

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



NEWSLETTER NO. 41  
 NOVEMBER, 1988

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Material for the PANYC Newsletter may be sent to Celia Orgel, editor, 360 Cabrini Blvd., #3-G, New York, N.Y. 10040. To ensure inclusion in the next issue, please submit material at least one week prior to the next scheduled meeting.

MEETING NOTICE: NEXT PANYC GENERAL MEMBERSHIP MEETING DATE  
WEDNESDAY, NOVEMBER 30, 1988

HUNTER COLLEGE (69th and Park Ave.) Room 710 7:00 PM

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Minutes of the PANYC General Membership Meeting  
Hunter College, Room 710, September 28, 1988  
Rubinson called the meeting to order at 7:15

SECRETARY'S REPORT: The minutes of the May 18th meeting were accepted.

TREASURER'S REPORT: The balance in the PANYC bank account is \$1112.02. There are 35 paid-up members and 4 or 5 Newsletter subscribers. Due to Winter's intensive efforts to show that PANYC is not a taxable group, New York State has amended its decision to levy a \$1000.00 tax charge for 1986, 87, 88. A commendation was directed to Winter.

PRESIDENT'S REPORT: Rubinson regretted that her letter to the membership was not included with the meeting notice/minutes mailing due to a U.S. Postal Service snafu. Copies were passed out and a discussion of the topics followed. Rubinson needs up-to-date committee lists. The meeting was at Hunter College because CUNY was unavailable. Those present had no opinion on change of locale. Because of widely publicized financial problems, Rubinson wrote to the New York Historical Society on behalf of PANYC. She received reassuring letters from both the Chairman and the head of the library that the research facility would remain intact. Rubinson had noticed a paucity of lectures, meetings, etc. on archaeology in the NYC area. Wall reported that the South Street Seaport will have a series of public lectures in the spring. Geismar and Janowitz will speak at the Wedgewood Society, and Terry Klein will address the Metropolitan Chapter of the NYSAA in November. Concerning proposed amendments to the LPC law, Rubinson wrote on behalf of PANYC to the hearing officials that a ten-year moratorium on site land-marking was too long. Rubinson completed and submitted a form to list PANYC in the 1988 AMERICAN ARCHAEOLOGIST.

Bill Engelbrecht is compiling a directory of archaeological collections in New York State. He contacted PANYC for assistance and Rubinson will distribute forms to those whose collections are not yet listed, and he may contact PANYC.

Rubinson received a bill from the Museum of the City of New York for costs incurred for the symposium held last spring. She wrote a letter of protest stating the no-fee precedent of previous years, and the after-the-fact change in policy. However, the Museum was adamant and there was no choice but to pay. A spirited discussion followed about what the costs were for - especially in regard to certain tablecloths.

COMMITTEE REPORTS:

Action: Rubinson for Silver. 1) It was pleasant to note that the Christies' auction of the Atocha Treasure was not very successful. Silver wrote to Anthony Phillips at Christies commending the catalogue, but emphasizing that it was a bad event altogether. 2) Ed Platt - It is difficult to track his actions, but he is clearly an irresponsible archaeologist. However, he is currently

working on private property so we can do nothing except inform the Community Board that he no longer has credentials from the State Board of Ed as an educational institution. The suggestion was made that a request for the reason for his de-certification be made under the Freedom of Information Act, which Rubinson will do.

Awards: No report. (Naar and Winter are the known members.)

City Agency Policy: No report, no chairperson. (Members are Vetter, Salwen, Kearns. Others?)

Curation: No report. (Donadeo and Baugher)

Legislation: Salwen and Nurkin are members. 1) Orgel brought up the public meeting on the Abandoned Shipwreck Act which will be held at the Meadowlands on Saturday, Oct. 15 which is the same weekend as the CNEHA conference. Apparently no one is quite sure whether it will be state or federal officials who will draft the regulations which will be of vital importance to archaeologists. Nurkin will chair an ad hoc committee, including Orgel, to draft comments which are due by Oct. 31. Orgel will attend and could represent and speak for PANyc. 2) Bridges reported a memo sent to NYAC members by Bill Engelbrecht, N.Y. representative on the S.A.A. Comm. of Public Archaeology, about the proposed Melcher Legislation on Native American reburial policy. He included a letter drafted by the S.A.A. in opposition to the bill because it thinks that these matters should be dealt with on a case-by-case basis rather than determined by an overriding policy. This sample letter, which would be sent to state senators, was discussed and concern voiced. A decision was made to draft a letter from PANyc, which would also address the matter of a disputes commission, to be sent to the senators. Cantwell is chairperson of the Native American Affairs Committee under whose aegis this should be.

Membership Committee: One application was submitted during the meeting. Stuart Fiedel was nominated and accepted to membership.

Museum: Geismar reported that the Museum of the City of New York was pleased with the PANyc program. Should another program be offered them, or should other possibilities be explored? There was agreement on the latter.

Newsletter: Orgel, who edits and duplicates the Newsletter, reported that she no longer has access to unlimited free copying. The cost ranges from \$350 to \$500 for 6 issues of 15 pages each per year, and doesn't include mailing. The bank account could barely cover just that without a dues increase. There was agreement that correspondence was more important than articles and should be part of the Newsletter. Rothschild volunteered some copying, and Donadeo promised to complete whatever was needed for the next newsletter. Orgel planned to do a numbers write-up and will come back with figures about mailing costs.

Public Program: Henn asked for suggestions of other locations because of the fees involved at the Museum of the City of New York. Disgruntled feelings were expressed, but the reality is that we must get on their calendar. Henn will investigate exactly how much it will cost, and if it is \$150 or more, will examine other options.

Research and Planning: No Report.

Standards: No Report.

Parks Committee: Joel Klein reported that the committee had agreed on the advisability of a White Paper (see New Business below) and then dissolved itself.

OLD BUSINESS: None

NEW BUSINESS: Bridges reported on a mailing to NYAC members from the SHPO's Bureau of Field Services concerning a taskforce which will be assembled to evaluate its CRM models. Dean Snow (Anthro Dept., SUNY) will head the task force, and we would request that a member of PANYC be part of the group. In addition, NYAC has set up a study group to assess the state of archaeology in New York State, and its report will go to Snow. These matters were referred to the Research and Planning Committee.

Bridges also brought up an item which appeared in the PRESERVATION LEAGUE OF NEW YORK CITY NEWS regarding the Historic City Commission formed by the NYC Landmarks Preservation Commission. It will be a study group to assist the Commission in preparing for the future and to consider the role of LPC in the next century. PANYC would like some input.

Rubinson would like to revive the Parks Committee and direct it to compile a White Paper documenting the history of the on-going problem with the NYC Parks Commission and archaeological resources on its property. It would serve as a sort of data base for PANYC about the issue and would be an internal document. What might eventually be done with it is not yet a topic. Geismar has done some groundwork and will serve on the committee. Anyone wishing to be on the committee or having information about Parks' activities should contact Geismar.

Amorosi welcomed the group on behalf of Hunter College and volunteered the room for future meetings. PANYC gratefully accepted.

Respectfully submitted, Betsy Kearns, PANYC secretary.

# PROFESSIONAL ARCHAEOLOGISTS OF NEW YORK CITY

August 10, 1988

Albert L. Key, President  
New-York Historical Society  
170 Central Park West  
New York, N.Y. 10024

Dear Mr. Key:

The Professional Archaeologists of New York City have read with dismay about the problems of the New-York Historical Society. The library of the Society is one of the most valuable resources our membership has for doing the research required in conjunction with archaeological work in New York City.

