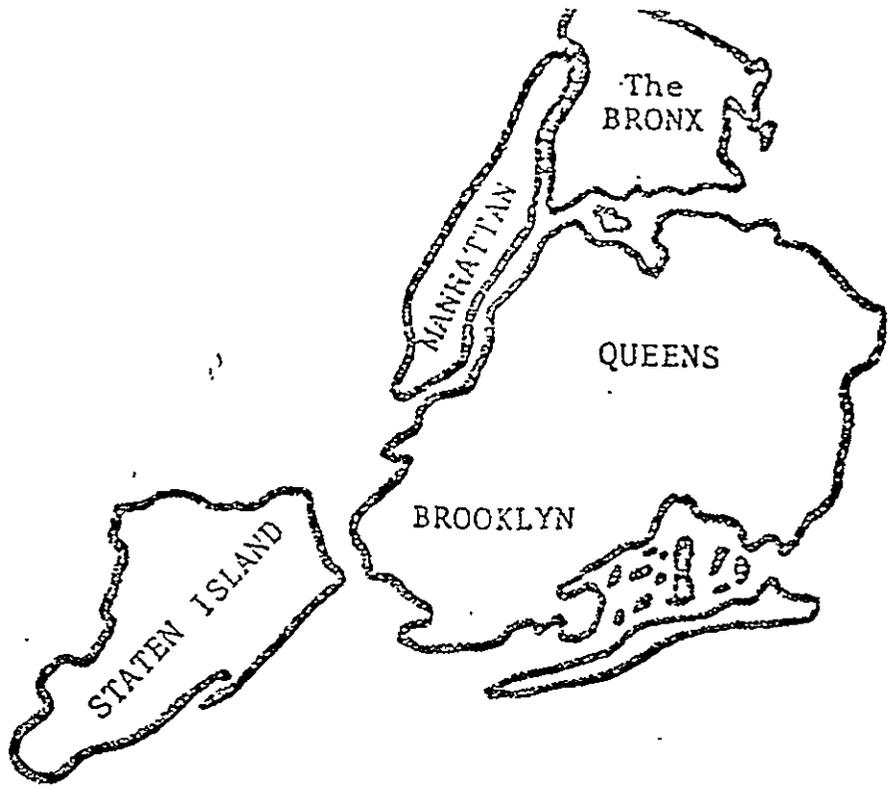


PROFESSIONAL
ARCHAEOLOGISTS OF
NEW
YORK
CITY



NEWSLETTER NO. 30
 September 1986

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Materials for inclusion in the PANYC Newsletter should be sent to the editors, Anne-Marie Cantwell and Diana diZerega Wall, Department of Anthropology, New York University, 25 Waverly Place, New York, N. Y., 10003.

Native American Affairs

Minutes of the PANYC General Membership Meeting
CUNY Graduate Center, Room 1126, May 14, 1986.

Wall called the meeting to order at 7:00.

Secretary's Report:—The minutes of the March 26, 1986 meeting were corrected to read: "Secretary's Report: 1...Henn announced a proposed motion...The proposed amendment..." "New Buisness...A new committee was established to identify key groups to establish a dialog with..." With these corrections the minutes were accepted.

Treasurer's Report: Winter reported a balance of \$997 as of this meeting. Concern with photocopying and postage costs was raised with the suggestion that these activities be done "at universities and public institutions" when ever possible due to the fact that expenses for these activities exceed income produced.

President's Report: 1. Correspondence in the last several months included letters to Parks staff including Commissioner, Henry Stern, re: City Hall Park redesign, and Alan Moss, Adrienne Bresnan and Don Reynolds re: archaeology in New York City parks.; Army Core, re: Hussar; D.O.T., re: areas to be turned over to the City and converted into parks; Brian Ferguson of Rutgers, re: Five points sites;

Action Committee: 1. Rubinson recommends consulting of May Newsletter for letter sent to NYSCA Chair regarding cut in funds from \$58 million to proposed \$56.5 allocated; and letter sent to New York Times, Arts and Leisure Section protesting article on Amsterdam auction. 2. Vetter raised concern for activity at the Long Island Science Museum where artifacts that were not professionally excavated from the Assay Site are being housed. 3. Geismar called attention to 17 State Street site where developer destroyed site after Landmarks requested that documentary research be conducted to determine archaeological sensitivity. Baugher suggested that a letter be sent to the Board of Standards and Appeals regarding the need to enforce CEQR compliance and hold developer accountable for destruction of potential archaeological resources. Wall will follow up on this concern. 4. Wall suggested that City agencies need to be monitored more carefully to explore how PANYC can work with City agencies (Parks, City Planning, Real Property, and Cultural Affairs) to establish a standard archaeological review procedure. A City Archaeology Policy Committee was established consisting of: Wall, Geismar, Henn, Salwen and Vetter. 5. A Museum committee was established consisting of Geismar, Rothschild, Salwen and Wall.

Awards Committee: No report.

Curation Committee: Karen Rubinson indicated that the Museum of the City of New York is interested in acquiring collections of urban archaeological materials.

Elections Committee: No report.

Legislative Committee: 1. Orgel will check on proposed revisions to New York City Landmarks Preservation law. 2. Salwen reported that the National Shipwreck Bill is having problems in Congress but still has House support

through the Subcommittee on Oceanography; full Committee will not vote unless Senate will move the bill. SHA lobby is keeping Salwen informed. 3. Vetter reported on NY state legislative activities including proposed \$1.45 billion for Environmental Quality Bond Act, \$1.2 Billion for Hazardous Waste Site Clean-up, and \$25 million for Matching grants for Recreation Facilities/Preservation, Rehabilitation and Restoration of Historic Properties. After discussion Salwen moved that PANYC indicate support of legislation to appropriate funds for historic preservation funds in the Environmental Quality Bond Act. Perazio suggested that appropriate information be made available in the Newsletter.

Newsletter Committee: 1. Orgel photocopied May Newsletter, thanks were extended. 2. Rothschild offered to photocopy next Newsletter, Ceci will distribute. 3. Cantwell proposed changing PANYC Newsletter cover and suggested option of using annual program logo. Winter will check with Kathleen Barwick on use of the art for this purpose. 4. A general preference was indicated for publishing correspondence over newspaper articles to save cost on photocopying whenever possible. 5. Cantwell received a mandate from the Executive Committee to move forward with a special publication, Newsletter supplement, targeted to the general public and entitled "Digging in New York City." Issues of what, why, and how as well as importance of archaeology in New York would be addressed. Questionnaire from Public Program indicated a positive interest in this publication. 6. May Newsletter has report from Nan Rothschild on the Advisory Council Meeting in New Orleans.

Native American Affairs No Report.

Public Program Committee: Wall thanked presentors and participants for their contributions and Rubinson for operating projector. 60 people attended the symposium, 19 of which responded to questionnaire. Ideas to increase attendance to the public program include: mailing to Museum of the City of New York members; move program to March; and coverage in New York Times weekend section.

Research and Planning Committee: Rubinson, Baugher and T. Klein encourage attendance at The Landfill Symposium, to be hosted by the Landmarks Preservation Commission on the 21st of May from 1 to 4 p.m. Comparisons of internal vs. external landfill will be presented as well as address a variety of old and new research questions. Presentations will be approximately ten minutes each; participants are encouraged to bring slides.

Curation Sub-Committee: Baugher reported that Peter Sauer (Wave Hill) proposed that a letter of support from PANYC be sent to him for a non-museum repository for archaeological artifacts in the Bronx. The South Street Seaport Museum indicated that it was negotiating with Louis Berger, Inc. to acquire the Barclay's Bank collection and expand its archaeological holdings. Extensive discussion followed raising concerns regarding: access to warehoused collections; curatorial and conservation standards; and assessment of tax write off value of collections to corporate donors. Grossman suggested that Carolyn Rose of the Smithsonian and G. W. University has conservation standards and guidelines. Salwen suggested consulting Alec Linsley for Interagency Archaeological Service standards of curation. There was a preference for encouraging institutions in New York City to care for archaeological collections rather than lose access to collections stored out of the City.

Standards Committee: 1. Rothschild suggested that proposed "Standards for Archaeological Reports" be approved by PANYC. Comments on proposed standards included: a. under artifact retrieval - indicate use of hand or power tools; b. indicate where artifacts are to be stored; and c. indicate format of data storage media with information on access and distribution of data base. After discussion, deadline for comment was set for June 15th. Revised standards with integration of feedback from comments will be sent out with next meeting announcement. 2. Baugher suggested that when the proposed standards are approved by PANYC that they be sent to all agencies doing environmental review work in New York City including SHPO, NYS DOT and NYS DEC.

OLD BUSINESS: 1. Rubinson moved to vote that proposed amendment to PANYC By-laws to extend the term of Treasurer from one to two years be approved as corrected; approved as corrected. 2. Henn reported as per Rich Tomer that no permit application for excavation of the Hussar has been received to all indications are that a permit will be required. Orgel indicated that in the first stage of work, ie. survey, no permit was required. A U.S. Attorney requested to be kept informed on the status of the Hussar project.

NEW BUSINESS 1. Wall reported on discussions with Robert MacDonald, new Director of the Museum of the City of New York. Geismar indicated that the Museum is interested in being more involved in New York City archaeology and asked her to submit proposals from PANYC in writing regarding ways the Museum can be more active (ie. exhibitions and lecture programs). 2. Winter announced that in December 27-30th 1987 there is a proposed session on Old and New World urban archaeology. A new "AIA Participation Committee" was formed which included: Salwen, Cantwell, Geismar, Rubinson and Winter. Ideas that will be explored including a self guided walking tour guide of lower Manhattan. 3. The next meeting will be on September 24th. Henn will check with the Graduate Center to reserve a room.

Respectfully Submitted, Daniel N. Pagano, PANYC Secretary 1986/87



City of New York
Parks & Recreation

Henry J. Stern
Commissioner

Olmsted Center
Flushing Meadows - Corona Park
Flushing, New York 11368

Alan M. Moss
Deputy Commissioner

(718) 507-3111

May 12, 1986

Ms. Diana diZerega Wall
President
Professional Archaeologists of NYC
411 East 70th Street
New York, New York 10021

Dear Ms. Wall:

Thank you for your recent letter concerning City Hall Park.

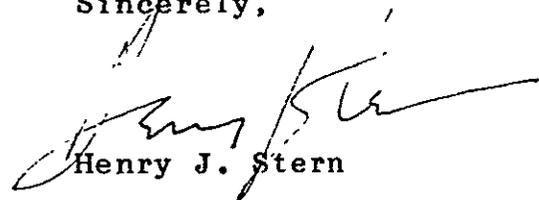
As you know the design for City Hall Park is now before the Landmarks Preservation Commission.

We will be working closely with Dr. Sherene Baugher, Urban Archaeologist for the Landmarks Commission, to determine the archaeological potential of the site.

Thank you for writing and for your interest in parks.

All the best.

Sincerely,



Henry J. Stern

PROFESSIONAL ARCHAEOLOGISTS OF NEW YORK CITY

411 East 70th Street
New York, N. Y. 10021
22 May 1986

Mr. Eric Alsmeyer, Project Manager
U.S. Army Corps of Engineers - N. Y. District
26 Federal Plaza
New York, N. Y. 10278

Re: Public Notice 12606-85-678-YC

Dear Mr. Alsmeyer,

The Professional Archaeologists of New York City (PANYC) are very concerned about the impact of the proposed construction at Pier 41 in Brooklyn (described in the above-mentioned public notice) on a cultural resource that may be eligible for listing on the National Register of Historic Places. Although the public notice states that, "(b)ased upon a review of the latest published version of the National Register of Historic Places, there are no known sites eligible for or included in the Register within the permit area," this statement is misleading. As described in a cultural resource assessment of the Brooklyn Reach prepared for the Corps by Raber Associates in 1984, Pier 41 itself and the stores located on it may be eligible for listing on the Register. If the proposed construction will have an impact on these resources, a determination of eligibility should be made and appropriate mitigation measures undertaken.

Please keep me informed on the status of this project.
Thank you.

Sincerely yours,

Diana diZerega Wall
PANYC President

PROFESSIONAL ARCHAEOLOGISTS OF NEW YORK CITY

411 East 70th St.
New York, N. Y. 10021
29 May 1986

Mr. Joseph Hetas, Director, CEQR
New York City Department of City Planning
2 Lafayette Street Room 2400
New York, N. Y. 10007

Dear Mr. Hetas,

I am writing on behalf of the members of the Professional Archaeologists of New York City (PANYC) in regard to the pending request for a discretionary permit for the development of 17 State Street in lower Manhattan. This property had the potential for containing important archaeological resources, as documented in the report that was prepared by Dr. Joan Geismar for the developer of the project area. These resources would have been protected under the CEQR procedures, which go into effect with the granting of a discretionary permit. However, as Geismar's report was in the process of being prepared, these resources were destroyed by construction activities that were carried out under a permit to build an as-of-right building on the site.

The granting of a discretionary permit in this situation, where archaeology was a known issue and after potential archaeological resources were destroyed before CEQR procedures could be implemented, has serious ramifications. It would set a precedent that would have a negative impact on the cultural heritage of New York City as well as on the CEQR process as a whole.

We strongly urge that a discretionary permit not be granted for the development of 17 State Street. Please keep me informed on the resolution of this issue. Thank you.

Sincerely yours,

Diana diZerega Wall
PANYC President



DEPARTMENT OF CITY PLANNING
CITY OF NEW YORK

ENVIRONMENTAL REVIEW MISSION

July 3, 1986

Diana diZerega Wall, President
Professional Archaeologists of New York City
411 E. 70th Street
New York, New York 10021

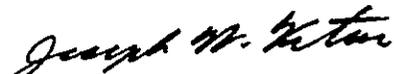
Dear Ms. Wall:

Thank you for your letter about the 17 State Street proposal. I am aware that potential archaeological resources may have been destroyed by preliminary construction done pursuant to a permit for an as-of-right building on the site. The draft Environmental Impact Statement (EIS) for the project addresses that issue directly.

