

# Looking Back at Archaeology and Cultural Resources Management in the United States and Vermont Through a Forty-Year Mirror

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## Introduction

This commentary results from my nearly four decades as State Archaeologist in the Vermont Division for Historic Preservation (DHP). The DHP serves as the Vermont State Historic Preservation Office (SHPO) under state and federal laws. The Vermont Legislature created the position of State Archaeologist in 1975 as part of the state's historic preservation enabling legislation, a late entry into the national historic preservation program. The legislature funded the position in 1976, when the DHP hired me as Vermont's first, and thus far only, State Archaeologist. Being and learning on the job from the earliest days of cultural resources management provides a unique vantage point from which to look back.

## What is Cultural Resource Management?

The term "salvage archaeology," used for decades since the Depression-era federal relief ("New Deal") archaeology, seems to have morphed into "cultural resource management" archaeology in 1974. In that year a small group of archaeologists attending the Cultural Resource Management Conference at the Federal Center in Denver, Colorado, under the leadership of Jim Judge, Bill Lipe, and Lex Lindsay (Lipe and Lindsay 1974), passionately moved away from the excavation ethic of "salvage archeology" and embraced "conservation archeology."<sup>1</sup> Charles ("Bob")

<sup>1</sup> Tom King (2009b) in a September 1, 2009 blog (<http://crmpplus.blogspot.com/search?updated-min=2009-01-01T00:00:00-08:00&updated-max=2010-01-01T00:00:00-08:00&max-results=19>) gave a delightful personal account of that first usage:

*I was at the 1974 conference, which was extended at the airport by a blinding snowstorm that snarled traffic for some days. I celebrated the event with a bit of doggerel (with apologies to Robert Service):*

*A bunch of the boys were whooping it up  
In the Denver Airport bar,*

McGimsey III, then Director of the Arkansas Archeological Survey, may have been the first to use the term "cultural resource management" at that conference (1974:29).

The term "cultural resource management," or CRM, bundles a wide array of interests and enterprises. Regardless of some contemporary perception about its "roteness," or "routineness," CRM, in fact, involves planning, identifying, evaluating, researching, interpreting, managing, stewarding, protecting, and preserving cultural resources. In addition, CRM encompasses administering programs, developing and maintaining collaborative relationships with Indigenous and other descendent communities, developing and maintaining collaborative relationships with various other communities and numerous stakeholders, engaging and educating the public, communicating, as well as other related activities. This long list encapsulates many state and federal archeologists' job descriptions. While in theory, and for a few practitioners, CRM covers the

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*While the snow piled high, and the planes wouldn't fly  
In the winter of Seventy-Four.*

*The talk turned 'round, as it often did then,  
To the new thing they called "preservation."*

*But like the relations of our excavations,*

*Some of us had reservations.*

*"Old ladies in tennis," we grumbled and grumped.*

*"Don't want to be likened to THEM!"*

*Then one of us brightened; he said "Don't be  
frightened!"*

*"We'll call what we do CRM!"*

*Calling archaeology-under-the-environmental laws  
"cultural resource management" neatly made the  
equation with natural resource management, and it  
avoided the implication that we were a bunch of brandy-  
sipping elitists saving old houses in New England. The  
fact that equating "cultural resource" with  
"archaeological site" left most of culture out in the cold  
concerned no one – except, after a bit of reflection, me.*

broad range of “historic properties,”<sup>2</sup> archaeologists early on coined and appropriated the phrase to apply almost exclusively to the business of archaeology (Lipe and Lindsay 1974; McGimsey and Davis 1977).

Individuals understand CRM from their own vantage point. Since the early 1970s CRM has been used synonymously with conservation archaeology, public archaeology, contract archaeology, compliance archaeology, regulatory archaeology, and even historic preservation. Unfortunately, for too many CRM practitioners CRM is simply shorthand for “compliance archaeology” and “regulatory archaeology.” In the last decade or more, there has been a positive shift for many CRM practitioners, especially in federal and state governments and the non-profit arena, to view themselves as “public archaeologists”: archeologists who are engaged in archaeology for the “public,” with the “public” (“publics,” more accurately), with its emphasis on conserving and managing a finite resource through “public” engagement. Indiana University’s M.A.T.R.I.X. project (Indiana University 2004) provided a useful, up-to-date, broad definition of public archaeology that illustrates the evolving agenda of CRM: “Everything that relates to the wider society: cultural resources management, historic preservation, educational programs, archaeo-tourism, antiquities laws, monument restoration, avocational archaeology, popular media images of archaeology, communication with modern communities and individuals affected by archaeology, and more.” McGimsey and Davis (2000:7) argue that “public archaeology is the archaeology of the twenty-first century and that public archaeology is not CRM.” They assert that public archaeology is bigger, broader, and more encompassing. John Jameson’s (2004:21-58) splendid, detailed overview of CRM in this country is, in fact, titled “Public Archaeology in the United

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<sup>2</sup> “*Historic property* means any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the National Register of Historic Places maintained by the Secretary of the Interior. This term includes artifacts, records, and remains that are related to and located within such properties. The term includes properties of traditional religious and cultural importance to an Indian tribe or Native Hawaiian organization and that meet the National Register criteria” (Advisory Council on Historic Preservation 2004).

States.” This commentary echoes my observations on CRM’s evolution and growth over the decades as its philosophy and practice has changed, from CRM towards a truly public archaeology with many bumps and potholes on that journey.<sup>3</sup>

### Roots, Legal Foundations, and Legislative Landscape of CRM

Today’s CRM is the result of a large soup pot containing an alphabet mix of powerful federal heritage preservation laws with an overlay of state laws (Carnett 1995) with more or less equal power. These laws offer some levels of protection for, or at least consideration of, historic and pre-Contact resources, burial sites, and traditional cultural properties. The laws and their numerous amendments, their regulations, and related guidance serve as the legal and operational basis for CRM and its growth over nearly 50 years (National Park Service 2006, 2007a, 2007b). The Internet has created a vast research library where we can instantly access the many laws’ full texts and their histories.