The collections of the Society are unique in many ways, including not only personal papers but also the only copies in New York City of certain maps, directories, etc. which archaeologists need to understand site histories and the nature of excavated materials. We trust that this important resource will be maintained during this difficult time for the Society and that every effort will be made to provide on-going scholarly access to the library materials.

In addition, as professionals aware of curation problems, archival requirements and other kinds of collections management, we are concerned that the fragile and valuable library collections not be ignored or abandoned despite cutbacks at the Society. The present library staff, familiar with the collections, not only provides invaluable research guidance, but also are best qualified to continue maintenance of the collections and keep them current.

The New-York Historical Society must not sacrifice its library collections or library staff or continuing access to the scholarly community during this difficult time. The Professional Archaeologists of New York City consider library the New-York Historical Society's most valuable asset, necessary for our membership to help preserve and understand New York City's precious archaeological heritage.

Sincerely yours,

Karen S. Rubinson, Ph.D., SCPA  
President

cc: Hon. Robert Abrams

Rubinson  
c/o Key Perspectives  
250 West 100th Street  
Ballroom Suite  
New York, N.Y. 10025



## The New-York Historical Society

170 Central Park West · New York NY 10024-5194 · (212) 873-3400

James B Bell, Director

August 24, 1988

Dr. Karen S. Rubinson  
President  
Professional Archaeologists of  
New York City  
c/o Key Perspectives  
Ballroom Suite  
250 West 100th Street  
New York, New York 10025

Dear Dr. Rubinson:

Albert Key has shared with me your letter regarding our Library and I am grateful to you for the splendid things you say about our collections and our staff. We in the Society are feeling much more confident about the continued availability of our staff and resources to such devoted researchers as you and your colleagues, and we look forward to seeing you here again soon. Please plan to drop in to my office on an early visit when I might thank you for your eloquent concern and reassure you about our continued public accessibility.

Sincerely,

*James E. Mooney*  
James E. Mooney  
Librarian

JEM:mln

cc: Albert L. Key



## The New-York Historical Society

170 Central Park West · New York NY 10024-5194 · (212) 873-3400

Albert L. Key  
President, Board of Trustees

August 22, 1988

Karen S. Rubinson, Ph.D., SOPA  
President  
Professional Archaeologists of New York City  
c/o Key Perspectives  
250 West 100th Street  
Ballroom Suite  
New York, NY 10025

Dear Dr. Rubinson:

Thank you for your concerned letter of August 10th regarding the library of the New-York Historical Society.

Please be assured, press reports notwithstanding, that keeping our library open and running efficiently is a top priority here at the Society. We realize the importance of the library as a resource to scholars and historians and are making every effort to both keep it open and to maintain and improve our collections.

Thank you for your thoughtful and concerned letter. The library has been and will remain our most important and usable resource, and it is our top priority to see that it remains so.

Sincerely,

*Albert L. Key*  
Albert L. Key  
President

ALK/slj

## PROFESSIONAL ARCHAEOLOGISTS OF NEW YORK CITY

June 29, 1988

New York City Landmarks Preservation Commission  
226 Broadway  
New York, N.Y. 10007

To whom this may concern:

The Professional Archaeologists of New York City wish to make the following comments on the proposed initiatives concerning the Landmarks Commission announced in the Mayoral press release on May 11, 1988.

We do not think any changes should be made in the existing Landmarks law. The principal concern we have with the proposed initiatives is the fact that "study areas" are not defined. If the sizes of study areas are not defined as sharply limited to finite, manageable areas, then no increase in staffing of the Landmarks Commission can possibly do an adequate review of an area in the limited time defined in the proposal.

In addition, a ten-year moratorium on review of buildings is excessive. Recognition of the importance of structures is a cumulative, educative process, and during a ten-year period, much may be learned which should be applied to the landmarking process.

The members of the Professional Archaeologists of New York City do not support the proposed initiatives as stated in Landmark News of June 13, 1988.

Sincerely yours,

Karen S. Rubinson  
President  
for the membership of PANYC

PANYC  
c/o Rubinson  
Key Perspectives  
250 West 100th Street  
New York, N.Y. 10025

Ballroom suite

## PROFESSIONAL ARCHAEOLOGISTS OF NEW YORK CITY

October 5, 1988

New York - The Historic City Committee  
c/o Conklin Rossant  
251 Park Avenue  
16th Floor  
New York, N.Y. 10010

Dear Historic City Committee:

The Professional Archaeologists of New York City understand that your committee is a study group to assist the New York City Landmarks Preservation Commission in preparing for the future.

Since PANYC is committed to the preservation of archaeological resources in New York City, which, where addressed, falls within LPC review, we are interested in participating on your committee.

Please let us know how we may help in this important work.

Sincerely yours,

Karen S. Rubinson, Ph.D., SOPA  
President, PANYC

# State University College at Buffalo

1300 Elmwood Avenue  
Buffalo, New York 14222

Sept. 27, 1988

Karen Rubinson  
Key Perspectives  
Ballroom Suite  
250 W. 100 St.  
New York, N.Y. 10025

Dear Karen,

Thanks for your offer of help for NYAC's Collections Inventory Project. On a separate sheet I have listed the institutions in the N.Y. City area for which I have information. They are listed by county, which may not make much sense for the New York area, but is helpful for the rest of the state. We do not have any listings from New Jersey, and I suspect that there may be some collections from New York over there.

Sincerely yours,

*Bill*  
Bill Engelbrecht  
Professor/Anthro.

P.S.

Have enclosed examples of what we sent out to institutions. I can supply you with more if any PANYC members want to get involved.



The Bronx Co. Hist. Soc.

KINGS

The Brooklyn Museum  
The Long Island Historical Society

NASSAU

Baldwin Historical Society and Museum  
Science Museum of Long Island

NEW YORK

Columbia  
Metropolitan Historic Structures Association  
Museum of the American Indian  
Museum of the City of New York  
The New-York Historical Society  
New York University