Approval or disapproval of the discretionary action, however, falls outside the CEQR process. The environmental review simply discloses potential environmental impacts. The body with jurisdiction over the discretionary action -- in this case, the city's Board of Standards and Appeals -- must determine whether to approve the project in light of those disclosed impacts. I would suggest, therefore, that you express your concern directly to the Board of Standards and Appeals. The address is: Honorable Sylvia Deutsch, Chairperson, Board of Standards and Appeals, 161 Avenue of the Americas, New York, New York 10013.

Thanks again for your concern.

Sincerely,


Joseph W. Ketas

SS:lm

cc: A. Geiger
S. Sawyer
Gail Benjamin
Sylvia Deutsch
Phil Hess

PROFESSIONAL ARCHAEOLOGISTS OF NEW YORK CITY

COMMENT FOR THE PUBLIC HEARING ON THE DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR THE PROPOSED CONSTRUCTION OF A 41-STORY OFFICE BUILDING LOCATED ON BLOCK 9, LOTS 7, 9, 11 AND 23, 17 STATE STREET, MANHATTAN, CEQR NO. 85-215M, BSA NO. 512-858Z. BOARD OF STANDARDS AND APPEALS CHAMBERS, 9 JULY 1986

This comment is submitted on behalf of the members of the Professional Archaeologists of New York City in regard to the draft environmental impact statement for the proposed development of 17 State Street in lower Manhattan. This property was identified by the Landmarks Preservation Commission as having the potential for containing archaeological resources that are protected under the CEQR process. The developer was informed of this by the CEQR office in the Department of City Planning in September of 1985 (well before construction on the property had begun) and was told that in order to fulfill CEQR requirements, a procedure involving as many as three steps must be completed. The first step consists of a documentary study of the site's history and an assessment of whether important archaeological resources could remain intact on the site. If the documentary study shows that the site does have the potential for containing these resources, the second step, field testing, is undertaken to assess the extent of the resources actually preserved on the property. The final step, implemented only if field testing shows that archaeological deposits are present, consists of a mitigation phase, where a sample of the site's deposits is excavated.

The developer began to fulfill the requirements of the CEQR process and hired Dr. Joan Geismar to conduct the first step, the documentary study of the site. Her report shows that the property was part of the original settlement of Dutch New Amsterdam. It was first settled in the 1640s and has been continuously occupied ever since. Furthermore, Geismar's report demonstrates that one of the lots that makes up the parcel, Lot 23 at 16 Pearl Street, had been relatively undisturbed by later nineteenth to mid-twentieth century construction activities. During the Dutch and English colonial periods, this lot was associated with artisans and merchants and was used as a residence. Therefore Lot 23 had the potential for containing archaeological resources important to the heritage of the city. Based on her assessment and recommendations, the second step, field testing, would have been required under the CEQR process.

However, before Geismar even began her study in April of 1986, the potential archaeological resources on Lot 23 had already been destroyed by construction activities that were carried out under a permit to build an as-of-right building. These potential resources that were protected under the CEQR process are lost to the people of New York.

The granting of a discretionary permit in this situation, where the site was known to be archaeologically sensitive and where the potential archaeological resources that were protected by the CEQR process were destroyed, has serious ramifications. It would establish a precedent that would threaten the cultural heritage of New York City as well as the CEQR process as a whole. Many developers in New York have complied with the CEQR procedures pertaining to archaeology. As a result of these archaeological studies, a great deal of information has been learned about the heritage of the city that is not accessible in any other way.

We strongly urge that a discretionary permit be denied for the development of 17 State Street.

Diana diZerega Wall
PANYC President
411 East 70th Street
N. Y., N. Y. 10021

PROFESSIONAL ARCHAEOLOGISTS OF NEW YORK CITY

411 East 70th St.
N. Y., N. Y. 10021
20 July 1986

Mr. Jeremy Woodoff
Landmarks Preservation Commission
20 Vesey Street
New York, N. Y. 10007

Dear Jeremy,

As we discussed on the phone last week, the Professional Archaeologists of New York City are deeply concerned about the proposed "mitigation" plan for the destruction of the archaeological deposits at 17 State Street. One of our original concerns was that the exhibition space devoted to the archaeology of lower Manhattan that was proposed by Landmarks to be housed in the lobby of the building would be so small as to be only a token. However, we now understand (through an informal conversation that Dorothy Miner had with Nan Rothschild) that this space is to be substantial. In addition, we understand that a preliminary plan suggests that this space be composed of three rooms: one to house a permanent exhibit devoted to the archaeology of lower Manhattan; the second to house another permanent exhibit devoted to the history of the city; and the third to house temporary exhibits devoted to the history and/or the archaeology of the city. While we strongly endorse the plan in its general outline, we are concerned both about the allocation of the exhibit space and especially about the administration of the exhibits.

In regard to the allocation of exhibit space, we fully support the idea of having space for both temporary and permanent exhibits. However, the idea of having separate spaces allocated to the history and archaeology of lower Manhattan (with the difference resting solely on the kind of materials used in the exhibits) seems unwarranted. Rather, we suggest that a single, larger exhibit (equalling in area the two smaller rooms) be used for a single exhibit integrating the archaeology and history of lower Manhattan.

We are also concerned about the administrative aspects of the exhibits. It is very likely that the developer, though he may be keen on the project to start with, may either lose interest in the exhibits or subsequently sell the building, with the result that the exhibits will be neglected or even abandoned. It is therefore important to ensure the survival of the exhibits as an attraction in lower Manhattan. We strongly urge that the developer fund the exhibit through an ear-marked endowment to an existing institution, or museum, that has an exhibit function focusing on the history of the city. Examples of such museums

are the Museum of the City of New York (whose new director has expressed an interest to PANYC in becoming involved with the archaeology of the city), the New-York Historical Society, the South Street Seaport Museum, and the Fraunces Tavern Museum. These museums already have the experience to execute the various responsibilities that the exhibits will involve, and the exhibits will in effect become an archaeological branch of the existing museum. The particular museum could be chosen by both Landmarks and the developer, and the exhibits could be designed by the museum in conjunction with the developer and approved by Landmarks.

It is extremely important that the interest from the endowment be adequate to meet the needs of establishing and maintaining these exhibits. This minimally involves the salary of a temporary curator qualified for working with this kind of material; the design, installation, and maintenance of the permanent exhibit(s); the administration of the temporary exhibits (which could be funded by grants); security for the exhibits; and the dissemination of information about both the exhibits and the archaeology of the city to the public. The last-mentioned item should include both a brochure on the archaeology of the city that could be revised and up-dated as warranted, a banner on the outside of the building announcing the existence of the exhibits, as well as the more traditional forms of advertising.

We are naturally not concerned with the exact amount of money allocated for establishing and maintaining the exhibits, as long as it is adequate for the exhibits' needs. However, it should be remembered that up to 1% of the total cost of a federal project may, if warranted, be spent on archaeology, and up to 1/2% (and under certain circumstances even more) of the total cost of a municipal capital project is mandated to be spent on the arts. In this case, part of the rationale for establishing these exhibits is to be punitive as well as to serve as a deterrent for other developers. The kind of sum that would be involved in establishing the exhibits does not seem out of line with these considerations. It is only through the execution of a well-conceived and well-administered plan for these exhibits that the people of New York can be partially recompensed for the destruction of the potential archaeological resources at 17 State Street.

Please keep me posted on the status of the negotiations, and feel free to contact me if I can be of any help.

Sincerely yours,

Diana diZerega Wall
PANYC President

cc Sherene Baugher

PROFESSIONAL ARCHAEOLOGISTS OF NEW YORK CITY

COMMENT FOR THE PUBLIC HEARING ON THE DRAFT ENVIRONMENTAL IMPACT
STATEMENT FOR THE PROPOSED CONSTRUCTION AT 17 STATE STREET,
MANHATTAN, BSA NO. 532-85BZ

BOARD OF STANDARDS AND APPEALS CHAMBERS, 12 AUGUST 1986

This comment is submitted on behalf of the members of the Professional Archaeologists of New York City (PANYC) in regard to the exhibit that has been proposed to serve as "mitigation" for the destruction of the potential archaeological deposits at 17 State Street. Unfortunately, the proposal for the exhibit is not adequately detailed and is quite brief. As proposed, the exhibit, which will be installed in the open-air plaza of the building, consists of three components: 1) seven 3' by 3' display cases containing artifacts from lower Manhattan to be installed in a wall of the plaza (the particular artifacts to be displayed and the informative theme of each case are neither described nor discussed); 2) a kiosk, the function and nature of which is not mentioned; and 3) a brochure describing archaeological resources and exhibits in lower Manhattan. Based on the limited information included in the proposal, we have a number of serious reservations about the proposed exhibit.

First of all, the proposed exhibit is very small in scope and scale. It is in fact similar in this regard to archaeological exhibits that have been planned for sites where archaeological excavations have taken place as well (e.g., 85 Broad Street and the Barclays Bank building at Water and Wall Streets). As the proposed exhibit is to stand in place of, rather than to supplement, an archaeological excavation, it should be of a scope and scale far larger than proposed. For example, additional space should be allocated for temporary exhibits as well as for the permanent exhibit proposed.

Secondly, the placement of the exhibit in an open-air plaza will result in its being used by the public only on a seasonal basis. The exhibit should be enclosed so that it will be a year-round attraction, used during the coldest and the warmest months as well.

Thirdly, the proposal makes no mention of the interpretive or informative content of the exhibit. As it was information that was lost with the destruction of the potential archaeological deposits at the site, the nature of the information conveyed in the exhibit is its most important aspect. The proposal also makes no mention of the developer's representatives working in concert with experienced museum personnel, historians, and archaeologists who have worked on New

York City projects in developing the exhibit's educational content. If the display cases and the brochure are to convey information about the history and archaeology of the city, professionals with expertise in the history, archaeology, and material culture of the city must be actively involved in the exhibit's design and execution.

Finally, we are also very concerned about the administration and maintenance of the exhibit. It is possible that the developer may either lose interest in the exhibit or sell the building, with the result that the exhibit will be neglected or even abandoned. We strongly urge that the developer fund the exhibit through an endowment to an existing institution, or museum, that has an exhibit function focusing on the history of the city. Examples of such museums include the Museum of the City of New York, the New-York Historical Society, the South Street Seaport Museum, and the Fraunces Tavern Museum. The exhibit would in effect be an archaeological branch of the existing museum. These museums already have the expertise and access to the personnel for handling the various responsibilities that the exhibit will require: curators qualified for interpreting artifacts from early New York; the design, installation, and maintenance of the exhibit in a climate-controlled environment; the administration of the temporary exhibits; security for the exhibits; and the dissemination of information to the public about both the exhibits and the archaeology of the city.

It is only through the execution of a well-conceived and well-administered plan for these exhibits that the people of New York can be partially recompensed for the destruction of the potential archaeological deposits at 17 State Street. We strongly urge that the Board of Standards and Appeals withhold the granting of the special permit unless and until a detailed proposal, which adequately addresses the issues raised here, is submitted and approved.

Diana diZerega Wall
FANYC President

PROFESSIONAL ARCHAEOLOGISTS OF NEW YORK CITY

411 East 70th Street
New York, N. Y. 10021
23 June 1986

Mr. Donald Reynolds
Historic Properties
New York City Department of Parks
and Recreation
The Arsenal
830 Fifth Avenue
New York, N. Y. 10021

Dear Don,

As we discussed on the phone last week, the members of the Professional Archaeologists of New York City (PANYC) are very concerned about the preservation of a prehistoric site that is located on land owned by the Department of Parks and Recreation. The site is located in the Clason's Point section of the Bronx, on Block 3529, which is bounded by Lacombe, Newman, Fugsley, and Randall Avenues, adjacent to the old course of Fugsley Creek. As you know, such prehistoric sites are among the rarest and most fragile of the archaeological resources in the city, and provide information about the city's first inhabitants that is not available in any other way.

This site is in the process of being destroyed by the potting activities of private collectors, who (according to Valerie DeCarlo at Wave Hill) have dug up and removed nearly 100 projectile points or arrow heads as well as other artifacts from the site. This activity will completely destroy the site's integrity.

We strongly urge that the site be protected from these destructive activities. One way this could be done would be to surround the site with a chain-link fence with barbed wired strung across its top. However, any means that would make the archaeological deposits physically inaccessible to the collectors would be suitable. Please feel free to call me (at 249-8078) to discuss the effectiveness of any methods being considered, and keep me posted on the action that is taken. Thank you.

Sincerely yours,

Diana diZerega Wall
PANYC President

cc, Valerie DeCarlo, Wave Hill

The following is a draft of a bill being developed by
Senator Melcher of Montana, to be introduced after January.
The SAA Government Affairs Committee would like comments
on it. Please send them to Nan Rothschild, or to:

Mark Leone, Chair
Government Affairs Committee
Department of Anthropology
University of Maryland
College Park, Md. 20742

and a copy of the comments to:

Don Fowler, President
SAA
Historic Preservation Program
University of Nevada
Reno, Nev. 89557

*Call
Shields*

IN THE SENATE OF THE UNITED STATES

Mr Melcher introduced the following bill; which was read twice and referred to the Committee on _____.

Proposed Bridge of Respect Act
A BILL

To provide for the resolution of disputes between Native American groups and museums and other institutions, and for other purposes.

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, that this Act shall be entitled "The Native American Archeological Resources and Development Protection Act."