America has a long history of preserving its heritage resources. Some say that the private Mount Vernon Ladies Association’s passionate drive to preserve George Washington’s homestead, Mount Vernon, was the first formal effort to preserve an historic place (Lea 2003: 2). Jameson (2004:22-26) chronicles America’s fascination with its Native peoples and cultures, starting with Thomas Jefferson and accelerating with the founding of the Smithsonian Institution in 1848 to record and collect objects and information on the nation’s Native peoples. Concern with the looting and destruction of pre-Contact ruins on federal lands helped pass the Antiquities Act of 1906 (“An Act for the Preservation of American Antiquities,” P.L.

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<sup>3</sup> The Internet contains a nearly infinite storehouse of publications on all aspects on the growth of CRM, primary documents, retrospective blogs, dedicated websites such as a recent addition on New Deal Archaeology, and much more. This is a marvelous time to be a researcher. The on-line availability of the National Park Service’s CRM (from 1978 – 2002; National Park Service no date [a]) and *Common Ground* (1994 – 2001; National Park Service, no date [b]) publications provides a great resource to teachers, students and other researchers.

59-209, 16 U.S.C. sec. 461-467; National Park Service 2004, 2007a, 2007b; Lee 2001).

A powerful historic preservation tool for decades, the 1906 Act authorized presidents (not the Congress) “to declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated upon the lands owned or controlled by the Government of the United States to be national monuments.” The Act further mandated that any archaeological site investigation on federal lands be conducted by “properly qualified” institutions under permit. Lindsay, Williams-Dean, and Haas (1979:13) note that this four paragraph-long piece of legislation served as the foundation both for the Historic Sites Act of 1935 and the National Historic Preservation Act of 1966: “Legislation appearing after 1906 does less to depart from the provisions of this Antiquities Act than to expand and strengthen it.” The 1906 Act continued to be important into the 1950s, at least, for archaeological site preservation (usually excavation) activities. Hester Davis (1972: 268) notes, “In the 1950’s, the Bureau of Public Roads, interpreting the 1906 Federal Antiquities Act as applying to land over which it had control, developed a program to salvage archeological information that might be destroyed by construction of federally aided high-ways, particularly the then-burgeoning interstate highway system.” However, Fine-Dare (2002:62) reminds us that, “While the Act served to greatly reduce amateur archaeological looting on public and Indian lands, it reinforced the idea that the Native American past belonged not to Indians but to scientists.” “Dead Indians and their associated objects buried on these lands ...could be excavated, disinterred, sent to museums, and otherwise ‘managed’ only with the proper federal permits in hand” (Fine-Dare 2002:62).

The Historic Sites Act of 1935 (49 Stat. 666; 16 U.S.C. 461-467; NPS 2007a) made historic preservation a national policy: “.....to preserve for public use historic sites, buildings, and objects of national significance for the inspiration and benefit of the people of the United States.” This law, among various things, empowered the National Park Service (NPS) to identify and preserve historic and pre-Contact sites of national significance. It created the Historic American Buildings Survey, the Historic American Engineering Record, the Historic American Landscapes Survey, and the

National Historic Landmarks program, the building blocks for the National Register of Historic Places.

An enormous volume of archaeological work was completed in the decades between 1933, just before passage of the Historic Sites Act of 1935, and the Reservoir Salvage Act of 1960 (Public Law 86-523, 16 U.S.C. 469-469c-2; NPS no date [c]; Means 2014). This surge of archaeological investigations initially resulted from the Great Depression’s efforts to put millions of Americans, including many archaeologists and crews, to work on projects such as the Civilian Conservation Corps, Tennessee Valley Authority, Civil Works Administration, and the Works Progress Administration, and others (Thiessen 1999: 1-3, Thiessen no date). Jameson (2004:26-27) notes that “Archaeology, with its labor-intensive methods, was seen by the relief project administrators as ideal for putting people to work on excavation projects around the country. Field and laboratory personnel were often large in number, reaching a scale not seen previously in American archaeology and rarely equaled since.” After World War II, America dove into more and bigger construction projects that would fuel, and demonstrate, its supremacy as the world’s greatest power: hydroelectric dams and vast reservoirs, pipelines, interstates, flood control and irrigation, and more. These massive construction projects offered employment as well as the chance to discover, document, and excavate thousands of sites, including many burials, as seen in the reports resulting from the Interagency Archaeological Salvage Program, which included the Smithsonian’s River Basin Survey (Thiessen 1999; National Museum of National History, no date; University of Kansas 2007). Key players in this post-war salvage era included federal agencies such as the NPS, Army Corps of Engineers, Bureau of Reclamation, Smithsonian Institution, and others, as well as some state organizations such as the State Historical Society of North Dakota. Interestingly, other than empowering the NPS to be the lead federal agency in heritage interests, the 1935 Historic Sites Act did not authorize these surveys and provided no funding mechanism. Rather, Thiessen (1999:10) records that funding for this work resulted from the “the NPS ... interpreting studies of archeological and historical resources to be within the purview of its recreational resource studies in reservoir areas” and, thus, could be funded “under the authority of the Park, Parkway, and Recreational Study Act of 1936.”



The surge of post-war dam and reservoir and other federal construction projects “illuminated huge voids in the archeological record of the United States” and established “the broad outlines, as well as the details, of most regional cultural sequences and of the continent as a whole” (Thiessen 1999: 20-22); they also resulted in the destruction of large numbers of sites. This frenzy of salvage or rescue archaeology, with 2,600 reports and publications listed in 1968 (Thiessen 1999:25), resulted from the destruction of thousands of sites and millions of acres (Photo 1). This activity laid the foundation for more historic preservation laws beginning in 1960 as well as for what was to become CRM. This wholesale devastation of archaeological sites, including burials, by archaeologists and by construction, also played a role several decades later when the Indigenous people of this country began activating for their rights. The Reservoir Salvage Act of 1960 (Public Law 86-523, 16 U.S.C. 469-469c-2; NPS no date [c]) was drafted and gained public and congressional support as a result of this enormous loss of archaeological sites. While it furthered the national policy to protect its historic patrimony, the Act focused on archaeological sites and recovering the rich sets of cultural and scientific information they contained. It specifically required archaeological surveys prior to construction of dams, “flooded” lands (such as reservoirs), and associated impacts (such as relocation of roads and entire communities), as well as prior to “any alteration of the terrain caused as a result of any Federal construction project or federally licensed activity or program.” The Act further required that:

Whenever any Federal agency finds, or is notified, in writing, by an appropriate historical or archeological authority, that its activities in connection with any Federal construction project or federally licensed project, activity, or program may cause irreparable loss or destruction of significant scientific, prehistorical, historical, or archeological data, such agency shall notify the Secretary, in writing, and shall provide the Secretary with appropriate information concerning the project, program, or activity. Such agency may request the Secretary to undertake the recovery, protection, and preservation of such data (including preliminary survey, or other investigation as needed, and analysis and publication of the reports resulting from such investigation), or it may, with funds

appropriated for such project, program, or activity, undertake such activities”[NPS(c)].

