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# The Case of the Over Eager Collaborator

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## Description

An archaeologist working in Arizona is doing research on a site that might help provide evidence for a local Native American group to apply for land claims under the Native American Graves Protection and Repatriation Act. The researcher has to go through a slow process to get landowners to agree to let her dig holes on their land. When a land owner asks her to give her opinion on a number of older-looking pots that he swears he did not dig out of his land, she becomes suspicious.

## Body

### Part 1

Millie is an archaeologist conducting research in Arizona. The area where she works contains a number of interesting and under-researched archaeological sites that have the potential to “bridge the gap” between the pre-contact and post-contact past. As a result, many Native American groups in the area are greatly interested in the outcome of her research, as it has the potential to provide supporting evidence for land claims and cultural affiliation studies important for NAGPRA (Native American Graves Protection and Repatriation Act<sup>1</sup>).

Millie is doing a broad survey of sites in the area, which includes mapping and conducting test excavations in trash mounds at each site. The sites are located in a

variety of jurisdictions—some on national forest, some on Arizona State Trust Lands, one on Arizona Game and Fish property, and several on private land. Millie has gone through the appropriate channels to obtain permits to conduct her research on public lands, and must obtain permission from each landowner to conduct research on private lands. This is a difficult and sometimes painfully slow process, as Millie must convince each landowner of the validity of her research, as well as why they should allow her to dig holes in their site and donate the artifacts that she collects to the state repository.

Millie is unsure of how best to convince landowners to let her excavate on their property. She realizes that it is crucial to lay out her perspective on archaeological research early on in her relationship with landowners in order to make it clear what can be expected from their relationship. Millie plans to state clearly that the landowners are legally not obligated to allow her on their property, but doing so would contribute greatly to the understanding of the past in this area. Millie also wants to highlight the difference between professional archaeological research and pothunting, which appears to be a common activity in the area. Pothunting irreparably destroys archaeological sites and retains no records of artifacts or their context, and these unauthorized excavations are illegal on public lands under state and federal laws. While it might be best to hold a large meeting with landowners to explain her research, its importance to the area, and the laws surrounding archaeology and excavations in state and federal contexts, Millie fears that she will not be able to convey fully the excitement she has for her research in such a setting. Furthermore, meeting with landowners individually rather than as a group would help her make personal connections with each of the landowners and may ultimately speed the process of obtaining permission to excavate from each landowner.

## **Questions**

1. Who are the communities that have an interest and stake in the past? How do you define these stakeholders in archaeological research? In this case, are the private landowners the only stakeholders?
2. Who are the stakeholders that Millie should meet with in preparation for conducting her research? What steps should Millie take to ensure that both she and the stakeholders get what they expect from their relationship?

3. How should Millie deal with conflicting viewpoints about the value (or lack thereof) of archaeological research?
4. In order to get permission to conduct archaeological excavations on private land, should Millie meet with landowners individually or hold a group meeting, or both? Why? What are the benefits of doing it each way?
5. What can Millie do to prevent illegal excavations at archaeological sites in this area? What are the benefits of preventing such excavations to her research? To the archaeological resources? To her relationship with the community?

## Part 2

Early in the research process, one of the landowners that Millie spoke with was very welcoming and granted her permission to conduct excavations and agreed to donate the future collections from his site to the state repository almost immediately after meeting Millie. Over the course of her research in the area, Millie and the landowner developed a very collegial rapport and Millie utilized the landowner's connections with the community to gain access to a number of other privately owned sites. In the interest of maintaining this friendly relationship, Millie kept her relationship with this landowner very simple and flexible, and did not immediately pursue obtaining signed forms allowing her research to take place or specifying that the artifacts she collected would be donated.

At the end of her first year of fieldwork in the area, Millie went to visit the landowner at his request. Upon her arrival at his house, the landowner pulled several large whole pottery vessels from his shed to show Millie; he stated he was interested in learning more about the vessels and the information they held about the past. They had clearly been excavated very recently, as they still had fresh dirt clinging to the sides of the vessels. When Millie asked the landowner if they had come from the site on his property, he became very evasive and would only tell her that they came from a site in the area.

Based on the late style of the vessels, Millie suspected that they could have only come from one site in the area, which is on national forest land. A quick inspection of this site revealed several fresh pothunters holes in the trash mound surrounding the site that had not been there the weekend before when she visited. Furthermore, the location of the pothunters holes and the fact that these vessels were completely

intact suggested that they had come from burials, which violated both NAGPRA and the state burial law. If this was true, the landowner had violated several laws in pothunting these vessels, and destroyed any evidence of their context.

As an archaeologist, Millie felt it was her duty to reinforce her view to the local community that pothunting destroys archaeological sites, even though she had already discussed this in her initial meetings with landowners. Moreover, if any of the Native American groups in the area, with whom she collaborated on the burial agreement required for her excavations, found out that she had not taken action, she knew she would have difficulty obtaining permission to conduct excavations in the region ever again. However, taking a stand against her friend, the landowner, would undoubtedly end their friendship, and likely turn most of the community against her and any future archaeologists that wanted to conduct research in the area.

## Questions

6. Should Millie have been able to anticipate this situation? Why or why not?
7. The Society for American Archaeology's Principles of Archaeological Ethics state that "Whenever possible they [archaeologists] should discourage, and should themselves avoid, activities that enhance the commercial value of archaeological objects, especially objects that are not curated in public institutions, or readily available for scientific study, public interpretation, and display." Did Millie do as much as she could to avoid the commercialization of objects from the sites in her study area?
8. Should Millie take the information she has about the landowner to the state and federal authorities? If so, how
9. Should she confront the landowner? Why or why not?
10. Should she ignore the situation to preserve her relationship with the local community? Why or why not?
11. What are the consequences of these scenarios? What should Millie's course of action be?

<sup>1</sup>NAGPRA is a piece of recent legislation that allows federally recognized Native American tribes to request from museums that sacred objects, funerary objects, and objects of cultural patrimony be given back to them, as long as they can prove cultural affiliation to these items. Proving cultural affiliation is therefore important to Native American tribes as it gives them increased control over their cultural heritage.

## Contributor(s)

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