TITLE I
NATIVE AMERICAN MUSEUM ADVISORY BOARD

FINDINGS

Section 101. The Congress finds that--

- (1) Numerous institutions have considerable Native American collections that include artifacts of a sacred nature and human skeletal remains;
- (2) these resources are considered extremely valuable both to the institutions holding the collections and to the Native American groups which had original ownership;
- (3) controversy exists between institutions and Native American groups regarding title to, preservation of, and contemporary disposition of, human skeletal remains and artifacts of a sacred nature;
- (4) existing Federal law does not provide an adequate mechanism for the resolution of disputes over human skeletal remains and sacred Native American artifacts;
- (5) material within existing museum collections could be utilized by Native American groups for cultural, religious, and educational purposes;

(6)cultural differences cause disparate opinions between Native Americans and institutions about the appropriate care of sacred artifacts and human skeletal remains in institutional collections;

(7)there is a need to promote the development of museums, archives, and historic preservation activities within the Native American community, and

(8)considering the Smithsonian Institution's prestigious and authoritative position in the native historical preservation effort and the world historical community, it is appropriate for the Smithsonian to assume a leadership role on historic issues which concern Native American groups.

DEFINITIONS

Section 102. For the purposes of this Act--

(1)The term "American Indian" means any person who is a member of a group described in 7(A).

(2)The term "deaccession" means the formal and official process of removing a human skeletal specimen or artifact from the collection of an institution.

(3)The term "institution" shall include all museums and agencies which have acquired collections of Native American artifacts and/or skeletal remains, and currently receive Federal funds.

(4)The term "repatriation" means the formal and official process of returning an artifact or skeletal remains to the people from whom it originated.

(5)The term "Native Hawaiian" means any descendant of a person who, prior to 1778, was a native of the Hawaiian Islands.

(6)The term "Native American" means any person who is a member of an Indian tribe, or is a Native Hawaiian.

(7)The term "Native American Group" shall include:

(A)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 special programs and services provided by the United States to Indians because of their status as Indians, and

(B)any Native Hawaiian.[CHANGE TO GROUP]

Page 2

(8)The term "sacred artifact" means any material which is dedicated to a deity or to a Native American religious purpose and utilized for the conduct and observance of Native American religion.

Sec. 103. (a)There is hereby established the Native American Museum Advisory Board (hereafter in this Act referred to as the "Board").

(b)(1)The Board shall consist of the following 14 members:

(A)4 Native American Indians and 1 Native Hawaiian appointed by the President from among a list of names of elders, traditional people, or spiritual leaders of Native American Groups submitted by the governing bodies of Native American Indian tribes and [GOVERNOR OF HAWAII?],

(B)2 individuals appointed by the President who represent the sciences of archeology and anthropology,

(C)2 individuals appointed by the President who are significantly interested and experienced in the matters which the Board is likely to consider,

(D)an individual appointed by the President who represents the Institute for American Indian Arts,

(E)the Secretary of the Smithsonian Institution or a designated representative,

(F)the Secretary of the Interior or a designated representative,

(G)the Secretary of Agriculture or a designated representative,

(H)the Executive Director of the Advisory Council on Historic Preservation or a designated representative.

(2)(A)Except as otherwise provided in subparagraph (B), the term of office for each member of the Board appointed under subparagraph (A), (B), or (C) of paragraph (1) shall be 3 years.

(B)Of the initial members of the Board appointed under subparagraph (A), (B), or (C) of paragraph (1)--

(1)3 members, appointed under different subparagraphs of paragraph (1), shall have a term of office of 1 year,

(1)3 members, appointed under different subparagraphs of paragraph (1), shall have a term of office of 2 years, and

(iii) 3 members shall have a term of office of 3 years. The President shall designate the term of office of such initial members of the Board at the time of their appointment.

(3) Each individual appointed by the President under paragraph (1) shall be significantly interested and experienced in the matters that the Board is likely to consider. Such appointments shall be made without regard to the political affiliation of such individual.

(4) The members of the Board described in subparagraphs (D), (E), (F), (G), and (H) shall not be eligible to vote on any matter considered by the Board but such members shall be entitled to attend any meetings of the Board and to provide advice to the Board on any matter.

(5) The Board shall elect a Chairman and Vice Chairman from among the members of the Board. Such officers shall serve as Chairman and Vice Chairman for a term of 1 year.

(6) Any individual appointed to fill a vacancy on the Board shall serve for the remainder of the unexpired term of the member who caused such vacancy. A vacancy on the board shall not affect the powers of the Board.

(7) The presence of a majority of the members of the Board who are eligible to vote shall constitute a quorum for the purpose of conducting the business of the Board.

(8) The Board shall meet at least once during each quarter of each calendar year.

(c) The functions of the Board shall be--

(1) the resolution of disputes as provided in Sec. 104,

(2) the provision of advice to the Native American Center of the Smithsonian Institution, and to the Advisory Council on Historic Preservation on matters relating to Native American cultural and historical preservation.

(d) Each member of the Board who is not otherwise employed by the Federal Government shall receive compensation at a rate equal to the daily rate for GS-18 of the General Schedule under section 5332 of Title 5, United States Code, for each day, including travel time, such member is engaged in the actual performance of duties as a member of the Board. A member of the Board who is otherwise an officer or

Page 4

employee of the Federal Government shall serve without additional compensation; but all members of the Board shall be reimbursed for travel, subsistence, and other necessary expenses incurred in the performance of their duties as members of the Board.

(e)(1)The Board is authorized to appoint and fix the compensation, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to chapter 51 and subchapter III of chapter 53 of such title relating to classification and general schedule pay rates, of an Executive director and a General Counsel. The annual rate of compensation of the Executive Director and the General Counsel shall not exceed an annual rate equal to the annual rate provided for level V of the Executive Schedule under section 5316 of such title.

(2)The Executive Director appointed under paragraph (1) is authorized to appoint such employees as are necessary to enable the Board to carry out its functions.

(3)The General Counsel appointed under paragraph (1) is authorized to--

(A)appoint such other attorneys as may be necessary to assist the General Counsel,

(B)represent the Board in courts of law where appropriate,

(C)assist the Department of Justice in handling litigation concerning the Board in courts of law, and

(D)perform such other legal duties and functions as the Board may direct.

(f)The Board is authorized to 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 Board.

(g)The provisions of section 14 and subsections (e) and (f) of section 10 of the Federal Advisory Committee Act (5 U.S.C. Appendix 2) shall not apply with respect to the Board.

(h)There are authorized to be appropriated for FY 1987 and succeeding fiscal years, sums as may be necessary to enable the Board to carry out its functions for such fiscal year.

RESOLUTION OF DISPUTES .

Section 104. (a)(1)The governing body of any Native American Group or the administrator of any institution may file a petition with the Board requesting the mediation of any dispute between a Native American Group and an institution relating to--

(A)the skeletal remains of any Native American who was likely a member of or an ancestor of such Native American Group,

(B)any sacred artifact or artifacts of such Native American Group, or

(C)any other historically significant artifacts of such Native American Group.

(2)A petition may be filed under paragraph (1) with respect to a dispute between a Native American Group and an Institution if:

(A)the date of the petition is one year after the date on which the petitioner submitted written notice to the other party to the dispute of the objections or demands of the petitioner, unless both parties agree that substantive negotiations are in progress, or

(B)if the other party to the dispute submitted written notice to the petitioner expressing a refusal to negotiate with the petitioner on the matter in dispute, or

(C)if the other party to the dispute does not acknowledge the written notice of the petitioner described in subparagraph (A), the date that is 90 days after the date on which the petitioner submitted such notice to such other party.

(b)(1)Upon receipt of a petition under subsection (a), the Board shall initiate an investigation to determine whether there is reason to believe that--

(A)any skeletal remains involved in the dispute identified in the petition are of a Native American who was likely to be a member of or ancestor of the Native American Group that is a party to the dispute, or were found on lands historically used or occupied by such group,

(B)any artifacts involved in the dispute are sacred artifacts of such Native American Group including items once belonging to individuals and used for religious purposes but which items are now understood to be sacred communal property.

(2) If any of the determinations made under paragraph (1) with respect to a petition are affirmative, the Board shall mediate negotiations between the parties to the dispute identified in the petition for the purpose of obtaining an agreement between the parties that resolves those matters involved in such dispute.

(3) If all determinations made under paragraph (1) with respect to a petition are negative, the Board shall dismiss the petition.

(c)(1) If, after a reasonable period of time, the Board determines that efforts to mediate a dispute under subsection (b)(2) have not been successful in resolving the dispute, the Board shall formulate a written compromise settlement of that portion of the dispute that involves any matter which was the subject of an affirmative determination made under subparagraph (A) or (B) of subsection (b)(1).

(2) Any compromise settlement formulated by the Board under paragraph (1) shall seek to accommodate--

(A) the interests of the Native American Group in--

(1) repatriation and reburial of any skeletal remains of any member of the Native American Group,

(ii) repatriation and preservation of sacred artifacts of the Native American Group, and

(B) the interests of the institution in--

(i) access to such remains and artifacts for purposes of further study and research, and

(ii) preservation of such remains and artifacts.

(3) Upon completing the formulation of a settlement of a dispute under paragraph (1), the Board shall--

(A) submit a copy of such settlement to each party to the dispute,

(B) publish a summary of such settlement in the Federal Register, and

(C) monitor the actions of each party to the dispute to determine whether such settlement is being carried out in a reasonable time period and in accordance with the specifications of such settlement.

(d)(1) If, as a result of the monitoring conducted under subsection (c)(3)(C), the Board determines that--

(A)the settlement formulated under subsection (c)(1) is not being carried out, and

(B)the institution that is a party to the dispute is solely responsible for the failure to carry out such settlement, such institution shall, after the date on which notice of such determination is published in the Federal Register, cease to be eligible for 2 years to receive any Federal funds and to receive benefits under any federal program or any program funded (in whole or in part) with federal funds, or

(C)if the Native American Group that is party to the dispute is solely responsible for the failure to carry out such settlement, such Native American group will cease to be eligible for 2 years for Federal funds related to historic preservation.

(2)The Board shall publish in the Federal Register notice of any determination made under paragraph (1) and shall provide direct written notice of such determination to the head of each Federal agency or department which such Board has reason to believe may be providing Federal funds to--

(A)the institution or Native American Group that is the subject of such determination, or

(B)any program which provides benefits to such institute or Native American Group.

(e)Any final determination made by the Board under this section shall be reviewable in any Federal district court.

TITLE II

NATIVE AMERICAN CENTER

Sec. 201. (a)There is hereby established, within the Smithsonian Institution, the "Native American Center", hereafter referred to in this section as "the Center".

(b)The functions of the Center shall be--

(1)the coordination and preparation, within 3 years of passage of the Act, of a provenance to the fullest extent possible, of all--

(A)skeletal remains of Native Americans,

(B)sacred artifacts, and

(C)other artifacts and collections relating to Native American history or culture,

that have been collected or acquired with Federal assistance,

(2)the preparation, for distribution or sale to Native American Groups, Native American organizations, Native American educational institutions, and other educational institutions, of educational materials on the collections of the Smithsonian Institution that relate to Native American history or culture,

(3)the provision of advice, support, and technical assistance to Native American Groups in--

(A)the establishment and preservation of museums and archives, and

(B)archeological or anthropological activities,

(4)the promotion of cooperation and coordination of activities between Native American Groups and institutions which hold collections located in the United States,

(5)the promotion of cooperation, dialogue, and sharing of artifacts, materials, and information between Native American Groups, American institutions, and institutions located in foreign countries that have collections which contain--

(A)skeletal remains of Native Americans,

(B)sacred artifacts, or

(C)other artifacts relating to Native American history or culture,

(6)the provision of seminars on Native American history and culture,

(7)the publishing of academic papers and articles on Native American history and culture,

(8)the provision of advice and assistance to institutions on the proper care and preservation of--

(A)skeletal remains of Native American Groups,

(B)sacred artifacts, and

(C)other artifacts relating to Native American history or culture,

in a manner that is consistent with, and sensitive to, the cultural mores of Native American Groups, and

(9)the provision of advice, financial assistance, and technical assistance for--

(A)the identification, deaccession, and disposition of any skeletal remains of Native Americans, and

(B)the repatriation of sacred artifacts and any other artifacts relating to Native American history or culture.

(c)(1)The Center shall be administered by the Regents of the Smithsonian Institution through the Director of the Center, in consultation with the Native American Museum Advisory Board, established under Title I of this Act. The Director of the Center shall be appointed by the Regents of the Smithsonian Institution in consultation with the Board without regard to the provisions of Title 5, United States Code, governing appointments in the competitive service and without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code. The annual rate of compensation for the Director of the Native American Center shall not exceed an annual rate equal to the annual rate provided for level V of the Executive Schedule under section 5316 of Title 5, United States Code.

(2)The Director of the Center shall, in consultation with the Board, appoint such staff as necessary to carry out the functions of the Center, including professionals in the fields of:

- (A)archeology,
- (B)cultural anthropology,
- (C)history, and
- (D)other support staff,

without regard to the provisions of Title 5, United States Code, regarding appointments in the competitive service and without regard to chapter 51 and subchapter III of chapter 53 of Title 5, United States Code, but the annual rate of compensation for such employees shall not exceed an annual rate equal to the annual rate provided for level V of the Executive Schedule under section 5316 of Title 5, United States Code.

(d)(1)The President shall include with the budget submitted under section 1105 of Title 31, United States Code, for each fiscal year beginning after the date of enactment of this Act, a separate

statement which specifies the amount of funds requested by the President for the Center for such fiscal year.

(2) There are authorized to be appropriated for each fiscal year such sums as are necessary to enable the Center to carry out its functions.

TITLE III

AMENDMENTS TO THE ARCHEOLOGICAL RESOURCES PROTECTION ACT

The Archeological Resources Protection Act (16 U.S.C. 470aa--11) is amended as follows:

Sec. 301. In section 3 (470bb), add the following at the end of subsection (5) between the bracket and the period:

" , and for the purposes of this Act includes native Hawaiian communities and groups" [CHANGE?]

Sec. 302. In section 3(470bb), add new subsections as follows:

"(8) The term "religious or cultural site" means any location or land area deemed by the Indian tribal government to have value in the traditional culture or religion of such tribe, including but not limited to areas where religious practices are or were in the past carried out, areas where visions are or were sought, areas figuring in tradition, and areas known or thought to contain graves or human skeletal material.