The Act’s language, while mirroring some phrasing in yet-to-be-drafted Section 106 of the 1966 National Historic Preservation Act, focused on archaeological sites, ignoring the historic buildings, structures, and districts that were also being devastated by construction and post-war urban renewal. Furthermore, the 1960 Act placed the burden of responsibility on the Secretary of the Interior rather than on the federal agencies creating the impacts. The Reservoir Salvage Act resulted in a lot more salvage archaeology: sites and human remains were destroyed and millions more artifacts were recovered. Excavating so many sites before their destruction by bulldozers was a valiant attempt to save precious information that was about to be lost. However, rushed and under-funded excavations, vast collections of unstudied artifacts and other data, and excavation and disturbance of many Native burial grounds left a challenging and, for many, painful legacy.

Lindsay and Lipe (1974:ix-x) report that archaeologists’ experiences with contracts, research orientation, business practices, and relations with Native people and federal agencies, costs, and other related matters began in the Southwest as early as the mid-1960s. Thiessen (1999), Lipe and Lindsay (1974), Wendorf (1963:286) and many others document that this Depression-era and post-war period of intense salvage archaeology happened everywhere in the country but in New England. Dincauze (1994: xviii –xix) observes that “programs for cultural resource management in the Northeast developed differently from those elsewhere, describing the absence of contract and CRM archaeology in the Northeast until well into the mid-1970s. Bob McGimsey published *Public Archaeology*<sup>4</sup> in 1972, giving an overview of each state’s historic preservation and archaeology laws and expenditures on archaeology at that date

<sup>4</sup> In May of 1976, as I flew to Vermont from Idaho to interview with Vermont SHPO Bill Pinney and Deputy SHPO Eric Gilbertson for the newly created position of State Archaeologist, I read McGimsey’s *Public Archaeology* cover to cover and vowed to create a program that mirrored his vision. I had a lot to say at the interview and I got the job. This was my personal handbook of what I thought a state’s program should look like. McGimsey got a chuckle out of that years later when I thanked him for helping me land my job.

Photo 1. The East Barre Dam was built by the Civilian Conservation Corps between 1933 and 1935. The dam is 65 feet high and 1460 feet long. Unlike many dam projects elsewhere in the country, no archaeological surveys were carried out in advance of Vermont's post-1927 flood dam-building boom. Credit: University of Vermont Landscape Change Project.



(McGimsey 1972: 123-192). The Northeast information reflects the absence of federal involvement and work. Vermont's Interstate system was built between 1960 and the mid-1970s with no archaeological studies, with a single exception in 1973 (Photos 2 and 3). That year a University of Vermont undergraduate student, under the supervision of a Department of Anthropology faculty archaeologist, did a brief surface survey along a small section of proposed Interstate 91 (Vogelmann 1973). Vermont's only River Basin Surveys were several brief projects in which no sites were identified (Jordan 1959, Salwen and Cousins 1964). Vermont was deemed to be so insignificant in the context of regional archaeology, in general, and River Basin Surveys, in particular, that Borden's (1964:338) *Current Research in American Antiquity* for October 1964 erroneously reported the Salwen and Cousin survey as being in New Hampshire. One major factor for the absence of archaeological work in Vermont (and New Hampshire and perhaps elsewhere in New England) throughout this period was the absence of an anthropology graduate program in any of the state's colleges and lone state university. Vermont still has no graduate anthropology program to its serious and on-going detriment.

In 1971 President Nixon signed Executive Order 11593, Protection and Enhancement of the Cultural Environment (General Services Administration 2008), a law well known to us who trained in CRM in the mid-1970s but a law that many CRM practitioners have since forgotten. The 1966 National Historic Preservation Act, discussed below, originally only afforded consideration to historic properties *listed* on the National Register of Historic Places, thereby cutting out 99.9 % of archaeological sites since most are undiscovered and, thus, not listed on the National Register. Executive Order 11593 built the legal bridge to protect archaeological sites: it enlarged the pool of resources to include those "eligible for" the National Register. This was an enormous step for archaeology, in particular, but also for a huge array of America's historic buildings and structures.

### **The National Historic Preservation Act (NHPA)**

Fred Wendorf (1963:286-288) may have been among the first to express grave concern with the destruction of archaeological sites in the newly expanding suburban sprawl around American cities

and towns: "Despite the impressive accomplishments of the state and federal programs, more archaeology is still being destroyed in this country today than is being saved." He called for "salvage" archaeology on private development, much of it proceeding with federal monies and permits. By the mid-1960s there was growing alarm that:

America was on a public-funded development binge. Interstate highways were plowing through where land could be bought for less, usually older neighborhoods and parklands. Using urban renewal funds, cities were busily leveling the buildings and districts that distinguished them from all other cities, assembling lands into larger parcels, and urging developers to put up redundant and undistinguished new buildings. River and harbor improvements and water impoundments destroyed or inundated countless archeological sites, rescuing data from a haphazardly selected few. The tax code of the United States encouraged the destruction of historic buildings by rewarding the construction of new ones on their sites [Rogers 1986:1].