QUEENS

Queens College, CUNY

RICHMOND

Staten Island Institute of Arts and Sciences

ROCKLAND

Bear Mountain Trailside Museum

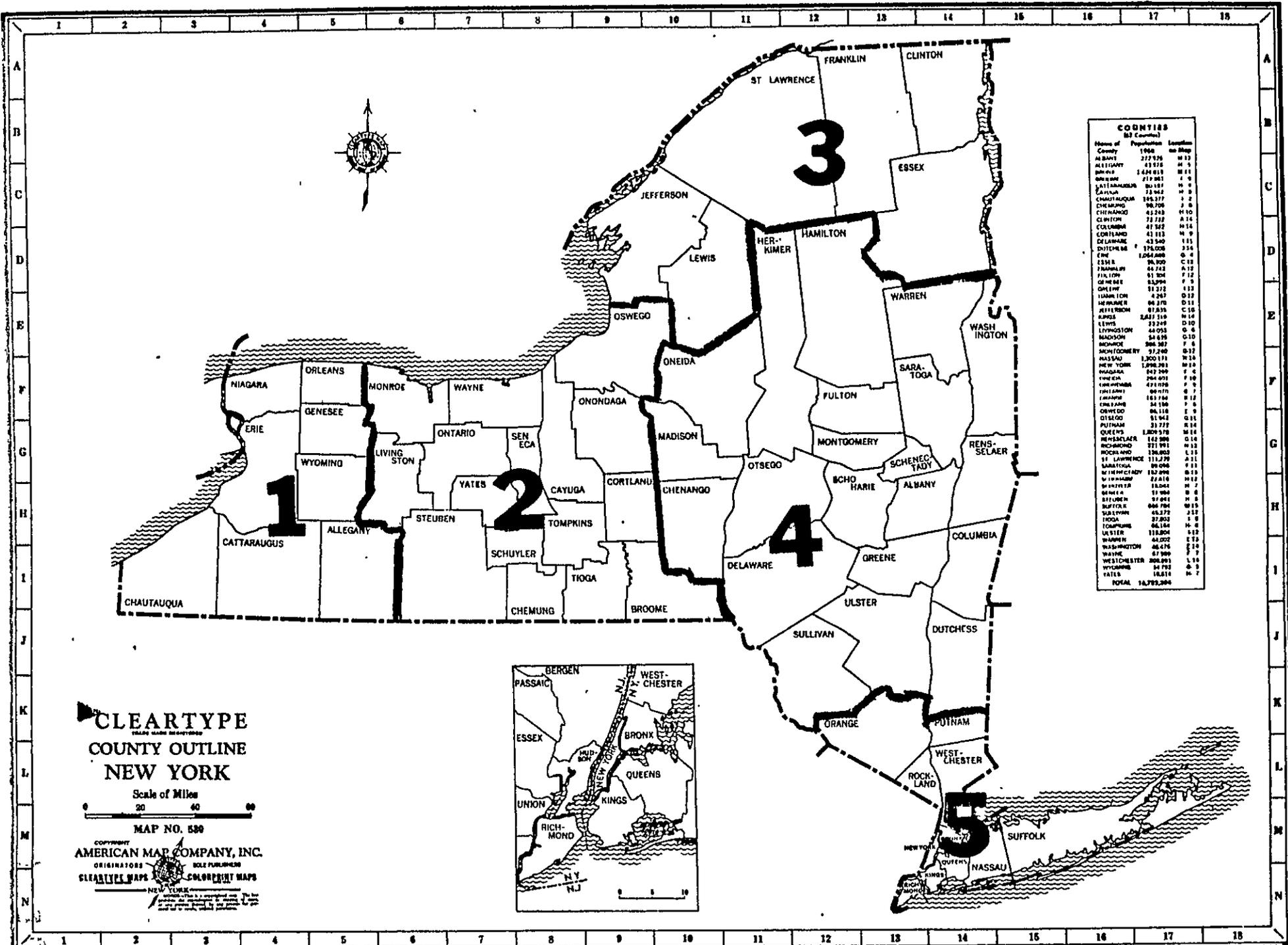
# New York Archaeological Council

The New York Archaeological Council is compiling an inventory of archaeological and ethnographic collections from New York State. It is our intention to publish this information for use by students, researchers, and others interested in such collections.

The cultural and regional divisions are broad and general. By Prehistoric Indian we mean excavated objects from Native American populations prior to European contact. Such collections might include projectile points and knives (arrowheads), ground stone implements (axes, adzes), and Indian pottery. Historic Indian refers to excavated objects from New York Indian sites dating from the sixteenth century or later. These collections may contain items such as metal axes and glass trade beads as well as items of native manufacture. Ethnographic material includes objects collected from living Indian populations and generally refers to baskets, clothing, beadwork, and the like. Colonial American refers to items excavated from 17th and 18th century sites, and includes anything of American, European, or Oriental manufacture. The final category refers to archaeological material from 19th and 20th century sites. In the space provided we would appreciate a summary of the nature and extent of your collections from New York.

Your assistance in filling out and returning the enclosed questionnaire will be a great service to researchers. Thank you for your cooperation.





**COUNTIES**  
67 Counties

Name of County	Population 1964	Location on Map
ALBANY	277,976	M 13
ALLEGANY	43,878	M 9
BRONX	1,424,619	M 11
CATTARAUGUS	219,081	F 9
CHAMPLAIN	80,161	M 8
CHEMUNG	73,942	M 8
CHENANGO	198,377	F 2
COLUMBIA	98,708	F 8
CORTLAND	42,243	F 10
CLINTON	72,737	A 16
COLUMBIA	41,522	M 14
CORTLAND	41,113	M 9
DELAWARE	43,540	L 15
DUTCHESS	878,028	L 14
ESSEX	1,054,000	G 4
FULTON	94,320	C 13
FRANKLIN	44,743	A 17
GREENE	61,704	F 12
HERKIMER	83,994	F 9
HAMILTON	11,212	L 13
JEFFERSON	4,247	D 12
LEWIS	60,370	D 11
LIVINGSTON	81,838	C 16
MADISON	248,719	M 14
MONTEGOMERY	29,249	D 10
LYNCHBURG	44,053	G 6
MADISON	54,658	G 10
MONTGOMERY	386,387	F 8
ONEIDA	91,260	G 12
OSWEGO	1,300,171	M 14
OTSEGO	1,090,263	M 14
SARATOGA	842,789	F 6
SCHENECTADY	294,671	F 10
SCHOHARIE	42,038	F 9
SARATOGA	60,170	G 7
SARATOGA	183,744	F 12
SCHOHARIE	54,180	F 9
OSWEGO	64,116	F 9
OTSEGO	51,942	G 11
PUTNAM	11,717	F 11
QUEEN'S	1,820,578	M 14
RENSSELAER	142,896	G 14
RICHMOND	221,913	M 13
ROCKLAND	136,803	L 15
ST. LAWRENCE	112,779	A 11
SARATOGA	98,006	F 11
SCHENECTADY	152,296	M 13
SCHOHARIE	22,610	M 13
SARATOGA	13,044	M 7
SARATOGA	11,960	M 8
SCHOHARIE	87,661	M 8
SUFFOLK	646,784	M 15
SARATOGA	63,372	L 17
TIOGA	37,003	L 8
TOMPKINS	66,184	M 8
ULSTER	118,804	L 12
WARREN	43,022	F 13
WASHINGTON	46,476	F 14
WAYNE	87,989	L 17
WESTCHESTER	208,891	L 14
WYCLIFFE	14,792	G 3
YATES	18,614	M 7
<b>TOTAL</b>	<b>16,795,200</b>	

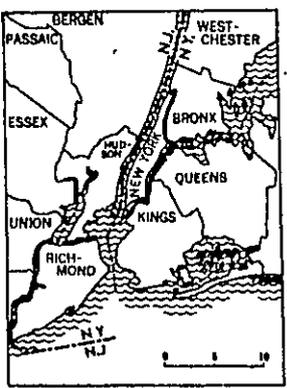
**CLEARTYPE**  
TRADE MARK REGISTRATION  
**COUNTY OUTLINE**  
**NEW YORK**

Scale of Miles  
0 20 40 80

MAP NO. 530

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NEW YORK



NEW YORK 501

TO: Selected New York State Archaeologists  
FROM: Bill Engelbrecht, <sup>BE</sup> N.Y. COPA Rep. (Committee on Public Arch.)  
S.A.A.  
SUBJECT: COPA Alert Regarding Melcher Legislation  
DATE: 9/1/88

Enclosed is a sample letter which I encourage you to modify and send to our senators.

Alfonse D'Amato  
520 Hart Senate Office Bldg  
Washington, DC 20510

Daniel Moynihan  
464 Russell Senate Office Bldg  
Washington, D.C. 20510

If you work at an institution or agency with other archaeologists, please duplicate and distribute this information, since I am only sending this to one archaeologist per institution.