(9) The term "sacred artifact" means any material which is dedicated to a deity or some Native American religious purpose and utilized for the conduct and observance of Native American religion.

(10) The term "traditional cultural authorities" means individuals recognized by the members of an Indian tribe, in accordance with their traditional religious and cultural practices, to be authorities in the traditional cultural affairs of the tribe."

Sec. 303. In section 4(b)(3)(470cc[3]), between the word "institution" and the word "and," add the following:

"except as provided in section 4(k),

(4) the provisions of section 4(k) will be complied with in the event graves, human skeletal materials, or sacred objects are encountered by the applicant,"

Sec. 304. In section 4(c)(470cc[c]), between the word "importance" and the period, add:

Page 11

"and shall consult with such Indian Tribal government concerning whether, and with what terms and conditions, the permit should be issued"

Sec. 305. In section 4(470cc), add a new subsection (k) as follows:

"Where graves, human skeletal materials or sacred objects are excavated or may be excavated under permits issued under this section, or otherwise exhumed on Federal or Indian land, the Federal land manager shall consult with appropriate archeological and physical anthropological authorities and the Indian tribal government having cultural affiliations with the deceased individuals represented by such graves or skeletal material, or with the users of such sacred objects, or if such individuals were not Indians, with representatives of any other community or group having such affiliations, to determine their disposition. In the event agreement cannot be reached with such authorities, the Federal land manager shall seek mediation by the Native American Museum Advisory Board, established under Title I of this Act. Until an agreement is reached or mediation had been completed, the graves, human skeletal material, or sacred objects in question shall be maintained either in place or in storage in a secure and respectful manner and shall be subjected to only such study as the Indian tribal government or other representatives consulted pursuant to this section may permit."

Sec. 306. In section 11(2)(470jj), between the words "lands" and "and" add:

", Indian tribes and Native Hawaiian groups,"

Sec. 307. In the final paragraph of section 11(470jj), between the number "(1)" and the word "and," add:

", Indian tribes and Native Hawaiian groups,"

Gary Turkui: "Designed to have all museums return their collections (to whom).
"Arch. should fear it, but arch. need to deal w/ Native Am. situation" (EN)
we should sit-in w/ Museum lobby - but will be ongoing problem -"

Piece of City's History Buried at Building Site

By Timothy Clifford

An opportunity to learn about everyday Jewish life in colonial New York was lost when a construction project in lower Manhattan was begun this year before archaeologists could examine the site.

"It could have been a first for the United States," said Sherene Baugher, an archaeologist for the city Landmarks Preservation Commission. "Even though we know there was a Jewish population that came to New York City in the 1600s and was a very active community, there haven't been any archaeological sites of Jewish families."

"This might have been our first look at the everyday life of a Jewish settler here," Baugher said. "It would have added a rich dimension to our New York City heritage."

Lawyers for developer Melvyn Kaufman, managing partner of the joint venture by the William Kaufman Organization of New York and JMB Realty of Chicago, blamed "a long and tortured odyssey of bureaucratic miscommunication" for the lost archaeological opportunity.

The developer is building a 41-story office tower at 17 State St., costing more than \$100 million. The site is bounded by Pearl Street to the north and State Street to the south and west and is across from Battery Park. The building still needs special zoning permits from the city.

"As far as I know, this is the first time a site had been destroyed when the city had the right to protect it under the city's environmental law," said Jeremy Woodoff, environmental review coordinator for the Landmarks Commission. Baugher said an archaeological dig there would have lasted less than three

The city requires developers seeking special zoning permits to provide an archaeological survey and dig if the Landmarks Commission deems it necessary. Developers planning "as-of-right" buildings requiring no variances from the zoning code escape this requirement. Kaufman obtained an excavation and foundation permit from the Buildings Department and began work on an "as-of-right" basis despite his pending request for variances. Woodoff said the involved city agencies now are working to close this apparent loophole in the review process.

In a letter to Kathryn E. Freed, chairwoman of Community Board 1, Kaufman's attorney, Donald H. Elliott, said, "The developer had nothing to gain from avoiding archaeological work on the site." Elliott added Kaufman had concluded no survey was necessary even though special permits had been requested. Kaufman could not be reached for comment.

The family of Abraham Isaacs lived in a home on part of the 17 State St. site from 1728 to 1754, according to an archaeological report prepared by Joan H. Geismar, who was hired by the developer after the site was excavated. Two Dutch and two English families lived there in the 17th and 18th centuries before Isaacs, Geismar's study revealed.

"This site had a potential to yield a wonderful mixture of time through three ethnic groups," Baugher said. "We would have hoped to find everyday objects that people would have discarded — like broken glasses, toys, clay pipes, food remains, cooking utensils, wine bottles. We might have been able to determine more about their lifestyles."

Such artifacts would have enabled archaeologists
—Continued on Page 35

to detail the ethnic and religious aspects of the Isaacs household. "We could see, by what they had in their own home, if and how they kept their ethnic separateness in an English Protestant society," Baugher said.

There is no evidence that any artifacts would have been found in the portion of the site where archaeologists had hoped to search beneath the foundation of a restaurant building and the bedrock. The Seamen's Church Institute once stood on the site.

In an April 10, 1985, letter, the Landmarks Commission informed the City Planning Commission that an archaeological study should be done at the site. According to a chronology prepared by the developer's lawyers, the commission sent two letters to the developer about this request, the last on Sept. 10, 1985. But Elliott said the requests were "confusing" and a study was not discussed in later meetings with city planners.

The developer obtained the excavation permit on Jan. 14, 1986. Work on the archaeologically sensitive area started on Feb. 24 and reached the bedrock by Feb. 26.

Two days later, Woodoff found out about the excavation and called the Planning Commission and the developer's lawyers, but the damage already was done. All excavation was finally stopped April 2 for nearly a month while Geismar conducted her study. She concluded any potential finds of artifacts were lost.

Since the incident, the Landmarks Commission has demanded mitigation from the developer. "If developers know they can go out and destroy a site with no repercussions," Baugher said, "what about the other developers who have been doing everything the right way?"

The commission has asked the developer to construct an exhibition of artifacts found elsewhere on the 17 State St. site. The two sides are still negotiating over design, size and location this exhibition should take, with the commission pointing out that other developers had archaeological digs on their sites and have put up exhibitions.

New York Relic Travels South

"If this ship is not saved for New York City, it will go to Virginia," Mayor Koch warned at a news conference in December 1984. "I don't want people to come up later and say, 'Why didn't you tell us?'"

Mr. Koch was talking about part of an 18th century merchant vessel that had been excavated by archeologists in 1982 at a construction site at 175 Water Street in lower Manhattan.

The 20-foot section of bow was being preserved in Massachusetts at the expense of the developer, Howard Ronson. But unless a New York institution made an offer to match one by the Mariners Museum in Newport News, Va., that museum would take the fragment of Manhattan history.

Mayor Koch's call was not heeded. Since April 1985 the bow has been in a basement room of the Mariners Museum, under intensive care.

"We are drying it out very slowly," reports John Sands, curator of collections. "We started with 100 percent humidity and we're down to about 89." It will take a year or two, he says, to achieve the goal of 50 percent. Meanwhile, the bow is being impregnated with polyethylene glycol, a water-soluble wax.

Then comes reassembly. "It's a jigsaw puzzle right now," Mr. Sands says. "It was all taken apart. There's distortion in the drying process, so there are a lot of crossed fingers here. And it won't have the strength it had 200 years ago, so we'll support it with armatures, piano wires and magic."

And when can the public see it? "I wouldn't buy a ticket yet," Mr. Sands says.

7 August 1986

The New York Times

Window Opens Into New York's Immigrant Past

To the Editor:

While preparing to celebrate our immigrant heritage, we are losing a great opportunity to learn how some immigrants actually lived. New park construction in lower Manhattan has exposed the earth on a historic site, but no archeological work is being done.

The southwest corner of the construction site, at Baxter and Worth Streets, was part of the old Five Points, the first place in New York City settled by Irish immigrants in the 1820's. By midcentury, the Five Points had a solid reputation as the most desperate locale in New York: Its notoriety spread through Europe, partly because of Charles Dickens's shocking descriptions in "American Notes."

The northern half of the construction site was part of the block known as Mulberry Bend, immortalized by Jacob Riis in "How the Other Half Lives." Writing in 1888, two years

after the Statue of Liberty was completed, Riis observed, "There is, but one 'Bend' in the world, and it is enough." By then, southern Italians had replaced the Irish, but living conditions had not improved. A tenement housing commission found that 155 children younger than 5 had died on that one block in 1882.

In the 1890's, the tenements of the Bend were demolished and replaced by a park. Between the mounds of bricks turned up in the current park construction, one can see the tops of old basements. Reports on the area throughout the 19th century refer to underground tunnels, warrens and even illegal burials. Undoubtedly much was exaggerated. But we are missing a chance to find out what was true.

BRIAN FERGUSON
New York, June 6, 1986

The writer is assistant professor of anthropology at Rutgers University.

19 June 1986

The New York Times

27 July 1986
Newsday

New York's Fading Indian Museum

Ever since H. Ross Perot offered \$70 million last year to lure the Museum of the American Indian to Texas, New York officials have looked upon the courts as their trump defense. They can't do that anymore.

"It must be as obvious to the litigants as it is to the court that it was not the intention of [George G. Heye, the founder] to allow his museum to perish and its collections to be dispersed rather than be removed to another state." So said Supreme Court Justice Martin Stecher in a preliminary ruling on the museum's petition for permission to move.

Nobody is yet calling for moving vans, but the justice's opinion amounts to a warning: if New York does not soon find a new local address for the museum he may approve a distant one.

For a dozen years the museum has explored many ways to try to bring together in a safe, accessible place a priceless collection that is now spread among three locations in upper Manhattan and the Bronx. Two solutions came up again and again: merger with the American Museum of Natural History, and moving into the old United States

Custom House at the southern tip of Manhattan.

The merger talks broke down last fall, apparently irretrievably, because the Indian museum's trustees feared they would lose too much of their independence. Justice Stecher expressed sympathy for that position in his recent opinion.

Moving to the Federal Custom House remains a possibility, but New York's members of Congress are indifferent or hostile to the idea. President Reagan favors a law that would give the building to the museum and the Administration is looking for space for the agencies that were to occupy it. But Senator Alfonse D'Amato opposes that as a giveaway and Senator Daniel Patrick Moynihan is noncommittal. The bill's House sponsor is not even a New Yorker — Representative Morris Udall of Arizona.

New York's time seems to be running out. Governor Cuomo and Mayor Koch probably have one last chance to appoint a rescue committee of prominent persons who appreciate the value of this museum and can instruct the state's delegation in Congress in the legitimacy and urgency of granting it a proper home.

29 July 1986

Put the Indian Museum in the Custom House

To the Editor:

In Follow-Up on the News (May 25), you report that talks on finding a new home in New York City for the Museum of the American Indian have foundered. Again the Indian and his culture get short-changed; again he gets pushed westward or northward or southward, wherever the white man doesn't care to be.

Because we have all but annihilated the American Indians as a race, there are no war whoops; they have no power to demand representation in the cultural polyglot of New York City. If the Indians were not inherently trusting, straight and naïve, we wouldn't get off so easy.

In New York we are annually subjected to an Irish parade, an Italian parade, a German parade, an Israeli parade, a black parade, a Greek parade, a Chinese parade and other, sometimes obscure, ethnic parades. The Puerto Ricans, though hardly obscure, are latecomers on the immigration scene, and they have a parade — and a museum, too, next to the Museum of the City of New York.

But the earliest of all Americans have never had a parade, and they are even begrudged a place to exhibit their art, explain their religion and shock us with the holocaust that overcame them in pale-faced hordes.

I think it's disgraceful that New York keeps much of its priceless collection of Indian Americana in almost inaccessible storage in the Bronx, and

that the Custom House, an ideal space and site, is allotted by preference to Federal offices, and what offices! A bankruptcy court. At least it's logical. The treatment of the red American by the white American has always smacked of moral bankruptcy, so in historical terms the position of our two senators is in context.

But we are all New Yorkers. The present generations of Americans have redressed many wrongs. The least we owe the American Indian for his long custody of our country is a decent resting place for his art and artifacts. We can't eradicate the past, but we can illuminate it. New Yorkers, unite and demand the Custom House for the Museum of the American Indian!

JENNIE BELL BECHTEL WHYTE

New York, May 27, 1986

6 June 1986

LONG ISLAND ARTIFACTS

An archeological dig by students of Queens College has unearthed some 200 artifacts from the backyard of the 17th century Bowne House in Flushing, Queens, the only surviving example of Dutch-English vernacular architecture in New York City.

Jewelry, tobacco pipes, buttons and toys, along with pieces of ceramics and glassware were excavated from the original kitchen dooryard. Some of the items match objects in the Bowne House collection.

The first section of the two-story wooden shingle structure was built in 1661 by John Bowne, who held Quaker meetings in the house despite a ban by the Dutch Colonial Governor, Peter Stuyvesant.

Bowne was arrested and sent to the Netherlands for trial, but he returned victorious, with a grant of religious freedom for the entire colony.

The newly discovered artifacts are on display in the museum at 37-01 Bowne Street until July 4, on Tuesday, Saturday and Sunday from 2:30 to 4:30 P.M. Admission is \$1 for adults, 25 cents for children under 14, and includes a tour of the Bowne House as well.

Information: (718) 359-0528.

4 May 1986

Old New York Is Being Unearthed on Ellis Island

By JAMES BROOKE

Under the Great Hall on Ellis Island, the door through which millions of immigrants entered America, archeologists last year discovered the skeletons of two American Indians.

They are believed to be Munsees, a local branch of the Delawares, who gathered oysters around the island before the arrival of Europeans.

"Somehow it is very appropriate that the only remains we find on Ellis Island represent the one group that was here before the waves of immigrants that came to make America," said John Belle, the main contracting architect for the Ellis Island restoration project for the National Parks Service.

