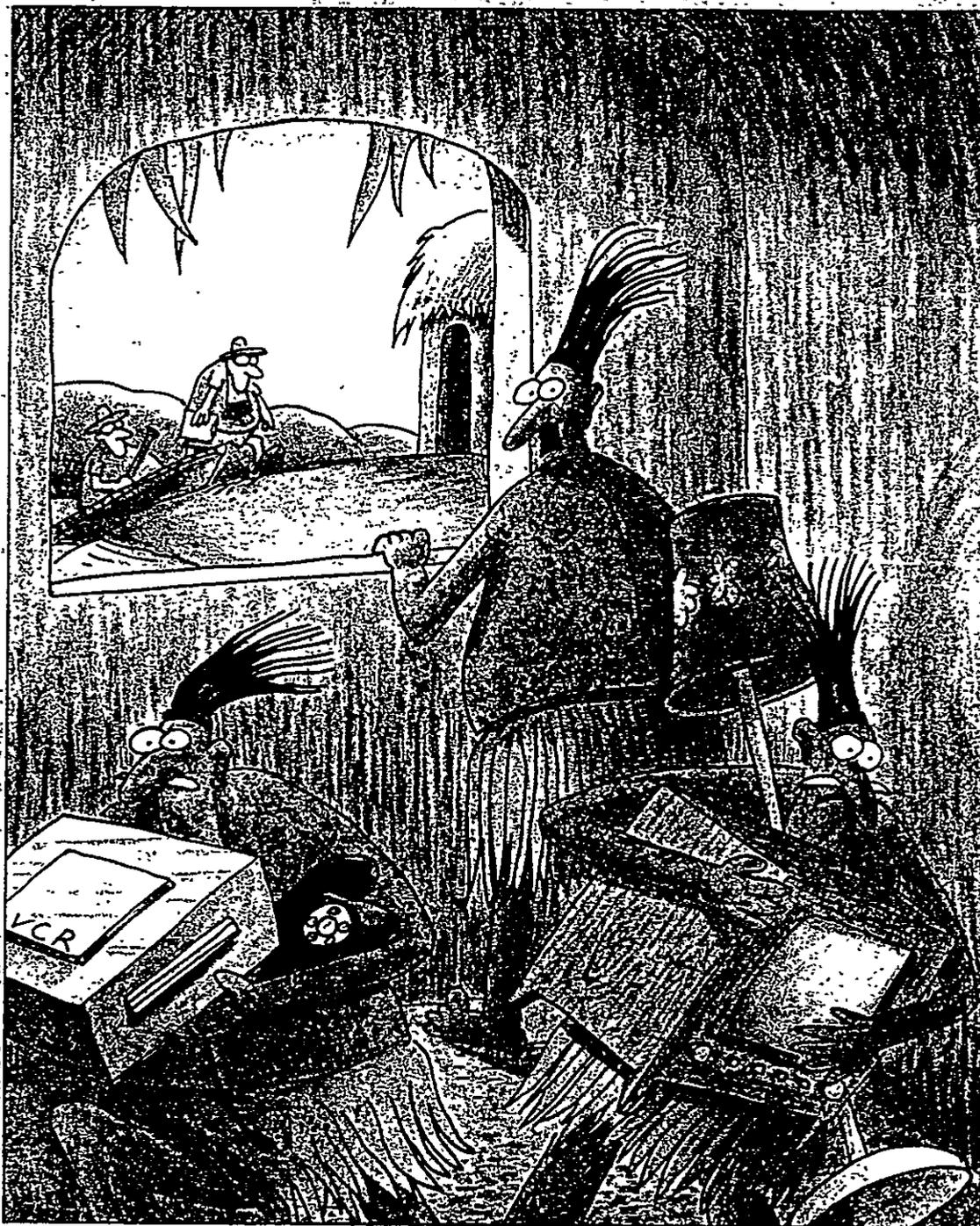
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"Anthropologists! Anthropologists!"

# PROFESSIONAL ARCHAEOLOGISTS OF NEW YORK CITY

Barbara F. Davis  
PANYC Secretary  
138A Dean Street  
Brooklyn, New York 11217

January 2, 1991

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Dear PANYC Member:

Please write in the spaces below the names of those you would like to nominate for any or all of the positions listed.

Nominations must be postmarked by February 1, 1991 to be included on the ballot. This form should be returned to the Secretary at the above address. Election procedures can be found in Article X of the by-laws.

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# PROFESSIONAL ARCHAEOLOGISTS OF NEW YORK CITY

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- b. Applicants must have had at least six weeks of professionally supervised archaeological field training and at least four weeks of supervised laboratory analysis and/or curation experience. Requirements for both field and laboratory analysis will be considered to have been met by attendance at an archaeological field school which meets the guidelines set forth by the Society for Professional Archaeologists.
- c. Applicants must demonstrate professional experience in one or more areas of archaeological activity, such as: field research and excavation, research on archaeological collections, archival research, administration of units within public or private agencies oriented toward archaeological research, conduct of cultural resource management studies for public agencies, or teaching with an emphasis on archaeological topics. Applicants meeting the education and training criteria and having other professional interests related to archaeology will be considered on a case by case basis.
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