Legislation: S. 187, as amended, would create a new federal bureaucracy to resolve disputes between Native Americans and museums concerning collections of human remains, grave goods and/or ceremonial objects.

SAA position: The Society for American Archaeology believes that disputes about the treatment of human remains are best resolved at the local level, on a case-by-case basis. Such a mechanism both insures that the appropriate parties are identified and consulted, and takes into account the diversity of interests and concerns to a degree simply not possible under a national policy. By retaining the right to resolve disputes within local communities, balance can be achieved between legal issues and the legitimate concerns of scientists and the living peoples who have a clear relationship to the remains.

SAA urges the Congress to oppose S. 187 as introduced and the Melcher substitute to S. 187. This legislation will not help solve the problems, but rather will complicate the issue with bureaucratic red tape.

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I have served now for a number of years as N.Y. COPA Rep. and would like to step down. If you are interested in taking over, please contact:

Shirley Powell, Chair COPA  
Dept. of Anthropology  
Northern Arizona University  
Flagstaff, AZ 86011

SAMPLE LETTER

Date

The Honorable (Full name of Senator)  
U.S. Senate  
Washington, DC 20510

Dear Senator (Surname):

I am writing to you to ask you to oppose S. 187, the Native American Cultural Preservation Act and the recently offered substitute, The Native American Museum Claims Commission Act. Both were offered by Senator John Melcher of Montana and are pending before the Senate Select Committee on Indian Affairs.

(Identify who you are, that you are a constituent. Include appropriate affiliations and the fact that you believe the bill could affect your state. Give specific examples if possible.)

S. 187, as amended, would create a new federal bureaucracy to resolve disputes between Native Americans and museums concerning collections of human remains, grave goods and/or ceremonial objects. A board of three commissioners would make decisions about the rights of museums to curate materials obtained from lands on which Native Americans or their ancestors have interred such remains.

Such disputes are normally dealt with on a case-by-case basis between the institution, the Native American group and the State Historic Preservation Officer or State Archaeologist. This system has worked in the past and most claims have been successfully resolved. Federal legislation is not necessary. A local level solution to such problems insures that the appropriate parties are identified and consulted and takes into account all the concerns to a degree not possible under national regulation. By retaining the right to resolve disputes within local communities, balance can be achieved between the legal issues and the legitimate concerns of scientists and living peoples who have a clear relationship to the remains.

The legislation assumes an adversarial relationship between Native Americans and museum curators and archaeologists. For years, archaeologists have worked closely with native groups who have made claims to collections. In addition, archaeologists have contributed major scientific findings through the study of human remains and associated grave goods and ceremonial objects. New and valuable information on health, diet, disease and other questions have resulted from scientific study of human remains.

I would appreciate knowing your position on this legislation. I will contact your office (indicate either the district office or the DC office) in the next week. Thank you for your attention to this important issue. Please do not hesitate to contact me if you have any questions.

Sincerely,

Name  
Title and Organization (if appropriate)  
Address and phone (if not on letterhead)

Fact sheet enclosed



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 100<sup>th</sup> CONGRESS, SECOND SESSION

Vol. 134

WASHINGTON, WEDNESDAY, MAY 25, 1988

No. 75

## NATIVE AMERICAN MUSEUM CLAIMS COMMISSION ACT

### MELCHER AMENDMENT NO. 2124

(Ordered referred to the Select Committee on Indian Affairs.)

Mr. MELCHER submitted an amendment intended to be proposed by him to the bill (S. 187) to provide for the protection of Native American rights for the remains of their dead and sacred artifacts, and for the creation of Native American cultural museums; as follows:

Strike out all after the enacting clause and insert the following:

This Act may be cited as the "Native American Museum Claims Commission Act."

#### PURPOSES

Sec. 2. Congress finds that—

(a) numerous museums, universities, and government agencies have acquired collections of Native American items including human skeletal remains, ceremonial artifacts and grave goods;

(b) Native American collections have been acquired through archaeological excavation, contributions from the U.S. military which had collected human remains and the spoils of war, and through donations or purchase of items from private individuals;

(c) Public Law 96-341 (42 U.S.C. 1996), the "American Indian Religious Freedom Act", established that it is the policy of the United States to protect Native American religious practices and beliefs;

(d) American public law has historically respected the sanctity of burial grounds and protected such grounds from desecration and degradation;

(e) the ability to practice Native American religious ceremonies and activities is often linked to certain ceremonial objects which are necessary for the proper observance of Native American religion;

(f) the freedom to practice religion is a right constitutionally guaranteed to all Americans; and

(g) there is no Federal law to facilitate the resolution of disputes which arise when Native Americans claim skeletal remain(s), ceremonial artifact(s) or grave good(s) held by a museum or other institution.

#### DEFINITIONS

Sec. 3. For purposes of this Act:

(a) The term "repatriation" means the formal and official process of returning ceremonial artifact(s), human skeletal remain(s), or grave good(s) to the Indian tribe(s) or Native Hawaiian group from which it originated.

(b) The term "Native American" means any individual who is—

(1) an Indian, or

(2) a Native Hawaiian, or

(3) an Alaskan Native, Aleut, or Eskimo.

(c) The term "Indian" means any individual who is an enrolled member of an Indian Tribe.

(d) The term "Native Hawaiian" means any individual who is—

(1) a citizen,

(2) a resident of the State of Hawaii, and

(3) a descendant of the aboriginal people, who prior to 1778, occupied and exercised sovereignty in the area that now comprises the State of Hawaii, as evidenced by—

(A) genealogical records,

(B) Kupuna (elders) or Kama'aina (long-term community residents) verification, or

(C) birth records of the State of Hawaii.

(e) The term "Indian Tribe" means any tribe, band, nation or other organized group or community of Indians including any Alaska Native village (as defined in, or pursuant to, the Alaska Native Claims Settlement Act), which is recognized by the Federal Government or a State as eligible for special programs and services provided to Indians because of their status as Indians.

(f) The term "museum" means any museum, university, government agency, or other institution which possesses or has control over, any—

(1) Native American skeletal remains, or

(2) Native American ceremonial artifacts,

or

(3) Native American grave goods.

(g) The term "ceremonial artifact" means any item which is or has been devoted to a Native American religious ceremony by an Indian tribe, Native Hawaiian group, or an individual member of such tribe or group and which is necessary for the on-going observance of religious ceremony or ritual by the tribe, group, or its members.

(h) The term "grave good(s)" means any object which was found in the grave of a Native American, or otherwise directly associated with the skeletal remains of a Native American.

(i) The term "Commission" means the Native American Museum Claims Commission established in this Act.

#### THE NATIVE AMERICAN CLAIMS COMMISSION

Sec. 4(a). There is hereby established as an independent agency the Native American Museum Claims Commission (herein after referred to as the "Commission"). The principal office of the Commission shall be in the District of Columbia.

(b) The Commission shall consist of three (3) voting members appointed by the President with the advice and consent of the Senate.

(c) At least one of the Commission members shall be a native American.

(d) Each individual member of the Commission shall be significantly interested and experienced in matters which the Commission shall consider.

(e) No more than two members shall be of the same political party.

(f) Members shall be appointed a term of four years, except that of the members first appointed, one shall serve for a term of two years; one shall serve for a term of three years; and one shall serve for a term of four years.

(g) Vacancies occurring on the Commission shall be filled in the same manner as the original appointment. A member may serve after the expiration of this term until his successor has been appointed.