The Special Committee on Historic Preservation, sponsored by the United States Conference on Mayors, worked from 1965 to early 1966 to highlight the on-going destruction of America's heritage in spite of the country's stated public policy of historic preservation (Mackintosh 1986:vi-viii; Lea 2003:8-9) (Photo 4). "As roads of such overwhelming dimension ripped into urban fabric—shattering modest neighborhoods, violating parks, and destroying old buildings—the number of horror stories mounted.... Notwithstanding their worthy intentions, the big public works programs were increasingly viewed as an overt assault on the inherited environment. And since the projects were federally supported, the threats they posed to historic structures prompted a stream of urgent pleas to Washington" (Connally 1986:14). Early in 1966 the Committee's recommendations came out in a report cited by many as the foundation for the American historic preservation movement, *With Heritage So Rich*. By March 1966 draft bills incorporating the report's recommendations were making their way through Congress. To pass a bill in a few months requires an extraordinary level of consensus at the highest levels of government and politics. With support from the nation's mayors and

Photo 2. Aerial view of I-89 construction adjacent to Bolton Falls taken in 1960. The Interstate was built before the 1966 National Historic Preservation Act took effect in Vermont. No archaeological surveys were conducted with one exception in 1973. Credit: University of Vermont Landscape Change Project.





Photo 3. 1960 aerial view of I-89 construction near Bolton, looking northwest. Credit: University of Vermont Landscape Change Project.





Photo 4. The Converse School, on the corner of Cherry and Pine Streets, in Burlington, was one of many buildings and neighborhoods demolished during the city's urban renewal efforts. This photo was taken in 1962. Credit: University of Vermont Landscape Change Project.



many other stakeholders, President Johnson signed the National Historic Preservation Act (NHPA; Public Law 89-665; 16 U.S.C. 470 et seq.; NPS 2007 [c]) into law in October 1966.

From my own experience, the NHPA has been the single most important federal legislation to overhaul and transform (in attitude, philosophy, theory, and methodology, as well as in volume of work, data collection and data management) American archaeology. The Native American Graves Repatriation Act of 1990 (NAGPRA), discussed below, similarly changed the discipline but in different ways. However, the NHPA built on the Historic Sites Act of 1935 expressly as a way of keeping the NPS as the lead federal agency driving the nation's historic preservation efforts.

The NHPA was slow to take root. Hester Davis (1972:267-272) confirms this, bemoaning in 1972 the crisis in site destruction through accelerated construction and development projects and the inadequacy of federal laws and monies to help stem the problem. Several reasons may have been the states' delays in establishing state historic preservation enabling legislation (McGimsey 1972: 125-192) and historic preservation offices, as authorized in the law; the Act's impossible requirement that sites be listed on the National Register of Historic Places before they could be afforded consideration; and the absence of directions for implementing Section 106. What did it mean? What was the process? How was this new law supposed to work?

Key amendments to the Act in 1976 provided matching grants to the states to fund historic preservation offices and expanded the scope of Section 106 to include properties "eligible" for inclusion in the National Register of Historic Places,<sup>5</sup> not just listed (Advisory Council on Historic Preservation 2008b). By the mid-1970s state offices were up and running in each state (Vermont in 1975, with funding for core staff by 1976). After this date the NHPA fueled the CRM engine and never stopped.

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<sup>5</sup> Executive Order 11593 (General Services Administration 2008), signed by President Nixon in 1971, enlarged the pool of resources considered for protection to include eligible properties. As noted earlier it served as a critical legal bridge for archaeologists until NHPA was amended.

The Act (NPS 2007a, 2007b) was amended 22 times and accomplished the following:

- Expanded and authorized the National Register of Historic Places "composed of districts, sites, buildings, structures, and objects significant in American history, architecture, archaeology, engineering, and culture."
- Added historic properties eligible for listing on the National Register (in its 1976 amendments).
- Laid out the various activities that encompass "historic preservation."
- Provided for matching grants-in-aid to the states for surveys, planning, and other historic preservation activities.
- Under Section 106, required that "[t]he head of any Federal agency having direct or indirect jurisdiction over a proposed Federal or federally assisted undertaking in any State and the head of any Federal department or independent agency having authority to license any undertaking shall, prior to the approval of the expenditure of any Federal funds on the undertaking or prior to the issuance of any license, as the case may be, take into account the effect of the undertaking on any district, site, building, structure, or object that is included in or eligible for inclusion in the National Register. The head of any such Federal agency shall afford the Advisory Council on Historic Preservation established under Title II of this Act a reasonable opportunity to comment with regard to such undertaking."
- Established the Advisory Council on Historic Preservation to implement Section 106.
- And established many other requirements and authorizations over the course of its amendments.

Mackintosh's (1986) history of the NHPA and its players is a terrific "insider's" read that brought back many memories of people and organizational disasters that encumbered historic preservation and CRM into the 1980s. All sections of the NHPA are integral to CRM in this country

but Section 106, quoted in full above, is its best known aspect. The Advisory Council (Advisory Council on Historic Preservation 2001, 2002, 2004, 2008b) was authorized to create implementing regulations: "Procedures for the Protection of Cultural Properties," cited as 36 Code of Federal Regulations 800 (36 C.F.R. 800). The regulations were published in 1974, eight years after the Act's passage; in 2004 they were revised after years of passionate discussion, review, and comment. Two revisions in thirty years is a testament to their power and the ferocity of opinions that they evoke. The regulations' implicit directives to "identify historic properties" and consider the effects of "undertakings" on historic properties, created a thriving and revolutionary business of archaeology in the United States after its slow start.

Tom King's "CRM Plus" blog (King 2009b) offers an interesting juxtaposition to Mackintosh's (1986) detailed and personal perspectives on the inner-workings and politics of people and agencies from the beginnings of the NHPA to present times. In his blog King offered a little known insight on the development of the NHPA and archaeologists' initial negative reaction to it. While a group of archaeologists were working to expand the Reservoir Salvage Act in the late 1960s (the Moss-Bennett Bill which passed in 1974),

Most of us were blissfully unaware of the parallel movement underway among historic preservationists, which had by then led to the enactment of NHPA, whose implementation NPS was putting into train [sic]..... My own pertinent recollection is from an SAA meeting in about 1968, where there was a session dealing with NHPA and the great threat it posed to the integrity of archaeological site records. The perception was that the historic preservation people had gone sneaking around behind our backs and gotten Congress to create this "national register" thing, and these squirrely state liaison officers (later called state historic preservation officers), who would capture all the site records maintained by academic institutions and open them up to the pothunters. In a nutshell, as the 70s got underway, there was very, very little engagement between the archaeological community and the developing NHPA programs in NPS [King 2009b].

