

Introduction to Archaeology: Class 19
Cultural Resource Management
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- Looting has long been a serious problem in the US
- Antiquities Act (Theodore Roosevelt, 1906)
 - illegal to dig or collect archaeological remains *on federal land* without a permit
 - penalties are now trivial (\$500, 90 days)
 - increased by Archaeological Resources Protection Act (1979)
 - \$250,000, plus cost to have excavated the site (often huge)
 - confiscate equipment and vehicles
 - 5 years
 - permits only to research or educational institutions
 - President can create national monuments on federal land
 - of historic, prehistoric, or scientific interest
- National Historic Preservation Act (NHPA, 1966)
 - created **State Historic Preservation Officers (SHPOs)**
 - required an inventory of archaeological and historic sites
 - still ongoing...
 - created **National Register of Historic Places**
 - sites, buildings, artifacts, etc.
 - associated with significant events or people
 - or has distinctive characteristics of a style, method, etc.
 - or known or likely to contain important historical or archaeological data
- **Section 106**
 - any federal undertaking, permit, etc. on any land, public or private...
 - must take into account its effect on anything eligible to be on the National Register
 - if it does, the effect must be “**mitigated**” (the harm reduced)
- **compliance archaeology**: archaeology to comply with these rules
 - check for eligible sites
 - 100% survey of the **area of potential effect (APE)**
 - no sampling, since you have to protect the whole area
 - may include access routes, viewsheds, etc.
 - evaluate their significance with surface collections, test pits, etc.
 - any that are eligible (“significant”) must be “considered”
 - protected by adjusting plans to avoid them
 - often set for “data recovery”: study before they are destroyed
- These laws apply only to federal land or federal undertakings
 - Archaeological material on private land is at the mercy of the landowner
 - exception in some states only
 - illegal to intentionally disturb a burial
- Responses:

- public outcry
- buy the property (the Archaeological Conservancy)
- **Native American Graves Protection and Repatriation Act (NAGPRA, 1990)**
 - unlike previous laws on preservation
 - instead, recognizes rights of Native Americans
 - to say what happens to the bodies of their ancestors
 - what it does:
 - protects Native American graves on federal or tribal land
 - gives tribes authority over unmarked Native American graves
 - prohibits commerce in Native American dead bodies
 - requires an inventory of Native American bodies and related goods by Federal government and any institution that gets Federal funding
 - funerary objects (placed in a grave)
 - sacred objects (needed for current religious practice)
 - objects of cultural patrimony (still important, held communally, could not be legitimately sold or gifted)
 - must determine the “**cultural affiliation**” of these bodies and artifacts
 - “shared group identity can be reasonably traced”
 - must offer them back to the appropriate tribe
 - some rebury the remains
 - some negotiate other ways to handle them
 - This initially caused a huge battle
 - many archaeologists felt that reburial was destroying irreplaceable data for little reason
 - there was often a lot of politics involved
 - but most have come around
 - it is the law
 - and Native Americans do deserve this common decency
 - Cultural affiliation can be problematic
 - often, you just can’t tell
 - sometimes archaeologists have one opinion, and one or more tribes have a different opinion
 - based on tradition, ritual, etc.
 - who gets to decide?
 - Kennewick Man example
 - clearly prehistoric: 9400 BP (7450 BC)
 - but related to what modern people, if any?
 - cranium resembles Asians more than Native Americans
 - no way to make an archaeological connection that long
 - but local tribes claimed one based on oral tradition
 - who gets to decide who gets to decide?
 - the court backed the archaeologists... this time.
 - Cultural resources internationally

- Conflicting interests
 - about archaeological remains that seem to belong to humanity, not just one nation
 - pyramids at Giza
 - Parthenon
 - Stonehenge
 - Machu Picchu, etc.
 - between preservation and accessibility to tourists
 - tourism = money
 - Machu Picchu cable car example
- Illegal international antiquities trade is huge
 - second only to drug trade?
 - antiquities can be extremely valuable
 - UNESCO convention of 1970
 - every signing country had to pass its own equivalent law
 - US only did so in 1983
 - prohibits importing antiquities from signatory countries without documentation of origin and export permit
 - objects already in the US are “grandfathered” in
 - so once you smuggle it in, you just say Grandpa had it
 - objects excavated before the law don’t need origin docs
 - so if you buy it there, the seller certifies that Grandpa had it
 - museums may not acquire illegally imported artifacts
 - illegal artifacts must be returned
 - register art dealers
 - Many collections taken long ago
 - Elgin marbles to England from the Parthenon (1816)
 - excavated Machu Picchu collection to Yale from Peru (1911-1915)
 - many countries of origin are demanding their return
 - should antiquities be returned?
 - More recently, looting during wars
 - Iraqi National Museum, Iraq sites
 - But also just constantly
 - Peru, Mexico, Italy, Greece...