(h) Members may be removed for just cause provided that the Commission holds a hearing on the charges and a majority of the members of the Commission vote to remove a member.

(i) The presence of two members of the Commission shall constitute a quorum for the purpose of conducting the business of the Commission.

(j) The Commission shall select, by majority vote, one of its members to serve as Chairman and one of its members to serve as Vice-Chairman who shall serve as Chairman during meetings of the Commission in the absence of the Chairman.

(k) The Commission shall meet at the call of the Chairman or a majority of its members, but shall meet at least once every four months.

(l) Each member of the Commission who is not otherwise employed by the Federal Government shall receive compensation at a rate equal to the daily equivalent to that of level V of the Executive Schedule (5 U.S.C. 5316) for each day such member is engaged in the actual performance of duties as a member of the Commission. A member of the Commission who is otherwise an officer or employee of the Federal Government shall serve without additional compensation; but all members of the Commission shall be reimbursed for travel, subsistence, and other necessary expenses incurred in the performance of their duties as members of the Commission.

Sec. 5. (a)(1) The Chairman, with the approval of the Commission shall appoint an Executive Director and General Counsel to the staff of the Commission. The Executive Director and General Counsel shall be paid at the annual rate of basic pay payable for GS-18 of the General Schedule (5 U.S.C. 5332).

(2) The Executive Director shall appoint other staff of the Commission pursuant to the provisions of title 5, United States Code, governing appointments in the competitive service, but such permanent appointments shall be subject to sections 12 and 19 of the Act of June 18, 1934, (25 U.S.C. 472, 479). The Executive Director shall be responsible for the day-to-day administration of the Commission activities, supervision of staff, financial management of the Commission, and such other duties as the Chairman of the Commission may direct.

(3) The Chairman, with the consent of the Commission, may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, but at the rates for individuals not to exceed the daily equivalent of the maximum annual rate of basic pay payable for GS-18 of the General Schedule under Section 5316 of such title.

(b)(1) Upon the request of the Chairman, the head of any Federal agency is authorized to detail any of the personnel of such agency to the Commission to assist the Commission in carrying out its duties under this Act, unless otherwise prohibited by law.

#### RESOLUTION OF CLAIMS

(2) The Commission may secure directly from any department or agency of the United States information necessary to enable it to carry out this Act. Upon the request of the Chairman, the head of such department or agency shall furnish such information to the Commission, unless otherwise prohibited by law.

(a) The Commission is authorized to—

(1) use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States;

(2) procure supplies, services, and property by contract in accordance with applicable Federal laws and regulations;

(3) to the extent feasible, enter into contracts for activities necessary to the discharge of the duties of the Commission;

(4) hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission deems appropriate;

(5) administer oaths or affirmations to witnesses appearing before the Commission;

(6) promulgate such guidelines and regulations as it deems appropriate to implement the provisions of this Act;

(7) enter into agreements with the General Services Administration and any other agency of the Federal Government for the procurement of necessary financial and administrative services, for which payment shall be made by reimbursement from funds appropriated for the Commission.

Sec. 6. The General Counsel of the Commission is authorized, subject to the direction of the Commission, to—

(a) appoint such other attorneys as may be necessary to assist the General Counsel;

(b) represent the Commission in courts of law whenever appropriate;

(c) oversee any investigations the Commission may direct arising from claims brought before it;

(d) submit to the Commission all pertinent evidence, including the full unedited reports and findings of expert consultants and/or investigators; proposed findings of fact, and proposed recommendations upon which Commission findings and orders may be based; and

(e) perform such other legal duties and functions as the Commission may find necessary to conduct its responsibilities.

Sec. 7. The Commission functions shall be to—

(a) receive, consider and determine the facts relative to claims filed before it, to facilitate negotiated settlements of claims brought before it, and to issue orders of the right to possess items which are the subject of such claims involving Native American skeletal remains(s), ceremonial artifact(s) or grave good(s) filed with the Commission;

(b) in conjunction with the fiscal cycle of the United States, adopt an annual budget for the expenses and operation of the Commission; and

(c) prepare and submit annual reports, together with minority views, if any, to Congress by December 31 of each year concerning the progress of the Commission, funding recommendations, including such sums as may be necessary for negotiated settlement which the Commission has forwarded to the Congress, recommendations for amendment to this Act and any other matters deemed appropriate.

Sec. 8. There are authorized to be appropriated for each fiscal year such sums as are necessary to enable the Commission to carry out its functions for such fiscal year, including such sums as are necessary to implement negotiated settlements arrived at as a result of the Commission's activity

Sec. 9. (a) The governing body of any Indian tribe or the Office of Hawaiian Affairs of the State of Hawaii may file in such form as the Commission shall prescribe, a claim for the repatriation of any one of the following categories of objects held by a museum:

(1) skeletal remains which—

(A) are of a Native American who was a member, or was the ancestor of a member, of the Indian tribe or Native Hawaiian group that is a party to the claim; or

(B) were obtained from lands on which the Indian tribe or Native Hawaiian group, its individual members, or ancestors of such group that is a party to the claim, had interred human remains.

(2) ceremonial artifacts involved in a claim are ceremonial artifact(s) of the Indian tribe or Native Hawaiian group that is a party to a claim, or of any individual member or ancestor of such Indian tribe or Native Hawaiian group

(3) grave good(s) which—

(A) were obtained from the grave(s) of members, or the ancestors of members of the Indian tribe or Native Hawaiian group that is a party to the claim; or

(B) were obtained from lands on which the Indian tribe or Native Hawaiian group, its members or ancestors of such group had interred such grave good(s).

(b) The Commission may hear any and all claims described in this section notwithstanding any Statute of Limitations or laches.

(c) A claim may be filed only after the earlier of—

(1) the date that is six months after the date on which written notice was submitted to the party in possession of the items subject to the claim;

(2) the date on which the party subject to the claim submitted written notice to the claimant expressing a refusal to negotiate, or

(3) the date that is 90 days after the date on which the claimant submitted such notice to the party subject to the claim and such party has not responded in writing to acknowledge the claim.

Sec. 9. Within ten business days after a claim has been filed with the Commission, the Commission shall serve notice of the claim on the party alleged to be in possession of the skeletal remain(s), ceremonial artifact(s) or grave good(s) that are the subject of the claim. The claim shall not be made public by the Commission. After giving notice, the Commission shall encourage and attempt to negotiate a voluntary settlement of the dispute and shall make its good offices available to that end. Nothing said or done during and as a part of such informal endeavors may be made public by the Commission, its officers or employees.

Sec. 10. When a voluntary negotiated settlement of a claim brought before a Commission is achieved and is acceptable to all parties subject to a claim, the Commission shall certify the voluntary settlement in such form as the Commission may prescribe and shall forward a report on the settlement to Congress for such action as is appropriate.

Sec. 11.(a) If the respective parties to a claim fail to arrive at a negotiated settlement of the claim pursuant to the conditions of Sec. 9, within 120 days after the filing of such claim with the Commission, the Commission shall take such action as it deems advisable to resolve such claims.

Sec. 12. For all claims brought before the Commission which are not resolved through a negotiated settlement the Commission shall utilize such Commission staff and/or consultants who are deemed to have the requisite background and experience to render competent findings and recommendations to the Commission on a particular claim or claims.

Sec. 13 (a). The Commission may authorize the Chairman to issue subpoenas requiring the attendance and testimony of witnesses and the production of any evidence that relates to any matter which the Commission is empowered to investigate by this Act. Witnesses so summoned shall be paid the same fees and mileage that are paid witnesses in the courts of the United States.