In a similar vein confirming the lesser importance of the NHPA to CRM in its initial years,

Mayer-Oakes and Portnoy (1979:16) writing in 1979 noted that, "The promulgation of Executive Order 11593 in 1971 initiates the concept of CRM as an obligation of the federal government" with the Moss-Bennett bill of 1974 providing the monetary fuel for the legislative engines. Bob McGimsey (1999) offers an interesting discussion for why the Moss-Bennett Bill (the Archeological and Historic Preservation Act of 1974) and the NHPA were not better integrated.

The NPS lists 57 laws and regulations on their web site (NPS 2007a) that in one way or another govern protection of America's historic and archaeological resources and cultural properties, including burial sites and places important to Native peoples. The NHPA, however, turned on the spigot of CRM archaeology. Other important legislation for CRM (NPS 2007b) includes the National Environmental Policy Act of 1969 (NEPA, Public Law 91-190, 42 U.S.C. 4321 and 4331-4335); the Archeological and Historic Preservation Act of 1974, as amended (known as Moss-Bennett or the Archeological Recovery Act (Public Law 86-523, 16 U.S.C. 469 - 469c-2), which amended the Reservoir Salvage Act of 1960 (McGimsey 1999); the Archeological Resources Protection Act of 1979 as amended (Public Law 96-95; 16 U.S.C. 470aa-mm); and the Abandoned Shipwreck Act of 1987 (Public Law 100-298; 43 U.S.C. 2101-2106). Jameson (2004: 30) describes this accumulation of legislation as exerting "a transformational effect on the character of archaeological research and preservation and radically changed the way that archaeology was administratively conducted in the United States." His characterization best captures the sheer volume of CRM archaeology in the 1970s and 1980s:

The late 1970s and 1980s saw a virtual flood of compliance-related cultural resource investigations through the United States. Work was especially prolific in the western oil and gas states where construction projects were spurred by fuel shortages in an expanding economy. Studies were conducted in advance of hundreds of thousands of oil and natural gas pipelines, wells, roads, dams, bridges, and other land-disturbing activities. Hundreds of thousands of reports have recorded millions of archaeological and historical sites containing hundreds of millions of cultural objects. Still less than 5 percent of the public lands in America have been investigated. Thousands of reports have

been placed on the table and millions of artifacts on the shelf: the sheer magnitude of this record is overwhelming [Jameson 2004: 36].

Bob McGimsey saw this coming in 1972 (1972:173) when he said, "I predict these shifts [in American archaeological practice in the late 1960s – early 1970s] constitute the scattered mountain rivulets which shortly will merge and become a flood, a flood which will totally engulf the profession..." By the early 1980s yearly expenditures for CRM were estimated at \$200 million dollars (Jameson 2004:32).

This staggering volume of CRM archaeology was frequently centered on Native American sites and sometimes burial grounds. With rare exceptions, this work was conducted without any involvement of the people whose past, histories, stories, memories, and ancestors lay within those sites and places. Archaeologists working in CRM conducted the greatest amount of archaeology and, thus, wrought the greatest damage but academic archaeologists were hardly any more interested in descendent communities. David Thomas (2008:viii) was advised in the late 1960s by his dissertation advisor, "in no uncertain terms -- to steer clear of Indians whenever doing archaeological fieldwork. American Indians, I was told, were 'troublemakers' who'd 'lost their own history.'" Eventually rage at this institutional and discipline-wide exclusionary, dismissive, and disrespectful attitude caught up with the profession. If archaeologists couldn't understand the right thing to do, then somebody else was going to make them do it.

### **NAGPRA and Relationships between Native American and Archeologists**

The Native American Graves Protection and Repatriation Act (NAGPRA) arose from generations' old inequities and outrage over two aspects of anthropological-archaeological science: the physical act of excavating ancestors, who were dehumanized by scientists and scholars and treated like "specimens" and objects (Socbeson 1994:160); and the outrageous manner in which the ancestors were stored, like butterfly collections, in the universities and museums of America. NAGPRA (Public Law 101-601; 25 U.S.C. 3001-3013; NPS 1995, 2009a, 2009b), signed into law in 1990, has been called (Thomas 2000:214) "one of

the most significant pieces of human rights legislation since the Bill of Rights." NAGPRA establishes a process for federal agencies and private and public museums that receive federal funding to return human remains, funerary objects, sacred objects, and other objects of cultural patrimony to lineal descendants, culturally affiliated Indian tribes, and Native Hawaiian organizations.

It includes provisions for unclaimed and culturally unidentifiable Native American cultural items, intentional and inadvertent discovery of Native American cultural items on Federal and tribal lands, and penalties for noncompliance and illegal trafficking. In addition, NAGPRA authorizes Federal grants to Indian tribes, Native Hawaiian organizations, and museums to assist with the documentation and repatriation of Native American cultural items, and establishes the Native American Graves Protection and Repatriation Review Committee to monitor the NAGPRA process and facilitate the resolution of disputes that may arise concerning repatriation under NAGPRA [NPS 2009a].

Fine-Dare (2002:7-8) reminds us that "NAGPRA is a cultural and political process as well as a legal 'event,' one that will be shaped for long years to come by a wide variety of participants who will find themselves moving back and forth across borders of alliance and solidarity."