The Indian remains are to be interred on the island before the Great Hall opens to the public as a national museum of immigration in 1992.

Preserving Historic Graffiti

Mr. Belle said the discovery of the skeletons was one of a series of finds that offered new insights into Ellis Island and the 12 million immigrants who passed through the red brick building.

Historians have spoken of the Babel of tongues that rose and fell when thousands of immigrants crowded the cavernous Great Hall in the early part of this century.

Today, conservators are working to preserve the surviving traces of that hubbub — snatches of graffiti scribbled on plaster walls or carved in wooden windowsills.

"They used pencils, penknives and the same blue chalk that doctors used to mark comments on people's coats," said Christy Cunningham, a paintings conservator contracted by the Parks Service. "Some are just names, dates and villages of origin. But there are also sketches of the boats they came over on, with flags flying and steam billowing out of the funnels."

The 25 areas of graffiti selected for preservation speak of America's multinational roots. There are

scrawls in Arabic, Armenian, Chinese, French, German, Hebrew, Hungarian, Polish, Greek, Italian, Russian and Serbo-Croatian.

Some are prosaic.

"If there were no mosquitoes, one would probably be healthier," reads a scrawl in Hungarian.

Others are more discursive.

"Thinking of home brings tears," one writer scribbled in Chinese on the marble wall in a men's room. "Lucky just to arrive in Flowery Flag country. I expected peace with no worries. Who knew the immigration guards would detain us? Left locked up without any reason. How can we change these harsh laws?"

"Let's devote ourselves to return to China and kill our enemies," the man concluded. "When I have the opportunity to see my father, brothers, wife and children, I will be overjoyed and tell about my Western journey."

An Italian immigrant wrote in the men's room: "Women make men suffer because they are venomous and loose and don't look after their husbands."

Two graffiti in obscure Armenian dialects continue to puzzle translators.

Impression Owed to Acoustics

Mr. Belle, an immigrant from Wales, believes he has solved the mystery of why the Babel of tongues had so impressed visitors to the Great Hall.

"The wall plaster is reinforced with horse hair to give it body," he said.

This 19th-century construction technique — mixing wet plaster with horse hair purchased from slaughterhouses — was also used in the construction of Carnegie Hall and several Broadway theaters.

"Sounds were clear as a bell in the Registry Room," Mr. Belle said, using the formal name for the Great Hall.

The acoustics are also good because of the fine

workmanship of the vaulted ceiling of the main hall. Constructed around 1917 by the Guastavino Brothers, the same tile contractors who built the ceiling of Grand Central Terminal, the ceiling is almost perfectly intact today.

"We inspected every tile with a rubber hammer," said Mr. Belle, who is managing partner of Beyer Blinder Belle Architects and Planners of New York. "Less than 40 tiles out of the thousands had to be repaired or replaced."

Finding Old Manhattan

On the outside of the main building, contractors digging trenches for power lines have uncovered evidence that supports a theory that much of today's Ellis Island was created by landfill produced when the New York subways were dug at the turn of the century.

"Two feet under the front lawn, we found pottery, silverware, plates and lanterns from the 1820's and 1830's," said Michael Alderstein, Parks Service project manager for Ellis Island. "As we dig through Ellis Island, we find old Manhattan."

From the late 1700's to the early 1830's, Ellis Island was also used as an execution ground, largely for sailors convicted and hanged for piracy or mutiny.

When the human bones were unearthed below the building foundations, some restoration workers speculated that they might be the remains of executed convicts.

However, John Pousson, staff archeologist for the Parks Service, said that during the time the northern end of Ellis Island was used for executions, the remains of executed convicts were usually sold or donated to medical schools.

Furthermore, he said, examinations of the teeth show they have a wear pattern characteristic of American Indians.

"There are no cavities, which indicate that these are not Europeans," he said.

In Brooklyn, Drive to Help Dutch House

By JESUS RANGEL

Forgotten by time, ravaged by weather and overwhelmed by weeds, abandoned tires and refrigerators, the 18th-century Christian Duryea House seems an unlikely symbol of what residents call the "great potential" of the East New York section of Brooklyn.

But lately, it has taken on a significance that transcends its decrepit appearance and historical value. Community groups, preservationists, Brooklyn College archeologists, the Borough President's office and local people struggle to save it from further deterioration.

They are trying to preserve the building as a reminder of one of the few 18th-century farmhouses remaining in city and the last visible feature of a 100-acre complex begun by the Duryeas, a family of Dutch immigrants.

But the residents also hope to use the interest in the house to help turn around more than a decade of decline in their neighborhood.

Next to Burned-Out Apartments

"It's our treasure," said Rosemary McCarthy, East New York's unofficial historian and a self-appointed keeper of the grounds. "Everyone who hears the name East New York connects it with crime, drugs, bad housing and every ill you can think of. It's one of the bright spots of the neighborhood."

Situated at 562 Jerome Street, next to a row of burned-out apartment houses in a neighborhood that still has scars from the fiscal crisis, when middle-class Jews and Italians fled the area, the house came to the attention of the New York Landmarks Conservancy in 1977.

On the death of its last owner, Frederick V. Eversley, in 1982, the conservancy, a preservation group, received an option to buy the house and restore it. The organization sought help to stem the deterioration.

With money from the office of the Borough President, Howard Golden, the house was repainted with paint donated by the New York Paint and Coatings Association.

Brooklyn College agreed to co-sponsor an archeological dig, which was

conducted last June 19 to July 14 by two professors in the anthropology and archeology departments, H. Arthur Bankoff and Frederick A. Winter, and several students.

What they found was nearly 15,000 artifacts, ranging from 18th-century pottery to early 20th-century glass.

Mary Flower, who lives across the street from the house, bought a heavy lock to shut the gate.

"I've lived here 20 years and I've always loved that house," she said. "I'm glad that other people from the outside are taking interest in it. That shows we have a real gem here right in our neighborhood."

Series of Problems

"We didn't have too much luck before in raising money to preserve it," Ms. McCarthy said. "Now things might change. Each winter that passes take 10 years of life expectancy away from the house. Now that others are interested in it, people may be moved to try a little harder to improve our area."

A series of problems, however, has to be resolved. One factor is that despite the great interest locally, there is not a

strong preservation organization to maintain the house.

The conservancy considered moving it to a 52-acre site in Floral Park, Queens, where the Queens County Farm Museum would maintain it. Opposition from Mr. Golden's office killed that plan.

"We would not accept any move out of Brooklyn," an assistant to Mr. Golden, Marilyn Gelber, said.

The organization is considering other options, including moving the house elsewhere in Brooklyn.

"We don't own the land, and have no possibility of owning the land," the executive director of the conservancy, Laurie Beckelman, said. "We just have an option to purchase the house."

Seeking the Past In Brooklyn

ARCHEOLOGISTS were busy digging last summer on a former parking lot on the edge of Brooklyn Heights, hoping to find traces of Breukelen, as the area was known to its 17th century Dutch residents.

The diggers, from Greenhouse Consultants, had been hired by the city's Public Development Corporation as part of an environmental impact study required before developers could put up an office building on the city-owned site, bounded by Pierrepont and Clinton Streets and Cadman Plaza West.

"We found something we were looking for," says William I. Roberts 4th, field supervisor of the excavation—a roadway called "Love Lane," probably in use from the 17th through the mid or late 19th centuries.

"Unfortunately," he adds, "it looks like it was a dirt roadway that was constantly being churned up by wheels and horses, and they just kept throwing in more dirt and gravel to fill in ruts." So instead of distinct layers, each from a different era, as hoped for, there was one layer with "materials all mixed together" and thus difficult to analyze.

The archeologists also found three 19th century backyards, a pottery fragment that might date back as far as 1680 and an 1861 penny. But none of this was overwhelming. And no more digging was deemed necessary. So developers have been doing their own digging, laying the foundation for a 19-story building that will include some offices of Morgan Stanley & Company, the investment concern.

Eleanor Blau

The New York
Times

13 Sept 1986

The New York
Times

19 June 1986

A Borough's Growth, At Bronx Arts Museum

By STEPHEN HOLDEN

LESS than a century ago, the Bronx was a sleepy northern suburb of New York City dotted with farms, country estates and small towns. Between 1890 and 1940, however, its population expanded from 90,000 to 1.5 million, a spectacular growth that did not come about in an altogether haphazard way; it sprang from the interplay between planning on a comprehensive scale and the response to an ever-increasing demand for housing in the city.

A new exhibition, "Building a Borough: Architecture and Planning in the Bronx, 1890 to 1940," at the Bronx Museum of the Arts, offers a rich illustrated history of the Bronx's urbanization. Drawn from the New York Public Library, the Museum of the City of New York, the New York Historical Society and private sources, the exhibition contains more than 100 architectural drawings and photographs of the borough at various stages in its growth up to the start of World War II.

"The western part of the Bronx, which was known as the Annexed District, was appropriated by New York in 1874, but by the late 1880's, people had begun to lose patience waiting for it to be developed," said Timothy Rub, the exhibition's guest curator. "The residents agitated successfully for legislation that gave them the authority to plan the borough themselves. This massive undertaking was entrusted to a newly created municipal authority, the Department of Street Improvements of the 23d and 24th Wards. Their plan, unveiled in 1893, envisioned a modified grid which took account of the older streets and highways. The exhibition contains a number of large lithographic views, which depict the plan and provide an image of the Bronx as a spacious suburban borough. It's interesting to contrast that vision with the more densely built fabric of the borough in the teens, 20's and 30's."

Real Estate Boom Depicted

The accelerated real estate boom of the next three decades, during which the borough's farms and large estates were parceled and auctioned, is also illustrated, through advertisements, auction pamphlets and broadsides.

"The meat and potatoes of the show is the section on housing, since the Bronx is first and foremost a residential borough," said Mr. Rub. "It begins with views of early tenements, row houses and single-family homes. After the turn of the century, apartments became the dominant type of building. Until the eve of the depression, historical styles such as Italianate and Tudor-Gothic were favored

by architects and builders. The 30's saw the advent of Art Deco, of which the borough contains more than 200 architectural examples. A great deal of cooperative housing, representing all shades of political and social intent, was also built at the time, as well as some New Deal housing. The most important New Deal-financed project was Hillside Homes, designed by Clarence Stein, who advocated the garden apartment as the appropriate form for urban housing."

"There was also a strong and direct correlation between real-estate development and the reach of subways," Mr. Rub said. "We show vintage photographs taken by the Public Service Commission of the subway ways being built. There is a wonderful view of the River Avenue Station at Yankee Stadium in 1915, when the area was just farmland."

Another section of the exhibition focuses on public buildings put up by the city, and includes C. B. J. Snyder's Gothic-styled Morris High School and the Art Deco-styled Herman Ridder Junior High School (P.S. 98). Other architectural landmarks include the Gould Library, designed by Stanford White and now part of the Bronx Community College, the neo-

Gothic buildings of the Fordham University campus, and the Georgian-styled Montefiore Hospital.

Planning of Gardens and Zoo

The exhibition also follows the planning and development of the Bronx Botanical Gardens and the Bronx Zoo. "Unlike Central Park, in which a lot of landscaping was done, the idea in both instances was to try leave the land as it was and use it that way to its best advantage," Mr. Rub said.

The show ends with a 1941 aerial view of Parkchester, the vast housing development built by the Metropolitan Life Insurance Company.

"The exhibition is a study in 'here today and gone tomorrow,'" Mr. Rub said. "One minute you had farmland and small suburban villages, and in the span of a few years the borough became 'Manhattanized.' As the city grew, people expected that the Bronx would come to the fore as a natural extension of Manhattan, both commercially and residentially. One of the most striking photographs shows

the open fields of the East Bronx being laid out with markers; for streets — actual grid posts connected with long ribbons. It gives you an eerie feeling of before and after."

The exhibition continues through Nov. 23. The Bronx Museum of the Arts is at 1040 Grand Concourse. It is open Saturday through Thursday from 10 A.M. to 4:30 P.M. and on Sunday from 11 A.M. to 4:30 P.M. Admission is \$1.50 for adults and \$1 for senior citizens and students. Information: 681-6000.

New Jersey Tribe Plans A Museum for Artifacts

RANCOCAS, N.J., Sept. 2 (AP) — The Powhatan-Renape Indians are completing plans to build a \$1 million, two-story museum for the display of thousands of Indian artifacts, according to Chief Roy Crazy Horse, the leader of the 8,000-member tribe.

He said construction of the museum, which will be one of the few owned and operated by American Indians, was awaiting final approval by state and local officials.

Plans call for the museum to be built on a 350-acre, wooded reservation here, the chief said, with money raised by the tribe.

The New York Times
3 September 1996

The New York Times 25 May 1996

Digging deeper into the past

By Eugene Kiely
Staff Writer

Phillip Perazio, sitting quietly behind his desk, stared intently at his work — a collection of rocks in a plastic sandwich bag.

He pulled one of the stones out of the bag and cradled it in his hand.

"It may not look like much to you," he said as he pointed out the finer qualities of the small, flat rock. "But here is where it was struck to make a stone tool."

Perazio is the chief archaeologist at Research & Archaeological Management Inc., a Highland Park firm hired to conduct an extensive archaeological study of a small Pequan-

Prehistoric artifacts at Pequannock site

nock site through which a seven-mile sewer line soon will pass.

The Pequannock River Basin Sewerage Authority was required to do the study as part of a \$7-million loan agreement with the state Department of Environmental Protection (DEP). Two preliminary studies turned up evidence of an Indian occupation at the site, and the authority had to pay for a third and final study of that area.

"We had two choices if we wanted the money: avoid the area entirely, or do a stage-three survey," said Daniel Kelly, executive director of the sewerage authority, who opted for what he saw as the less expensive evil. Work at the site began Monday and is to end next week, possibly Wednesday.

The study will cost the authority about \$40,000, but it will not delay the \$18.6-million pipeline, on which work is expected to begin next month. The line will extend from Bloomingdale to Lincoln Park and connect Butler

bles on West End Avenue.