(b) Such attendance of witnesses and the production of such evidence may be required from any place within the United States at any designated place within the United States.

(c) If a person issued a subpoena by the Commission pursuant to this section, refuses to obey such subpoena or is guilty of contempt, any court of the United States within the judicial district within which the hearing is conducted or within the judicial district within which such person is found or resides or transacts business may, upon application of the Commission, order such person to appear before the Commission to produce evidence or give testimony relating to the matter under investigation. Any failure to obey such order of the court may be punished by such court as a contempt thereof.

(d) The subpoenas of the Commission shall be served in the manner provided for subpoenas issued by a United States district court under the Federal Rules of Civil Procedure for the United States district courts.

(e) All processes of any court to which application may be made under this section may be served in the judicial district in which the person required to be served resides or may be found.

Sec. 14. For each claim that is considered, the Commission shall, on the basis of the evidence disclosed in the claim, or any investigation the Commission may order, issue a preliminary order containing findings of fact and determinations of the right to possess the object(s) that are the subject of the claim. Such findings of fact and determinations of the right to possess items that are the subject of a claim and any repatriation recommended by the Commission shall be based on the evidence disclosed in the investigation.

Sec. 15. If the Commission determines, on the basis of the evidence disclosed in the claim or any investigation the Commission may order, that there is no basis to substantiate the claim of the Indian tribe or Office of Hawaiian Affairs to the object(s) subject to such claim, the Commission shall dismiss such claim.

Sec. 16. If the Commission determines that repatriation of an object(s) is supported by the facts disclosed in the investigation of a claim, its order shall—

(a) to the maximum extent possible, provide for conditions which will protect the object(s) subject to repatriation from future loss or alienation, provided that such conditions are compatible with the religious and cultural values of the Indian tribe or Native Hawaiian group determined to have the right to possess the item; and

(b) to the maximum extent possible, provide for historic preservation efforts, such as photography, replication, scientific analysis or study or other means, to mitigate the loss of the item in question by the museum in possession of the object(s) subject to repatriation, provided that such mitigation

measures are compatible with the religious and cultural values of the Indian tribe or Native Hawaiian group determined to have the right to possess the object(s).

Sec. 17. The Commission shall submit a copy of any preliminary order issued, to each party to the claim, together with notice that the order will become final if within thirty (30) days no party files a written objection to the order with the Commission.

Sec. 18. Upon receiving a written objection citing the basis of the objection to a preliminary order from any party, the Commission, acting through one or more of its members shall, within sixty days, conduct a hearing to provide affected parties the opportunity to show cause why its preliminary order should or should not be made final. The testimony taken during such hearing shall be transcribed and filed with the Commission.

Sec. 19. Within thirty days after completion of a hearing required under section 18, and after evaluating the evidence, the Commission shall issue a final order to resolve the claim in question. The Commission shall provide each party to the claim a written copy of the final order of the Commission of which party to the claim has the right to possess the items in dispute.

Sec. 20. If the Commission determines that any final order to resolve a claim is not being carried out, it shall give written notice of noncompliance to the party alleged not to be complying with the order. The Commission shall have the authority to impose a fine not to exceed \$500 for each day of non-compliance subsequent to such notice for which it finds no just cause.

Sec. 21. Any notice of noncompliance issued by the Commission shall be sent by certified mail and shall be effective on the date on which the aggrieved party receives such notice.

Sec. 22. Decisions made by the Commission pursuant to this Act shall be final agency decisions for purposes of appeal to the Federal District Court pursuant to chapter 7 of title 5, United States Code. The court shall have jurisdiction to grant such temporary relief as it deems just and proper, and to make and enter a decree enforcing, modifying and enforcing as so modified, or setting aside in whole or in part the order of the Commission. The findings of the Commission with respect to questions of fact shall be conclusive if supported by substantial evidence on the record considered as a whole.

Sec. 23. Any party aggrieved by an order assessing a civil penalty under section 211, may file a petition for judicial review of such order with the United States District Court for the District of Columbia or for any other district in which such party resides or transacts business. Such a petition may only be filed within the 30-day period beginning on the date the order making such fine was received by the aggrieved party. The court shall hear such action on the record made before the Commission and shall sustain the Commission's action if it is supported by substantial evidence on the record considered as a whole.

Sec. 24. If any party fails to pay a fine—  
(a) after the order imposing such fine has become a final order and such party has not filed a petition for judicial review of the order in accordance with Sec. 23,  
(b) after a court has entered a final judgment upholding the imposition of the fine pursuant to Sec. 23,

the Commission may request the Attorney General to institute a civil action in a district court of the United States for any district in which such party is found, resides, or transacts business to collect the penalty and such court shall have jurisdiction to hear and decide any such action. In such action, the validity and amount of such fine shall not be subject to review.



South Street Seaport Museum

### Digging the Waterfront

Visitors' Center

207 Water Street

January through March

Our collections flourish! See a preview of the urban archaeological collections donated to the Museum by the Howard Ronson Organization.

### Lights, Ships, Bells, and Buoys:

Marking the Way

Through New York Harbor

Museum Gallery

213 Water Street

Through January 3

Discover how to read the harbor—its lights, markers, and buoys—as a pilot does in this exhibition on aids to navigation.

### Beneath the City Streets:

Archaeology on

Wall Street

Museum Gallery

213 Water Street

February 1 through July

Featuring artifacts from the Museum's recently acquired archaeological collections, this exhibit will demonstrate how clues to the Seaport's past are discovered under the streets of one of the most heavily urbanized areas in the world. Supported by Shearson Lehman Hutton, Inc.

Mr. MELCHER. Mr. President, I am submitting an amendment in the nature of a substitute for S. 187, which I introduced last year to rectify a national disgrace.

The purpose of this amendment is to create a system to resolve disputes which occur when native Americans claim skeletal remains, grave goods, and ceremonial artifacts which have been made part of museum collections without the consent of the native American tribe including native Hawaiians.

All Americans should be outraged that museums have been systematically collecting the bones of their ancestors and certain ceremonial artifacts as scientific curia. I believe Congress must take action to demonstrate basic human respect to native Americans who want to retrieve the remains and grave goods of their ancestors from museum collections for a respectful reburial. The same goes for ceremonial artifacts which are needed by the tribe for religious ceremonies and rituals.

Last year, I was shocked to learn that the Smithsonian Institution has collected approximately 18,000 native American skeletal remains—many of which are identified by name and tribal affiliation. This enormous collection was obtained from several sources: From systematic archeological excavation of native American burial grounds and grave sites; from the Army, which systematically collected Indian bodies—particularly the heads of famous chiefs—for medical experiments and research; and from private donations. Although the Smithsonian collection has been the focus of attention, it is estimated that as many as 200,000 native American remains are housed in other museums and institutions across the country.

Institutions collect human remains for scientific research. Museums attempt to justify the massive collections on the basis that new techniques in forensic research may lead to helpful discoveries from the study of native American remains. While there is scientific value in studying human remains which are thousands of years old, I question the necessity of hoarding remains once scientific study is finished. I do not believe that native American tribes would object to some study of native Americans human remains if there is some value which could benefit mankind. They do, however, object strenuously to the continued hoarding of human remains. Many of the remains in the Smithsonian collection, for example, have never been studied and are of limited, if any, scientific value. Yet, the institution continues to resist efforts of native Americans to claim the remains for reburial.