In 1994 the Smithsonian Institution published *"Reckoning with the Dead"* (Bray and Killion 1994), a set of recollections, facts, narratives, and observations from multiple perspectives about one of the "watershed events in the history of social science" (Fitzhugh 1994:vii): the Larsen Bay repatriation case. Fitzhugh (1994:vii) further described the Larsen Bay experience as "a sea change in the history of American anthropology." The book's title sums up what led the Native people of the United States to press for their rights through passage of the National Museum of American Indian Act (NMAI; Public Law 101-185) in 1989 and NAGPRA in 1990. Fitzhugh's superlatives capture the magnitude of the tsunami that forever changed the balance of power between Native Americans and archaeologists after NAGPRA's passage. What did not happen voluntarily, with very rare exceptions (Sprague 1974; Iowa Office of the State Archeologist, no date; Zimmerman 1989:60-61),



finally transpired through legislation that put the rights of Native people over the rights of scientists. Joe Watkins (2000: 43) referred to this as “legislated ethics.” Penobscot Indian Nation activist and attorney Henry Sockbeson (1994:160) reminded archaeologists, museum curators, and all those who wanted to balance science with human rights that “Federal law has [now] decided how these interests will be balanced and tribal concerns now outweigh those of the general public and the scientific community.” His is a powerful reminder of what happens when a discipline cannot, or will not, change its operating principles: someone else will do it for them.

The “fundamental difference in world views” (Pullar 1994:17) between Native people and archaeologists was so polarized that at the 1968 annual meeting of the Society for American Archaeology (SAA), “An attempt.... to draft and submit a resolution expressing the need for greater respect of American Indian wishes by American archaeologists..... did not make it to the floor” (Sprague 1974:1). A 1978 *National Park Service’s Native American Policy: A Status Report* (Moore 1978:3) shows the federal government’s pre-NAGPRA reluctance to give up too much authority to Indian people. The NPS’s Solicitor’s Office referred to Indian people as “special interests” and argued for the need “to resist special uses which might result in negative impacts upon those resources by special interests.” In 1982, Larry Zimmerman (1989:62-63) was shocked by the attitudes he experienced at the highest levels of the SAA. He realized then that many archaeologists were racist, intent on protecting their own turf, and would happily ignore the very people they studied. His experience with the SAA profoundly changed his outlook as an archaeologist.

In 1974 Idaho archaeologist Rod Sprague (1974) laid out practical and courteous ideas for collaborating with local Native communities to ensure that archaeology, and especially excavations of burial sites, was a joint undertaking carried out in the spirit of reciprocity. He was several decades ahead of his time. He noted (1974: 2) that “The lot of the archaeologist is wretched enough in fearing the spirits of the disturbed ancestors without adding the fear of armed attack by the agitated descendents.” Another group of pioneers were the seven people that sat down in 1974 in one of the Airlie House seminars (McGimsey and Davis 1977: 90 – 96) to discuss “Archaeology and Native

Americans.” “As anthropologists, should it not be archeologists’ *first* responsibility to take into consideration the living descendents of those cultures they study?” (1977: 90, original emphasis). This chapter in the Airlie House Report is extraordinary in summarizing archaeologists’ obligations to forge relationships of mutual trust and respect with Native peoples long before most American archaeologists were thinking about it. The State of Iowa pioneered state-level burial and repatriation legislation in 1976 as a result of Yankton Sioux activist Maria Pearson (Moore 1978:2; Hirst 1997) and South Dakota in 1981 with repatriation of 500 victims of the Crow Creek Massacre (Zimmerman 1989:62).

In 1985 the University of Massachusetts Amherst’s Dena Dincauze, as President of the Society of Professional Archaeologists and President-elect of the SAA, was tasked with organizing a conference on reburial issues and selecting two dozen participants. This initiative perhaps was intended to compensate for the SAA’s attitudes towards reburial as anti-science. The Conference on Reburial Issues, hosted by the Newberry Library in Chicago (Quick 1985), was an important step forward in better understanding the divisive issues blocking the way towards a formal archaeological pro-reburial position. Dincauze (Quick 1985:1) kicked off the meeting by saying, “We are trying this because we deplore the increasing polarization of the issues at the two extremes; immediate reburial of all remains or no reburial.” Respectful attitudes and actions towards burial sites were incorporated into the Vermillion Accord in 1989, just a few months before passage of the NMAI Act. The Accord, product of the World Archaeological Congress’ (WAC) Inter-Congress on *Archaeological Ethics and the Treatment of the Dead*, “won WAC few friends in the United States archaeological community” (Zimmerman 2002: 93). Zimmerman (2002:97) expressed optimism at the increased level of consultation with Indian communities that results from NAGPRA but noted that “[t]he gulf remains substantial between belief systems..... [what has not changed] are attitudes about the primacy of scientific approaches to the past, accompanied by some rearward actions.” Clement Meighan (1996:213) spoke for archaeologists who remain enraged and in disbelief that the foundations of their life’s work had been demolished: “It may therefore be questioned whether the repatriation movement is

not a massive invasion of the freedom of scholarly and scientific disciplines to define their own goals and chart their own course."

The Kennewick Man debacle did not settle NAGPRA's legal, cultural, and scientific complexities (Thomas 2000; Bruning 2006; Burke et. al 2008) but the case did give all the stakeholders a lot of pointers for future negotiations and resolution. Many painful lessons were learned, not the least the one that Zimmerman (1989:94, 97) reminds us about: that our Western idea of time is not necessarily shared by Native people. In a footnote he relays that "a Smithsonian osteologist allowed only two weeks for the [Umatilla] tribe to respond to a letter. Receiving no reply, he and several colleagues requested an injunction to keep the remains from reburial. This escalated into a full-scale legal dispute." The ethical dilemma of indigenous beliefs versus scientific needs and practice remains an on-going struggle although much less so than in the past. The NPS Report, *Journeys to Repatriation* (NPS 2009b) on 15 years of NAGPRA consultation grants to museums and other organizations is a testament to the positive power of establishing close ties and collaborative relationships between Native peoples and scientists.