"Maybe a group of a few men were going out on a hunting trip and either stopped in the middle of it to repair damaged tools or maybe stopped here overnight to make additional tools before continuing on," Perazio said, basing his theory on what has been found — and what has not been found — so far.

Perazio had a one-day cache of a half dozen arrowheads, two pieces of pottery, and thousands of

chert flakes, which are chippings from would-be arrowheads. He said his finding "very little pottery, no hearths, no storage pits, and a narrow range of tools" led him to believe the site was a "short-term occupation."

The artifacts date to the Late Woodland period, between A.D. 800 and 1500, Perazio said. The Woodland period was just prior to the Contact period, when Europeans came on the scene.

The key to Perazio's highly educated guess — he's working toward his doctorate in anthropology at New York University — was the discovery of the pottery, which distinguished the Woodland period from the period before it.

The pottery was found in the third and final phase of the archaeological study. The first two phases went no further than a so-called shovel test, which is simply a shovel of dirt dumped through a mesh screen to sift out artifacts.

In the final stage, Perazio and his two teams of three archaeologists opened 12 five- by five-foot ditches in search of historic pieces. The ditches range from one to two feet deep, with an archaeologist on hands and knees scraping off one three-inch layer of dirt at a time.

Perazio said the artifacts, along with a written report, will be returned to the sewerage authority, which has agreed to give the artifacts to the state museum in Trenton, where, Perazio says, they probably won't see the light of day, or even the fluorescent light of a glass case.

and Bloomingdale's sewerage system to the Two Bridges Sewerage Authority's treatment plant in Lincoln Park.

After just one day on the job, Perazio theorized that the excavation site was a brief rest stop for a few Indians who were hunting for deer and fowl in the lowlands adjacent to what is now Westwind Sta-

The Bergen Record
29 August 1976

Project adds to 18th century lore

The Home News/Dic

By KATHLEEN MC DERMOTT
Home News staff writer

NEW BRUNSWICK — Sometimes the significance of what Peter Primavera finds in empty urban lots "can change the course of a project."

Primavera and members of his Highland Park firm, Research & Archaeological Management Inc., last week completed a week-long survey on the future site of Omar Borale's eight-story office tower on Albany Street between Spring and George streets. Primavera said his analysis and report will be finished in about a month but that he doubts any of his discoveries will be significant enough to stall the project.

He has found some interesting facts, nevertheless.

Sometime during the 1760s, the lot on which the project will stand was the site of a tannery and, later, a grist mill. Both industries took advantage of water power from Barracks Spring Brook, a narrow stream that emptied into the Raritan River and which was named for the nearby Revolutionary War barracks on George Street.

Visible at the project site last week were bits of leather embedded in the soil from the tannery. In a far corner of the lot, where until recently a Chinese restaurant stood, was the brick tunnel through which the brook flowed.

There are other signs of the city's past at the site: distinct layers of what Primavera called "20th Century fill," stray bottles and bits of material. The origin of most of the items will remain unknown at least until Primavera's report is completed. All of the items will be washed, studied and catalogued, he said.

An archaeological analysis, part of a larger environmental impact study, is required whenever a project receives federal funding. The Albany Street project is being financed by a \$2.5 million loan from the city, which received that amount late last year in the form of an Ur-



Charles Bollo takes samples of earth for evaluation at Spring and Albany streets excavation in New Brunswick. Debra Campagnari is measuring layers in the background.

ban Development Action Grant from the federal Department of Housing and Urban Development.

But Primavera, who has also worked on the site of the lower Church Street mall, along Route 1 in anticipation of the highway's widening and at the South Street Seaort in New York, said much of his job is done far from the archaeological trenches.

"Archaeology is a very misunderstood science," he said. "It's a social science and it has a rigor and a method and a research design. People often think we're looking for artifacts. What we're really doing is a social study."

Before digging into their sites,

Primavera said, staff members do extensive research at local libraries and examine real estate records. And in a compact urban area like New Brunswick, he said, it's important to talk with as many people as possible.

"New Brunswick is an urban place, but not a very big urban place, and a lot of people know one another," he said. "There are families who have lived here for years and years and years. Part of our work is compiling oral history. Talking to people gives you clues you don't find in the repositories."

The evolution of New Brunswick is visible from Albany Street, even

without digging into the soil, he explained.

The movement of the city's population away from the riverfront — as railroads replaced shipping as the primary means of transportation — is obvious in the concentration of industry in the western end, he explained. The Albany Street lot was once surrounded by mounds of earth, but the ground was leveled off as the demand for real estate became more intense.

"What we're interested in is human behavior, in what's happened through time," Primavera said. "We want to know how people behaved in a northeastern American city in the 18th century."

The Home News

22 April 1986

Relics could block brook

James Dao
Writer

Wayne resident's request for archaeological study of Sheffield Brook could delay the long-awaited cleanup of radioactive material along the waterway for a full year, township officials said.

Archaeologist and noted township historian Edward J. Lenik, who lives along the brook, has urged the federal government to bid work to begin until provisions are made to ensure that the cleanup will not destroy historic artifacts.

Removal of an estimated 45,000 cubic feet of thorium-tainted soil from the site, near a former W. R. Grace and Company plant, was to begin Monday. The \$3.2-million cleanup is being conducted by Bechtel National Inc. under the supervision of the U.S. Department of Energy.

Township Administrator John McClellan yesterday said the DOE and U.S. Environmental Protection Agency "are apparently taking this request very seriously."

EPA and DOE officials could not be reached for comment last night. But a spokesman for the U.S. Department of Environmental Protection, which has granted permits allowing the cleanup, said concerns about archaeological remains at the site could be "a definite work-stopper."

McClellan said that Bechtel has agreed it will cancel agreements with its subcontractors to do the work if an archaeological impact study is ordered. New contracts would not be drawn up for months, and the 1986 work season would be missed, he said. In addition, the permits would have to go before Congress again and might not be reapproved.

"We find it disconcerting that the long-term health effects facing the residents could be put aside to save some archaeological relics," said a DOE spokesman.

A federal report concluded that thorium contamination of the brook area does not pose an imminent health hazard. A person exposed to the radiation continually for 70 years would face an additional one-in-4,500 chance of dying of cancer, the report by the U.S. Environmental Protection Agency said.

McClellan was out of town yesterday and could not be reached for comment. But his wife, Vera, said it was not her husband's intent to

stall the cleanup.

"He wants it cleaned up, but he doesn't want history destroyed without any record of it," she said. "Our boys grew up playing in the brook. Far be it from us to say we don't want it cleaned up."

She added that her husband, who runs an archaeological consulting firm from their home, has found many native American artifacts along Sheffield Brook.

Lenik recently published a book titled "The Archaeology of Wayne," detailing four excavation sites in the township, he calls "treasures of Delaware Indian artifacts." The Sheffield Playground near the cleanup site is one of those spots.

If the soil removal is postponed, it would mark the second delay this year. In April, Bechtel had to put off work because it was unable to obtain liability insurance. The DOE had hoped the job would be completed by October.

Township officials are hoping a compromise can be reached short of an impact statement being required. McClellan said Bechtel has offered to hire an archaeologist to monitor the cleanup, but that the EPA has rejected the idea. "We feel that is a very reasonable proposition," he said.

The thorium, which was once used in the manufacture of nuclear fuels, was produced at the W. R. Grace plant on Black Oak Ridge

cleanup

Road between 1948 and 1971. The thorium was buried at the plant, but eventually spread to a nearby soccer field, bus garage, and the brook.

Though the federal government knew of the thorium's presence for many years, no effort was made to clean it up until public outcry elicited action in 1983. Initial cleanup began at the plant, now owned by the DOE, that year.

Thorium cleanup also is underway in the Bergen County towns of Maywood, Lodi, and Rochelle Park. Over 40,000 cubic yards of an estimated total of 250,000 cubic yards of contaminated soil have been excavated and are being stored temporarily next to the Stepan Company in Maywood.

For George Yashenchock, the former leader of a residents' group instrumental in publicizing the thorium problem, news of the latest delay came as no surprise.

"It's been one thing after another," he said. "I don't think I'll live to see it happen."

The Bergen Record 3 July 1986



"He's not going to show vacation pictures again, is he?"

188 Years After Sinking,

By WILLIAM K. STEVENS

Special to The New York Times

LEWES, Del., Aug. 11 — One-hundred and eighty-eight years after she sank in a squall, the British warship H.M.S. deBraak rose from the bottom of Delaware Bay tonight.

Boat horns blasted and onlookers gasped in awe as a huge crane dramatically lifted the remains of the 18th-century raider's hull out of the depths and into the sudden glare of spotlights.

Then the relic, part of what marine historians consider a major archeological and historical find, was deposited gently on its side on a waiting barge, while workers on the barge raised their arms in triumph.

"The deBraak is home," Kevin McCormick, the manager of the salvage project, said over an observer boat's bullhorn at 10:25 P.M., and the celebration began.

The relic was only part of the two-masted brig's hull, including much of the after section, principally the starboard side. The exterior planking and copper sheathing gleamed in the night.

The remains were to be taken ashore tonight. On Tuesday, the next stage of the salvage operation is to begin: the search for any gold, silver or jewels that may be left on the bottom where the ship rested, or in a mass of material that has been chemically fused to the hull by the interaction between seawater and materials aboard the ship.

In her time, the 85-foot deBraak preyed on Spanish ships in the New World. When she sank here off Cape Henlopen in 1793, it is said that sailors who survived paid for their rooms

ashore with gold doubloons. Ever since, the sunken two-masted brig has been the object of treasure speculation.

A Historical Treasure

The find is already considered a major historical and archeological treasure by maritime historians. And that, said Robert Steuk of New Hampshire, a principal investor in the venture, "is our salvation."

"The only sure way it pays is if we come up with a good collection of artifacts that tells a story," Mr. Steuk said.

Divers employed by the salvage concern Sub-Sal Inc. of Reno had already brought up hundreds of artifacts from the wreck that were said to amount to perhaps 20 percent of all the salvagers expected to recover.

Among the most intriguing were a gold ring belonging to James Drew, the ship's captain; a man's wig made of human hair, complete with 18th-century queue; all the ship's 18 cannon; china from the officers' table; two black-glass bottles full of rum; a long-barreled pistol; a scabbard; two styles of shoes, one with buckles and one with laces; toothbrushes, minus bristles; pulleys from the rigging; a bootjack; a scrub brush; hundreds of buckles; a pewter spoon engraved with the nickname Mitch, and a small glass bottle marked Ketchup.

H.M.S. deBraak Is Raised

In those days ketchup was a mushroom extract that was put on meat, according to Claudia Melson, a Delaware state archivist who for the last year has been helping preserve and catalog the artifacts. "What's fascinating," she said, "are all the things that made up everyday life."

The state, which has cooperated in the salvage operation that began to bear fruit in 1984 when Captain Drew's ring was found, has laid an uncontested claim to 25 percent of whatever artifacts and treasure might eventually be recovered.

So there was great anticipation here today as, with a thunderstorm brewing, the time for raising the remaining 40 percent of the deBraak's hull approached.

But a cold front kicked up waves high enough to delay the final attachment of eight cables under the hull that were to be rigged to a crane capable of lifting 300 tons mounted on a barge.

The hull was raised from its grave, 90 feet down, at a rate of one and one-half feet per minute so that nothing would wash out. If there is treasure, it most likely will lie in the after part of the ship in a huge "concretized" mass, fused together by chemical action over the years, according to Kevin McCormick, the project manager. Or, he said, it may have spilled out of the hull and lie on the bottom of the bay, as has often been the case with treasure ships.

It might take two weeks to know whether there is any treasure, and if so, how much, he said.

How any treasure will be divided after Delaware receives its share is the subject of a lawsuit in Federal District Court in Wilmington. Worldwide Salvage Inc. of Rhode Island contends in the suit, filed in 1984, that it helped Sub-Sal and its president, Harvey Harrington, to locate the deBraak. Worldwide says that once the wreck was found, Mr. Harrington broke an oral agreement to share the treasure and formed a new company to salvage the deBraak. Worldwide seeks punitive damages and a share of any treasure found.

The deBraak, originally a single-masted Dutch cutter built in 1781, was in the harbor at Falmouth, England, in 1795 when the Dutch aligned themselves with France, with whom Britain was at war.

The British took over the ship, converted her to a two-masted brig and fitted her with new armament. Some of the cannon on display here, in the shed of a former seafood processing plant, bear the symbol of the switch: the royal insignia of George III.

Treasures Lost in the Finding

King George III's loss has become Delaware's gain. The hull of His Majesty's Ship deBraak was hauled up recently from the bottom of the Delaware Bay by a salvor's crane. Unfortunately the artifacts cradled in the hull were lost, and the hull itself may have to be sunk again if the state can't find the money to preserve it. The public interest would have been better served by leaving the wreck alone until it could be properly excavated by underwater archeologists.

How to stop the destruction of historic shipwrecks is a question of increasing urgency. Finds like the Spanish galleon Atocha off Key West and the pirate ship Whydah off Cape Cod have whetted treasure hunters' appetites. Techniques like side-scan sonar have made wrecks easier to locate.

But salvagers usually lack the money to excavate wrecks with the care appropriate to archeological sites. The goal is to strip them of precious objects quickly. The loot is dispersed, the historical information in the wreck is abandoned and another irreplaceable time capsule is destroyed.

Archeological sites on land are already protected; why not those on the sea bed? It's hard to devise a formula that rewards the salvor's necessary role in locating and working on a wreck while safeguarding the public's interest in a thorough excavation. Finding and retrieving wrecks is expensive. Melvin Fisher spent 25 years and raised \$7 million in search of the Atocha. Without the salvors, many wrecks would never be discovered. But once wrecks are found, state governments need a firmer say about excavation.