Morally, I believe it is highly objectionable to collect and hoard human remains despite the wishes of the living descendants request that the remains be reburied.

The native Americans are appalled that the remains of their ancestors and tribesmen are viewed as scientific curia. Indeed, if any other group of

people in this country were subjected to similar treatment there would be a great hue and cry of outrage because the American people would not abide by the wholesale collection of their ancestors remains. It is time to ensure that native Americans are accorded the same protections as other Americans receive with respect to human remains.

This issue is very simple. It is an issue of common human dignity and respect. Native Americans want to retrieve the remains of their ancestors for proper and respectful reburial. I believe Congress has a responsibility to act forthwith to assure that is immediately permitted.

My bill also addresses religious ceremonial artifacts. Often, the ability to properly observe an Indian religion hinges upon certain ceremonial objects which are necessary to conduct a tribal ceremony or ritual. Over the years, many of these objects have been lost to the tribes and ended up in museum collections, which has eroded the ability of the tribes to fully observe their religion. Existing Federal policy through the American Indian Religious Freedom Act, protects American Indian religion, and I believe that Congress must take existing policy one step further to assist the tribes in retrieving objects which are essential for the ongoing conduct of native American religion.

Native Americans are very frustrated with the lack of cooperation and understanding from the museum and scientific community about these issues. Although there are a few instances when tribes have gone to court and won cases of this nature, very few tribes have the resources to engage in protected and costly litigation. A better solution must be developed.

The amendment I am submitting would establish a three-member Museum Claims Commission with authority to resolve native American claims to certain objects in a manner which is fair and expeditious to both native Americans and museums. Under the provisions of this amendment, native Americans would be required to try and resolve these disputes locally before the Commission would accept a claim. Further, the Commission would be required to facilitate a negotiated settlement of any claims brought before it. If necessary, the Commission would submit its recommendations for negotiated settlement to Congress for appropriate action.

I believe that most of the cases before the Commission could be resolved voluntarily. However, if necessary, the Commission would be empowered to fully investigate the claim, and issue orders determining which party has the right to possess the objects subject to claims before the Commission. This would be based on the evidence disclosed in the investigations and any hearings the Commission may hold on a particular claim. Decisions of the Commission would be appealable in Federal district court.

Mr. President, the situation which I have described must be addressed. The amendment I propose, is modeled on the Indian Claims Commission, which worked successfully to resolve Indian claims to lands wrongfully taken from the tribes. I think it provides a workable framework which would be fair and equitable. This is a highly emotional issue to both native Americans and museums, but the proposal I am making provides a mechanism for both sides to sit down and work out solutions to these disputes. I have requested a prompt hearing on the bill before the Select Committee on Indian Affairs so that it can be fully discussed.



COMPARISON OF  
NATIVE AMERICAN CULTURAL PRESERVATION ACT (NACP)  
and  
NATIVE AMERICAN MUSEUM CLAIMS COMMISSION ACT (NAMCC)

Findings

NACP:

- a. Numerous universities, museums & govt. agencies have considerable NA collections
- b. Artifacts and remains are "extremely important" to NA
- c. Controversy exists between museums & NA regarding title to, preservation of and contemporary disposition of remains and artifacts
- d. Need to promote development of museum archives and historical preservation efforts with NA community through technical assistance

NAMCC:

Retains a from above  
Deletes b, c, and d from above

Adds:

- NA collections have been acquired through excavation, contributions of US military, spoils of war, donations or purchase of items from private individuals
- American Indian Religious Freedom Act established policy on protection of NA religious practices and beliefs
- American public law has historically respected sanctity of burial grounds
- NA religious ceremonies linked to certain objects
- Freedom to practice religion is constitutional right
- No federal law exists facilitating resolution of disputes when NA claims remains, artifacts or grave goods from museums

Definitions

NACP:

- a. "Deaccession" - formal & official process of removal of remains or artifacts from museum collection
- b. "Repatriation" - formal & official process of returning artifact or remain to people of whom it originated
- c. "Native American" - Indian, Native Hawaiian
- d. "Indian" - enrolled member of Indian tribe
- e. "Indian tribe" - tribe, band, nation or other organized group or community of Indians which is recognized by the federal government or a state or was terminated by federal law after 1940.
- f. "Native Hawaiian" - descendent of person who, prior to 1778, was a native of the Hawaiian Islands
- g. "Native Hawaiian organization" - organizations recognized by Governor of State of Hawaii
- h. "Traditional Cultural Authority" - individual who is recognized as authority on traditional religious and cultural practices
- i. "Museum" - museum, university, government agency or other institution which possesses or has control over remains or artifacts
- j. "Sacred artifact" - material devoted to, dedicated to deity of some NA religious purpose and utilized for conduct and observance of NA religion

Comparison  
page two

NAMCC:

Retains b (adds "grave goods"), c, e (similar), f (similar), and i  
Deletes a, d, g, and h

Additions/Changes

- "Ceremonial artifacts" - any item devoted to a NA religious ceremony by an Indian tribe, Native Hawaiian group, or an individual member of such tribe or group which is necessary for ongoing observance of religious ceremony or ritual by the tribe, group or its members.
- "Grave goods" - any object found in the grave of a NA, or otherwise directly associated with remains of NA
- "Commission" - Native American Museum Claims Commission

Native American Museum Advisory Board/Claims Commission

NACP:

Creates Native American Museum Advisory Board

- a. Consisting of 17 members (voting members: 6 NA; 1 Native Hawaiian; 2 members of House; 2 members of Senate; 2 individuals representing museums and universities appointed by President. Non-voting members: representative of Institute for American Indian Arts, Secretary of the Smithsonian, Secretary of Interior, Secretary of Agriculture, Executive Director of Advisory Council on Historic Preservation.
- b. 3 year terms for voting members
- c. Appointees shall be "significantly interested and experienced" matters considered by Board.
- d. Board shall elect chairman, vice chairman
- e. Function of board: resolve disputes; provide advice to Native American Center of Library of Congress
- f. Board to appoint executive director and general counsel

NAMCC:

Creates Native American Museum Claims Commission

- a. Consisting of 3 members appointed by the President, one of which must be a Native American; no more than two may be from the same political party
- b. 4 year terms
- c. Appointees shall be "significantly interested and experienced" matters considered by Board.
- d. Commission shall elect chairman, vice chairman
- e. Commission shall meet at the call of the chairman or a majority of its members, but shall meet at least once every four months
- f. Chairman, with approval of Commission, to appoint executive director and general counsel
- g. Commission is authorized to: use US mails, procure supplies, enter into contracts, hold hearings and take testimony, administer oaths or affirmations to witnesses, enter into agreements with GSA.
- h. Function of commission shall be to receive, consider and determine facts relative to claims filed, facilitate negotiated settlements, and issue orders of the right to possess items which are subject of claims

Comparison  
page three

#### Resolution of Disputes

##### MACP:

- a. Governing body of Indian tribe or Native Hawaiian organization or the administrator of any museum may file a petition with Board requesting mediation of any dispute between museum and Indian tribe or Hawaiian organization relating to remains or sacred artifact
- b. Petition may be filed with respect to dispute only after the earlier of:
  - one year after the day on which the petitioner submitted written notice to the other party;
  - the date on which the other party submitted written notice to the petitioner expressing refusal to negotiate;
  - if the other party to the dispute does not acknowledge written notice of the petitioner 90 days after the date the notice was submitted.
- c. Upon receipt, Board shall initiate investigation to determine whether:
  - any remains involved in the dispute identified are of MA ancestry
  - any artifacts are sacred artifacts
- d. If Board find merit in petition, and determines that efforts to mediate dispute have been unsuccessful, the Board shall formulate a "compromise settlement"
- e. Compromise settlement shall seek to accommodate:
  - interests of MA in repatriation and reburial of remains or repatriation and preservation of artifacts
  - interests of museum in access to and preservation of remains and artifacts
- f. In the event such compromise settlement provides repatriation to MA, the settlement shall provide to the maximum extent possible for museum access to artifacts for research, study or exhibition provided that the Indian tribe approves and the museum agrees to share with the Indian tribe information obtained.
- g. Penalties: If board determines that settlement is not being carried out:
  - by museum - during two year period, museum shall cease to be eligible to receive any federal funds
  - by MA - during two year period, Indian tribe shall cease to be eligible for any federal funds or benefits provided for historic preservation.