NAGPRA put into words and actions an entire constellation of issues between archaeologists and Indians that had been simmering for a very long time. Basic questions about the role of Native people in archaeological research and interpretation, "who owns the past?", the role of oral traditions in understanding the archaeological past, how archaeologists had forgotten to be anthropologists, a reassessment of ethics, and other questions and dilemmas came to the forefront (Smith and Wobst 2005a, 2005b; Swidler et. al 1997; Zimmerman 1989). What had been discussions about burial sites and human remains became discussions about archaeological sites themselves and the land within which they sit. Historian and Abenaki scholar Colin Calloway (2003:7) eloquently describes the hard-to-bridge cultural chasm between archaeologists of European ancestry (most archaeologists) and Native Americans in his Prologue for *One Vast Winter Count*; it's a daunting chasm that we have been trying to reach across for many years. To archaeologists, land is a place to be mined for information about the past. To Native people:

Land and lives are inseparable.....We are the land. Our different way of understanding and knowing is palpable in this view of land: [stories and ancient histories] can be read out of the land by people who see not the 'empty wilderness' that daunted Europeans but a world alive with the spirits of the ancestors, etched with the experiences of generations, and holding 'memories of the past with which they coexist. For Native peoples, the landscape, with its markers and stories, could be read like an historical text, or like a winter count, the calendar of events by which Lakotas recorded their histories [Calloway 2003:4].

Calloway describes the Pawnees, for example (but he could be talking about Abenakis, or Penobscots, or any other Native community that had been on the land since time immemorial):

[They know] every aspect of the land they crossed on their annual migration to hunt buffalo on the plains. 'Its topography,' wrote anthropologist Gene Weltfish, 'was in their minds like a series of vivid pictorial images, each a configuration where this or that event had happened in the past to make it memorable.' Like many Americans today, Americans who crossed Nebraska in the nineteenth century saw the landscape as endless and tedious. Pawnees saw a landscape pinpointed with sacred sites [Calloway 2003:8].

At a practical, day-to-day level, most CRM archaeologists have nothing to do with NAGPRA and know it only from a distant, hands-off vantage point. Archaeologists most practiced in the NAGPRA process are museum scientists in institutions that receive federal monies who have had to deal with developing inventories and repatriation, federal agency archaeologists, and archaeologists who work for federal agencies or otherwise have a relationship with federal lands. In fact, there's considerable confusion among some CRM practitioners about the applicability of NAGPRA in state-level burial discoveries and protection. Efforts in 2010 in the Vermont legislature to move a burials protection bill forward revealed some confusion about NAGPRA's applicability in the absence of federal lands, federal funding, and federally recognized tribes. Five public meetings held in the summer of 2009 to discuss Vermont's Act 250 and archaeology had several archaeologists incorrectly asserting that

burial sites on private and state lands were “protected by NAGPRA.”

NAGPRA has forever changed the practice of CRM and the necessity for this legislation was an indictment of archaeology (Zimmerman 1997:55; McGuire 1994: 180 – 183; Killion 2007a). NAGPRA highlighted the inevitable clash between tangible objects, the core of archaeologists’ traditional work, and intangible cultural heritage, the core of Indians’ lives: their memories, values, reverence for the land, sacredness of their ancestors’ remains and burial places, and other world views that conflict with what archaeologists do and how they think. NAGPRA forced archaeologists to think about the contemporary people behind the ancient objects, places, and ancestors’ remains, and their values and meanings to the modern people.

Several other legislative revisions further altered archaeologists’ relationships with Native people. The 1992 amendments to the National Historic Preservation Act considerably strengthened the role and sovereignty of Indians in the historic preservation process, allowing federally recognized tribes to assume the role of State Historic Preservation Officer on tribal lands. The 2004 rewrite of 36 CFR 800, the Advisory Council’s regulations, imposed requirements for legal consultation with federally recognized tribes in the conduct of Section 106. The Advisory Council has since issued extensive guidance (Advisory Council on Historic Preservation 2008a, 2009) on consultation with tribes. The same way NAGPRA forced American archaeologists and museums to speak and interact with Native Americans, the new consultation requirements of 36 CFR 800 imposed new responsibilities for federal agencies and archaeologists to talk with Natives, other descendent communities, and all the myriad stakeholders involved in federal project review. Whether these statutory requirements for consultation are being successfully implemented is discussed below. McGuire’s (1994:182) admonition, “that our research is the study of people and not things,” should be each archaeologist’s morning mantra.

The NAGPRA process and Section 106 consultation with Indigenous people under Section 106 is never a black-and-white process and even less so in states that lack federally recognized tribes

within their borders. A recent list of federally and state-recognized tribes (National Conference of State Legislatures 2013) identifies seventeen states with no federally recognized tribes, Vermont included. Vermont currently has four state-recognized tribes (VCNAA 2014 <http://vcnaa.vermont.gov/>) (Photo 5). Fortunately, federally recognized tribes remain blind to Colonial-drawn borders and can assert jurisdiction where they can demonstrate ancestral affiliation. The federally recognized Stockbridge Munsee-Mohican tribe, now resident in Wisconsin, asserts geographic relationship with southwestern Vermont and some lands on the eastern side of southern Lake Champlain. Vermont’s small size and rural status create innumerable challenges but smallness sometimes works in our favor. From the early 1980s the DHP (the State Historic Preservation Office) has had a close working relationship with Abenaki communities across the state. The Missisquoi community in Swanton, in Vermont’s northwest corner, has been deeply grieved by multiple, inadvertent discoveries of pre-Contact and Contact period unmarked burials in Swanton and Highgate, the largest being the Boucher Cemetery site in 1973 (Haviland and Powers 1994). In the late 1980s the DHP repatriated all known human remains in state hands and at the University of Vermont (the Boucher ancestors and grave goods) back to the Missisquoi Abenaki for reburial, bypassing the NAGPRA process entirely.

Fine-Dare (2002:7) captures the complexity of NAGPRA’s myriad relationships and the intense pain and inherent conflicts in its implementation:

Passage of the law has created practical problems for tribal governments struggling to address the sad, frustrating, and expensive consultation and repatriation process. It has created an added layer of cynicism about American intentions as some museums drag their feet in meeting the law.....And what may be even worse, it has created new sources of conflict between and among Native American peoples themselves over issues of procedure, jurisdiction, affiliation, and interpretation. The law, which was designed to redress long standing wrongs, has been nothing less than a nightmare for many of its participants, even as it stands as one of the most powerful human rights mechanisms in United States history.