Many states, like Delaware, protect a salvager's find from other salvors in return for a share — often 25 percent — of whatever is brought up. But since the state usually contributes little money to the expensive underwater operations, it is the salvor who calls the tune, often a rough one.

Archeologists support a Federal bill to replace the present finders-keepers law with one that grants states clear title to the wrecks within their waters. That might give the states more incentive to invest in full recovery of archeological information. Sympathy for the salvors' adventuresome role has so far stayed Congress's hand. The sympathy is not misplaced, but more is needed to save the nation's underwater heritage from reckless destruction.

Editorial
The New York Times
28 August 1986

The New York Times
12 August 1986

2½-Million-Year-Old Hominid Skull Is Discovered

Salvage and Archeology Can Share a Berth

To the Editor:

As president of Maritime Explorations Inc., which is excavating the pirate ship Whydah off Cape Cod and H.M.S. Hussar in the East River, I agree that careful archeology and the responsible excavation and preservation of artifacts are of supreme importance ("Treasures Lost in the Finding," editorial, Aug. 28). But I cannot concur with your blanket assumption that private marine exploration companies cannot and do not engage in responsible archeology.

The Whydah project has been recommended by the National Advisory Council on Historic Preservation as a model for such projects. We work closely with the Massachusetts Board of Underwater Resources and our own staff archeologists to insure that the site and its artifacts are protected and preserved. Regular and detailed plans and reports are filed, and Maritime Explorations is fully accountable to the board for everything done on the site.

Our effort represents a successful marriage of private risk capital, responsible archeology and careful state regulation, at little or no cost, and enormous benefit, to the Commonwealth of Massachusetts and its heritage. There is no need to burden the taxpayer with the enormous cost of salvage through shortsighted legislation, as you suggest. If marine archeology must compete for scarce state resources, it simply won't get done at all.

The marriage of responsible archeology and private enterprise is the most efficient way to allow the world to share in the fascinating glimpses of

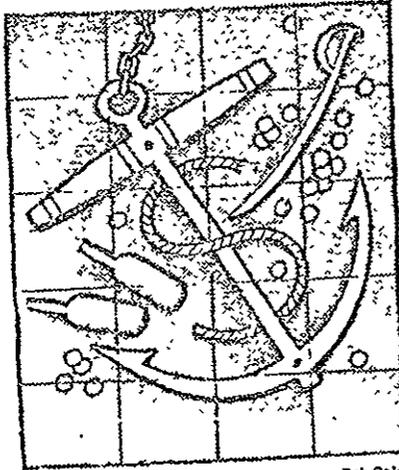
its own history that marine archeology allows.

BARRY CLIFFORD
New York, Sept. 5, 1986

To the Editor:

Beyond the hen's-egg-size East Indian jewels and gold dust that runs through the sand like chocolate through ripple ice cream, the salvage of the Whydah off Cape Cod is of special importance.

As I develop in "Treasure Wreck: The Fortunes and Fate of the Pirate



Bob Gale

Ship Whydah" (Houghton Mifflin, 1986), the Whydah was the first pirate ship ever to be discovered and salvaged. The full historical and archeological significance of this discovery will be understood only as a result of the painstaking salvage and restoration that will continue for years.

ARTHUR T. VANDERBILT 2D
Summit, N.J., Sept. 3, 1986

Discovery of a skull from a human-like creature that lived in Africa 2½ million years ago was announced last week. The find raises new questions about the early evolution of hominids, the primate family that includes humans, the scientists said.

The skull was discovered last August by Alan C. Walker, a professor of cell biology and anatomy at the Johns Hopkins University medical school, who has spent the past year studying the find with his colleagues.

A report on the skull and an analysis of its characteristics appeared in the August 7 issue of the British scientific journal *Nature*.

In a preliminary announcement of the find, prepared by the National Geographic Society and the National Museums of Kenya, which supported the project, the scientists said they believed the skull was from an early form of the species *Australopithecus boisei*. The skulls of such creatures typically have massive jaws, a protruding face, and a crest running from the front to the back of the skull.

The skull, the scientists said, has extremely primitive characteristics, including the smallest brain cavity of any fossil hominid measured to date. They said its cranial capacity was about as small as that of contemporary apes.

Scientists have so far identified four species of *Australopithecus*, the first branch of the hominid family to walk on two legs. But they are uncertain about which of the four, if any, of those early hominids are the ancestors of the group *Homo*, which includes humans.

The discovery of the 2½-million-year-old specimen of *Australopithecus boisei*, the scientists said, makes it unlikely that either of two other species of *Australopithecus* that lived at the same time had evolved into *Australopithecus boisei*, as some anthropologists have maintained.

Because *Australopithecus boisei* became an evolutionary "dead end," they added, the finding of the earliest specimen has no bearing on the question of direct human ancestry.

The New York Times
13 September 1986

Chronicle of Higher
Education
13 August 1986

New Finds Challenge Ideas on Earliest Americans

By JOHN NOBLE WILFORD

NEW discoveries in the Arctic and in South America are rekindling scholarly debate over some of the most intractable problems in American archeology: how and when did humans first enter the New World? What kind of people were they?

About the only thing archeologists agree on is that the earliest Americans originated in northeastern Asia and definitely arrived here before 11,500 years ago. The general assumption is that they migrated from Siberia to Alaska in the ice age of the late Pleistocene, when Asia was connected to North America by a broad plain stretching at what is now the Bering Strait.

Archeologists are sharply divided over when the migration occurred: whether it came early, at least 20,000 years ago and probably much earlier, or late, no more than 15,000 years ago. Geologists believe the Bering land bridge disappeared about 14,000 years ago when the massive glaciers melted and released so much water that sea levels rose several hundred feet worldwide.

Last month, French scientists reported evidence from a rock shelter in Brazil that, if confirmed by further analysis and excavation, would strongly support those who believe in an earlier human presence in the New World. Radio carbon dating put the age of charcoal associated with stone tools and other artifacts in the shelter at 32,000 years. Wall paintings at the site suggest that cave art in the Americas developed about the same time as it did in Europe, Asia and Africa.

At an excavation site in Chile, an anthropologist at the University of Kentucky, said he had found preliminary evidence of human occupation possibly as long ago as 33,000 years.

The discoveries in South America both challenged and confused

cited archeologists because it was the first one of presumably great antiquity ever found in a region near the Bering land bridge.

Bone Tools Much More Recent

But a recent report by Canadian scientists has confused the issue further. They found that the Old Crow tools, made of caribou ribs, were only 1,350 years old.

In the May 9 issue of the journal Science, D. Earl Nelson of Simon Fraser University in British Columbia said the 27,000-year age for the bone tools had been derived from radio carbon dating of the outer three-quarters of the bone mass. Since this part of the bone tends to absorb extraneous carbon from the air and ground water, Dr. Nelson and his colleagues examined carbon from the center of the bones, reaching the different conclusion about their age.

"These four artifacts can no longer be regarded as evidence for a Pleistocene human occupation of North Western North America," the scientists said in the article.

The possibility of such dating discrepancies breeds caution in archeologists, and so they have reacted with skepticism to the recent French report of the rock shelter at Pedra Furada in northeastern Brazil. They noted that scientists can be deceived by inaccurate carbon dating, as apparently happened at Old Crow, and by disturbances in sediments that leave artifacts in geological layers, and thus time periods, where they do not belong.

Commenting on the Pedra Furada find, James B. Griffin, an anthropologist at the University of Michigan, said: "I have a reasonable skepticism about radio carbon dates that are presumed to be associated with early-man dating back that far. When solidly investigated, so many do not have that great an age."

Alan L. Bryan, an anthropologist at the University of Alberta, said he suspected that chauvinism might be influencing the skepticism. "I've heard people say that the scientists aren't really well trained, and someone will prove them wrong," he said. "This can be an excuse North American archeologists frequently use for anything in Latin America."

Dr. Bryan, who has inspected the Brazil rock shelter, said it was "very carefully excavated and is a very important site." He had high praise for the skill and training of the French scientists who directed the recent excavations, Niede Guidon of the Institute of Advanced Social Science Studies in Paris and Georgette Delibris of the French National Center for Scientific Research in Giff-sur-Yvette.

A French-Brazilian expedition found the rock shelter in 1973, one of 200 in the remote region of Piaui known to have prehistoric paintings. The 11-foot sediments inside the shelter contain many layers of charcoal from well-structured hearths mixed with an abundance of stone tools and fragments of painted rock that had fallen from the shelter walls.

According to Dr. Guidon and Dr.

Delibris, reporting in the June 19 issue of the journal Nature, recent carbon dating of the charcoal indicated that the shelter was occupied repeatedly by different groups of tool-making people from at least 32,000 years ago until as recently as 6,000 years ago. A layer dated at 17,000 years included a rock with two red painted lines, revealing that early Americans engaged in cave art about the same time as people in the famous Cro-Magnon caves in France and Spain.

In an article accompanying the report in Nature, Warwick Bray of the University of London's Institute of Archeology said, "The validity of their evidence seems beyond doubt."

Other scientists had already been finding traces of humans in Brazil, Venezuela and Peru at least 13,000 years ago. At the Chilean site of Monte Verde, Tom D. Dillehay, an anthropologist at the University of Kentucky, had excavated tools and well-preserved wood from what he believes were the 13,000-year-old foundations of the earliest architecture yet found in the Americas.

Digging deeper at Monte Verde, Dr. Dillehay recently found wood fragments, modified stones and charcoal dated at about 33,000 years. The analysis is still preliminary and has not yet been reported in the scientific journals.

As the French scientists concluded in their report on Pedra Furada, the new findings "strongly suggest that the migration from Asia to North America occurred earlier" than

archeological thinking. They have forced archeologists to re-examine old assumptions and wonder where they must dig next to establish more clearly when and where humans first came to America.

If humans were in South America as early as 32,000 or 33,000 years ago, where was the evidence that they had been in North America as early or earlier? They had to have been, if there is any truth to the hypothesis of the Bering land bridge migration. Otherwise, archeologists might have no choice but to revive the generally discredited idea that the first humans came from across the Pacific, landing in South America and then moving north.

No firmly documented evidence shows the human presence in North America before 11,500 years ago. Finely worked stone spear points of that age were found near Clovis, N.M., in the 1920's. Clovis-like points were soon uncovered elsewhere, indicating to archeologists that the technology had spread to the southern tip of South America in only 500 years.

The only other traces of possibly earlier human activity in North America had been the Meadowcroft rock shelter near Pittsburgh, thought to have been used by hunters 19,000 years ago, and the Old Crow site in the Yukon Territory, which yielded some bone tools for skinning animals dating from perhaps 27,000 years ago. Found in 1966, the Old Crow site ex-

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32,000 years ago. But E. James Dixon, curator of archeology at the University of Alaska Museum in Fairbanks, said the discoveries cast some doubt on the Bering land bridge hypothesis and the north-to-south radiation of people through the Americas.

"This became dogma over the last 50 years," Dr. Dixon said. "But it's not fact. It may turn out to be true, but current research is suggesting it may not be the case."

An alternative hypothesis espoused most recently by Thor Heyerdahl, the Norwegian explorer, has the first Americans coming from Asia by boats across the Pacific.

Idea Termed 'Nonsense'

"Nonsense," said Dr. Griffin of the University of Michigan.

Dennis Stanford, an archeologist with the Smithsonian Institution, said, "I find it hard to conceive of a transoceanic migration."

Although the prehistoric Polynesians were accomplished navigators, scientists said, there is no evidence that people inhabited any of the Pacific Islands east of the Solomons until about 3,500 years ago. It is equally difficult, skeptics of the hypothesis added, to conceive of people from Australia, where there were humans 50,000 years ago, reaching the New World by way of Antarctica.

Moreover, studies of blood type, language and teeth all suggest a more direct link between the early Americans and Asians, primarily people of northern China and northeastern Si-

beria. This and the geologic evidence for the land bridge are considered the firmest foundation for the Bering migration hypothesis.

Christy G. Turner 2d, a professor of anthropology at Arizona State University, concluded that the founding Siberian-American people must have come from North China 20,000 years ago, probably in three waves of migrations of different but related people. He based the conclusion on an examination of teeth from the skeletons of 9,000 pre-Columbian American Indians, Aleuts and Eskimos.

Judging by the differences and similarities of teeth, Dr. Turner said, the Aleuts and Eskimos must have descended from people who migrated directly from China along the southern rim of the Bering land bridge. Indians of the American Northwest coast, a racial group known as Na-Dene, probably sprang from people who traveled from the Siberian forest through the interior of the land bridge. The rest of the American Indians probably descended from game hunters who moved across the northern edge of the land bridge.

Teeth and bones, stone tools and cave art — the discoveries, though many and intriguing, still fail to add up to a satisfying answer to the many questions about the origins of the first Americans. "It's frustrating," said Dr. Stanford of the Smithsonian. "You work and work and work and you're not getting the answers. If we do, it'll probably be the result of some entirely serendipitous discovery."

THE NEW YORK TIMES
22 July 1986

Now, Silicon Dating

The steady decay of naturally

radioactive substances provides scientists with a set of useful gauges for determining the ages of things. Brookhaven National Laboratory in Upton, L.I., reports that it has added a new and important "clock" to the list: silicon 32, a mildly radioactive form of silicon, which can be used to measure the ages of silicon-bearing materials too recent for other forms of radioactive dating.

Silicon 32 was discovered in 1954, but estimates of the isotope's half-life (the time it takes for half of it to decay) have varied wildly. The latest Brookhaven study, which took four years to complete, has evidently settled the matter. A Brookhaven team reports in Earth and Planetary Sci-

ence Letters that the half-life of silicon 32 is 172 years, give or take four years.

The Brookhaven group says that the silicon 32 half-life determination will help in measuring the rates of ocean water mixing, glaciation and various geological processes that occur on a time scale of hundreds of years.

The New York Times
9 September 1986

Indian Bones: Balancing Research

By PETER H. LEWIS

Goals and Tribes' Rights

THOUSANDS of Indian skeletons have been uncovered over the years by grave robbers, construction workers, archeologists and natural erosion. Until a decade ago, the remains were commonly taken to museums to be put on public display or into storage, where they were made available for study by physical anthropologists and forensic scientists.