##### MAHCC:

- a. Governing body of any tribe or the Office of Hawaii Affairs of State of HI may file in form prescribed by Commission a claim for the repatriation of:
  - remains (for someone who was a member, ancestor of tribe);
  - ceremonial artifacts
  - grave goods (from grave of member or ancestor of tribe, from lands on which the Indian tribe or group, its members or ancestors had interred such grave goods)
- b. Claim may be filed only after earlier of:
  - six months after the written notice was submitted to the party in possession of the items subject to claim;
  - date of refusal to negotiate;
  - 90 days after no response to written notice

Comparison  
page four

- c. Within 10 days of claim filing, Commission will serve notice to party alleged to possess remain, artifact or grave good.
- d. After giving notice, Commission shall encourage and attempt to negotiate a voluntary settlement to the dispute. "Nothing said or done during and as part of such informal endeavors may be made public by the Commission, its officers or employees."
- e. When voluntary negotiated settlement is agreed to, Commission shall certify the settlement and report on the settlement to Congress
- f. If negotiated settlement is not attained within 120 days of claim filing, Commission shall take such action as it deems advisable
- g. For claims where settlement is not attained, Commission shall utilize staff and/or consultants who are deemed to have the requisite background and experience to render competent findings and recommendations to the commission on a particular claim or claims
- h. Commission can authorize Chairman to issue subpoenas requiring attendance and testimony of witnesses and the production of evidence that relates to any matter which the Commission is empowered to investigate
- i. If person issued subpoena refuses to obey or is guilty of contumacy, any US court within the judicial district may order the person to appear before the Commission. Failure may be punishable as contempt.
- j. For each claim considered, Commission shall issue a preliminary order based on evidence or investigation containing findings of fact and determinations of the right to possess the objects that are the subject of the claim. Such findings of fact and determinations of the right to possess items that are the subject of a claim and any repatriation recommended by the Commission shall be based on the evidence disclosed in the investigation
- k. If the commission determines that there is no basis to substantiate claim, the claim shall be dismissed
- l. If the commission determines that repatriation is supported, its order shall:
  - provide for conditions - to maximum extent possible - conditions which will protect the objects from future loss or alienation provided they are compatible with MA
  - provide for historic preservation to maximum extent possible, such as replication, scientific analysis, etc. provided they are compatible with MA
- m. Commission shall submit order to each party to claim with notice that the order will become final in 30 days
- n. Upon receiving a written objection to preliminary order, commission shall, within 60 days, conduct a hearing to provide affected parties the opportunity to show cause why its preliminary order should not be made final
- o. Within 30 days after completion of hearing, Commission shall issue a final order of which party has the right to possess the items in dispute and notify parties

- p. If commission determines that any final order to resolve a claim is not being carried out, it shall give written notice of noncompliance to party not complying with order. Commission shall have authority to impose fine of up to \$500 for each day of noncompliance
- q. Decisions made by Commission shall be final decisions for purposes of appeal to the Federal District Court. The court shall have jurisdiction to grant temporary relief as it deems just and proper, and to make and enter a decree enforcing, modifying and enforcing or setting aside in whole or part the order of the commission.
- r. Any party aggrieved by an order assessing a civil penalty may file petition with US District Court within 30 days of the fine taking effect.
- s. If party fails to pay fine after order imposing fine and court has entered final judgement, Commission may request the Attorney General to institute a civil action in a district court of the US to collect the penalty.

Creation of Native American Center within Library of Congress

NACP:

Functions:

- Preparation and coordination with museums of a provenance (to the fullest extent possible) of all remains, sacred artifacts, and other artifacts and collections relating to NA history or culture
- preparation of educational materials on collections that relate to NA history or culture
- continual provision of advice, support and technical assistance to Indian tribes in establishment of model museums and archives, and historic preservation
- promotion of cooperation and coordination of activities between NA and museums
- promotion of cooperation, dialogue and sharing of artifacts and information between NA and museums located in foreign countries
- provision of seminars on NA history and culture
- publishing or academic papers and articles of NA history and culture in consultation with NA
- provision of advice and assistance to museums on care and conservation of remains, sacred artifacts and other artifacts in a manner consistent with NA
- provision of advice, financial assistance and technical assistance for identification, deaccession and disposition of remains and repatriation of artifacts

NAMCC: Not included.

Amendments to Archaeological Resources Protection Act of 1979

NACP: Amendment included

NAMCC: Not included

PROFESSIONAL ARCHAEOLOGISTS OF NEW YORK CITY - PANYC  
MEMBERSHIP APPLICATION

Membership in PANYC is open to any professional archaeologist who subscribes to the purpose; of the organization and who meets the following criteria for Education, Training and Professional Activity:

a. Applicants must have been awarded an advanced degree, such as an M.A., M.S., M.Phil., Ph.D., D.Sc., or official A.B.D., from an accredited institution in archaeology, anthropology, history, classics or other germane discipline with a specialization in archaeology.

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 curating experience. Requirements for both field and laboratory experience will be considered to have been met by attendance at an archaeological field school which meets the guidelines set forth by the Society of 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, review of archaeological proposals and/or 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.

d. All prospective applicants must be approved by a majority of members present at a regularly scheduled meeting of the general membership. All members receive the Newsletter and other PANYC publications.

The membership dues are \$12. Non-member subscriptions to the Newsletter are \$6. If you are interested in applying for membership in PANYC or subscribing as a non-member to the PANYC Newsletter, complete the form below and mail it to: Betsy Kearns Secretary 27 Deepwood Road  
Darien, CT 06820

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Name \_\_\_\_\_

Address (Business) \_\_\_\_\_  
\_\_\_\_\_

Telephone (\_\_\_\_) \_\_\_\_\_

Address (Home) \_\_\_\_\_  
\_\_\_\_\_

Telephone (\_\_\_\_) \_\_\_\_\_

Please indicate preferred mailing address.

Are you a member of the New York Archaeological Council? \_\_\_\_\_  
or of the Society of Professional Archaeologists? \_\_\_\_\_

Please Attach Curriculum vitae or resume.

Dig going on 11<sup>th</sup> St Bet B+C - Ann Mami will check on it

17 State Street - Temp CofO -

Jamaica queens  
Prospect Cemetery in ~~Brooklyn~~ article in Newsday  
It will be in ~~Times~~ - DP release

Cathy Deegan Feb. 2<sup>nd</sup> will talk at N.Y.U.  
BERT wants us to co-sponsor & come to reception at his apt.

Next meeting Jan 25<sup>th</sup> Wed.