Indians are now demanding control, or at least greater influence, over the excavations of burial grounds and the disposition of human remains and artifacts. Citing moral, ethical and legal arguments, some

are seeking immediate reburial of the thousands of Indian skeletons now in museums and university laboratories across the country. They are also seeking limits on scientific study of newly discovered remains.

Scientists, also citing moral, ethical and legal arguments, are resisting. They say the reburial of the bones, or the establishment of time limits on how long they can study the remains before reburial, would cause irreparable harm to the study of Indian diet, genetic diseases, culture and history.

The Background

In 1978, amid a climate of emerging activism among Native American groups, hundreds of Indians began "The Longest Walk" across the country to call attention to Indian issues. In museum after museum along the route the marchers found bones of their ancestors in display cases or in storage, and the disposition of these bones and sacred artifacts became a political and emotional rallying point.

More than 500 Indian tribes are recognized by the Federal Government. Each has a separate Government and variations on religious practices, but many concepts are universally held, among them that the remains of the dead are to be treated with respect and that burial grounds are sacred.

In 1958 and in 1979 the Government passed laws to protect Indian burial sites on Federal land from grave robbers while still permitting scientific excavation and the taking of bones and artifacts for study. Some states have passed laws that give Indians more rights over such new excavations, but the issue of who should control bones already in museums and universities is far from resolved.

For Reburial

The practice of permitting the excavation, study and display of the bones of their ancestors is seen by many Indians as a modern extension of a racist and oppressive pattern of dominance by whites.

"If we dug up George Washington, you'd be appalled," said Suzan Shown Harjo, executive director of the National Congress of American Indians. "Yet if they dug up my grandfather, nobody would be appalled. It's an affirmation that these people believe we are culturally and genetically inferior."

Referring to excavations at the Custer Battlefield National Park in Wyoming, she said, "We see that the 7th Cavalry members were reburied with great care and sensitivity, and that their bones didn't have to be kept around for 200 years just because new technology might come around" to aid in bone studies.

She cited another case in Iowa in which the bones of Indians whose names were known were placed on museum display for study, while the bones of whites found at the same site were reburied.

Many Indian groups contend that such treatment of Indian bones is a violation of the Indian Religious Freedom Act of 1979, which, while not specifically mentioning skeletons, requires the Government to respect traditional Indian beliefs. A fundamental belief among many tribes is that a thin veil separates the living and spirit worlds, and if the human remains are disturbed, the spirit becomes trapped in the living world, where it can do evil. Disturbing or preserving the remains is thus a sacrilege.

They say that the scientists have not adequately explained how the study and storage of skeletons are improving the life of modern Indians, and that the information gained from the study of artifacts is hardly new to the Indians, who have passed down their own history orally, generation to generation.

"What good are bones sitting on a shelf drawing dust?" asked Maria Pearson, a Yankton Sioux who led a successful effort in Iowa to rebury all Indian bones kept in museums there. Referring to the money now spent on bone studies, she said, "It would be better to use that money to study alcoholism, fetal alcohol syndrome, diabetes and AIDS," the main health problems affecting modern Indians. "Think about it," she said. "If we allow these people to dig up my ancestors today, what is to stop them from doing it to you tomorrow?"

Against Reburial

Scientists say they, too, have an ethical and moral obligation to preserve and learn from the past, and that by returning the bones they violate these principles.

Bones often yield information about dietary preference, nutrition, congenital defects, trauma, disease and other aspects of the individual's daily life. This information, in turn, enriches the understanding of Indian culture and health, and it may lead to better health care for present-day Indians, they say.

Most scientists deny racism, noting that their collections often contain bones of whites, blacks and other ethnic groups in addition to those of Indians. Dr. Douglas H. Ubelaker, curator of the country's largest collection of human bones, at the Smithsonian Museum of Natural History in Washington, said the collection contains mostly Indian skeletons — 14,000 of them — because the Smithsonian is an American museum, and Indians have populated the land for thousands of years.

Dr. Ubelaker noted that there are legal restrictions on the disposition of what is considered the museum's property. As curator of a public museum, he said, he is responsible for safeguarding a collection that be-

longs to all people. He said the museum has sent letters to the leaders of tribes informing them whether the museum holds bones and artifacts that may be related to that tribe. He said requests for return of bones or artifacts would be addressed on a tribe-by-tribe basis only, rejecting any claims by outsiders or Indians who cannot prove direct descent.

"The greatest concern to researchers regarding reburial is that new technology and procedures are constantly being developed for gleaned additional information from bones," said Dr. Marc A. Kelley, a physical anthropologist at the University of Rhode Island who has worked closely with Indians during the excavation of burial sites. "There is no reason to believe that the next 10 years won't give us more. If you rebury the remains, you've lost that information forever."

Dr. Kelley said it is impossible to determine a "reasonable" time limit on the study of bones because two researchers may collect two sets of data that do not entirely overlap, but both of which are equally valid. Thus, reburial will always lead to permanent loss of information, no matter how "conscientious" one researcher tries to be.

The Outlook

Earlier this month the bones of 3,000 Arikara Indians that had been in a collection at the University of Tennessee were reburied in South Dakota. It was the largest reburial yet, although a total of several thousand skeletons have been reburied in recent years across the country.

The New York Times
20 May 1986

cont.

Indians, anthropologists and archeologists remain wary of any attempts to impose broad, legal solutions to the problem, agreeing, in general, that the best solutions will be made on a local level after taking into consideration such widely varied factors as scientific importance of the site, the type and duration of bone studies, and the religion and beliefs of the ancestral and modern Indians. More than 20 states are studying or have enacted laws relating to reburial.

Some tribes, such as the Navajo and Zuni, have their own staffs of archeologists and anthropologists to assist in excavations. Several scientific organizations, in turn, have passed resolutions urging members to be more sensitive in dealing with Indian bones and sacred artifacts.

Increasingly, scientists and tribal elders are sitting down together to discuss the issues. One such meeting was held this month at the annual meeting of the Society of American Archeologists in New Orleans.

"We risk losing all access if we do not compromise," said Larry J. Zimmerman, professor of archeology at University of South Dakota. "We may give up the right to keep Indian bones in our labs permanently. We may on occasion give up certain destructive study techniques. We may not be able to excavate burials for other than the most pressing scientific reasons. And in some instances we might actually find that under pressure by Indians for reburial, funds become available for study of collections where no money had been available before."

Vernal Cross, a holy man of the Lakota Nation who has participated in the reburial of the bones of four thousand Indians, said many Indians will never compromise. "A lot of them are making plans to cremate their bodies because they are afraid of ending up in cardboard boxes, paper sacks and plastic bags," he said. "Cremation is not the Lakota way. It is the end, spiritual suicide. But I will also be cremated, and maybe then I will be free of the white man."

The New York Times
7 September 1986

New Hampshire Reburying Indians

NEW HAMPSHIRE has become the first New England state to designate an official reburial site for Indian remains and artifacts.

A 7 1/2-acre land parcel in Shelburne was transferred last week by Gov. John H. Sununu and the Executive Council to the state's Department of Libraries, Arts and Historical Resources. It will receive bones and artifacts disturbed by archeologists, developers or farmers.

"The reburial issue has been a significant one with Native Americans for a long time," said John Gifford, a Sununu aide. "One of the tribal leaders in Maine told me the other day this was the first time in his memory they ever got any land back from the white man."

The decision ends more than 18 months of negotiation among archeologists, developers, Indians' representatives, the Governor's Office and legislators. Last year Indians complained that artifacts and human remains disturbed by researchers or developers were being improperly treated.

A law approved this year says archeologists may keep remains and artifacts for only four years of research and study. They must then either turn over the material for reburial at Shelburne or ask a state council for permission to study the remains for four more years.

But remains and artifacts found by anyone else automatically go to the council for reburial.

Remember the Indians On Liberty Centennial

To the Editor:
Another centennial should be added to recognition of the Statue of Liberty's 100th birthday and the centennial of the Haymarket Square martyrs' sacrifice to the liberty of labor.

In 1886, Geronimo finally surrendered. A leader of the Apaches — one of America's "first nations" — Geronimo led one of the 19th century's last and most desperate struggles on behalf of American Indian concepts of liberty.

United States citizens should remember that the impressive achievement of freedom for immigrants from across the seas came at the price of suppressing American Indian liberties. As the Statue of Liberty faces Europe and offers a triumphant welcome to Europe's oppressed, she ironically — but realistically — has her back turned on the peoples and domains of the first American nations.

ROBERT W. VENABLES
Curator, Gallery Museum
American Indian Community House
New York, May 28, 1986

The New York Times
17 June 1986

STATEMENT CONCERNING
THE TREATMENT OF HUMAN REMAINS

Archaeologists are committed to understanding and communicating the richness of the cultural heritage of humanity, and they acknowledge and respect the diversity of beliefs about, and interests in, the past and its material remains.

It is the ethical responsibility of archaeologists "to advocate and to aid in the conservation of archaeological data," as specified in the Bylaws of the Society for American Archaeology. Mortuary evidence is an integral part of the archaeological record of the past culture and behavior in that it informs directly upon social structure and organization and, less directly, upon aspects of religion and ideology. Human remains, as an integral part of the mortuary record, provide unique information about demography, diet, disease, and genetic relationships among human groups. Research in archaeology, bioarchaeology, biological anthropology, and medicine depends upon responsible scholars having collections of human remains available both for replicative research and research that addresses new questions or employs new analytical techniques.

There is great diversity in cultural and religious values concerning the treatment of human remains. Individuals and cultural groups have legitimate concerns derived from cultural and religious beliefs about the treatment and disposition of remains of their ancestors or members that may conflict with legitimate scientific interests in those remains. The concerns of different cultures, as presented by their designated representatives and leaders, must be recognized and respected.

The Society for American Archaeology recognizes both scientific and traditional interests in human remains. Human skeletal materials must at all times be treated with dignity and respect. Commercial exploitation of ancient human remains is abhorrent. Whatever their ultimate disposition, all human remains should receive appropriate scientific study, should be responsibly and carefully conserved, and should be accessible only for legitimate scientific or educational purposes.

The Society for American Archaeology opposes universal or indiscriminate reburial of human remains, either from ongoing excavations or from extant collections. Conflicting claims concerning

The SAA Newsletter

the proper treatment and disposition of particular human remains must be resolved on a case-by-case basis through consideration of the scientific importance of the material, the cultural and religious values of the interested individuals or groups, and the strength of their relationship to the remains in question.

The scientific importance of particular human remains should be determined by their potential to aid in present and future research, and thus depends on professional judgments concerning the degree of their physical and contextual integrity. The weight accorded any claim made by an individual or group concerning particular human remains should depend upon the strength of their demonstrated biological or cultural affinity with the remains in question. If remains can be identified as those of a known individual from whom specific biological descendants can be traced, the disposition of those remains, including possible reburial, should be determined by the closest living relatives.

The Society for American Archaeology encourages close and effective communication between scholars engaged in the study of human remains and the communities that may have biological or cultural affinities to those remains. Because vandalism and looting threaten the record of the human past, including human remains, the protection of this record necessitates cooperation between archaeologists and others who share that goal.

Because controversies involving the treatment of human remains cannot properly be resolved nation-wide in a uniform way, the Society opposes any Federal legislation that seeks to impose a uniform standard for determining the disposition of all human remains.

Recognizing the diversity of potential legal interests in the material record of the human past, archaeologists have a professional responsibility to seek to ensure that laws governing that record are consistent with the objectives, principles, and formal statements of the Society for American Archaeology.

Executive Committee
The Society for American Archaeology
New Orleans, Louisiana
May, 1986



Bond Act Passes

Thanks to your help, the Environmental Quality Bond Act passed in both houses of the New York State Legislature. After extended negotiations during the last few days of the 1986 legislative session, the Senate and Assembly voted out the same version of the Bond Act on Thursday, July 3. The vote was overwhelming in both houses.

Although preservationists and environmentalists can claim victory for passage of the Bond Act, there is disappointment in the fact that only \$250 million was allocated for land acquisition and historic preservation. Strenuous lobbying on the part of environmental groups and preservation organizations could not convince legislators to increase this amount. The Bond Act will now go to Governor Cuomo, who can be expected to sign it within the next few weeks.

Key Bond Act provisions for preservation are:

- state-owned historic sites will qualify for Bond Act funding
- municipally-owned historic preservation projects will qualify for matching preservation grants
- historic preservation projects undertaken by not-for-profit organizations will qualify for matching preservation grants
- visitor/interpretive centers within designated urban cultural parks may be implemented with Bond Act funds
- projects identified in urban cultural parks management plans may be undertaken with Bond Act funds.

The Environmental Quality Bond Act will go before the voters in the November election. Over the next few months the Preservation League together with the newly formed New York Heritage Coalition will be working with many other organizations to assure voter approval. Your help will be crucial and we will be calling on you frequently to help educate the voters in your community.

Specific information on the Bond Act, including summaries, flyers, and posters will be available shortly. In the meantime, copies of the Act are available by contacting the Preservation League.

Religious Properties Exemption Bill Dies

The Religious Properties Exemption Bill, S.6521/A.8119, which would have allowed religious properties to opt out of the provisions of local landmark laws, was not reported out of committee in either house of the State Legislature for the fourth year in a row. With the encouragement of citizens throughout the state, legislators have clearly demonstrated their dissatisfaction with this bill. However, religious lobbyists can be expected to continue to campaign for this or a similar bill in the 1987 session. The Preservation League will keep its members informed of any movement in this direction.

Architectural Heritage
Year 1986:
Three Centuries of
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518-462-5658

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 1986 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: Daniel N. Pagano, 315 Avenue C, #1A, New York, N.Y. 10009, (212) 777-3449.

Name _____

Address (Business) _____

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Address (Home) _____

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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.