Photo 5. Governor Peter Shumlin and the four tribal chiefs celebrate the State of Vermont's recognition of four Abenaki bands. The Abenaki Nation at Missisquoi and the Koasek Band of the Koas Abenaki Nation were recognized in May 2012. The Elnu Abenaki and Nulhegan Abenaki bands were recognized in April 2011. Credit: VCNAA.gov





## CRM Practice, Methods and Theory

CRM resulted in a paradigm shift in American archaeology. Doug Scoville (1974:10 - 11), calling the anticipated spigot of federal monies heading towards archaeology “just short of mind blowing,” listed the new variables and complexities that were about to change American archaeology: federal-state partnerships, legal issues, accountability, enormous funding, a surge in employment, many new players, new and complex relationships, and complex data management needs. The days in which academic archaeologists “passively” excavated imperiled sites, seen from the 1930s through the 1960s, were over. In every possible way the emergence and supersonic take off of CRM overwhelmed American archaeology, it swamping it, transforming it, and resulting in a sea change in the profession. Mayer-Oakes and Portnoy (1979), although not the first to label the change from salvage archaeology to conservation archaeology as a paradigm shift, put it out there front and center during a four day workshop on “The Contract Archeology Process - a new paradigm for research in American Archeology” (1979:1-6; my emphasis). The word “paradigm” entered our vocabulary by at least 1974; Kuhn’s *The Structure of Scientific Revolutions* (1970) was mandatory reading in my CRM graduate program at Idaho State University that year. Throughout the 1970s CRM was far from the rote practice that some now perceive it to be and, problematically, often is. Optimism, excitement, and terror about the wide open, soon-to-be overwhelming world of CRM archaeology was palpable throughout the *Proceedings of the 1974 Cultural Resource Management Conference* at the Federal Center, Denver (Lipe and Lindsay 1974). There was virtually no mention of theory but considerable discussion about high standards, research designs, regional research contexts, and gearing up to do great archaeology.

Two 1977 publications captured the spirit of this building wave of CRM archaeology: Schiffer and Gumerman’s *Conservation Archaeology: A Guide for Cultural Resource Management Studies* and King, Hickman, and Berg’s *Anthropology in Historic Preservation, Caring for Culture’s Clutter*. Schiffer and Gumerman’s (1977) volume was the more eclectic and comprehensive of the two. It contains thirty two chapters written by the preeminent CRM archaeologists of the day discussing: philosophy (Bill Lipe’s now iconic 1974

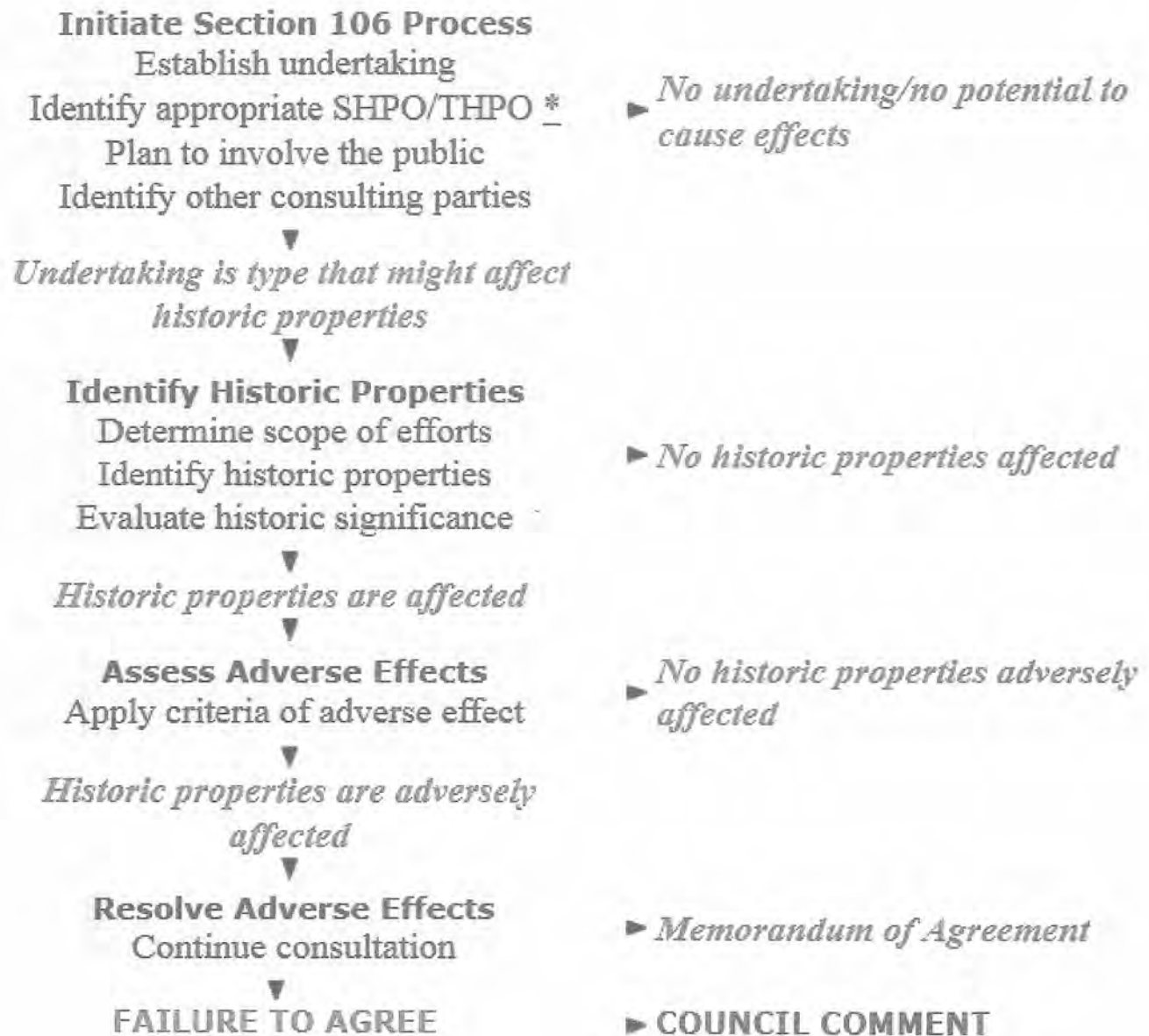
article on “A Conservation Model for American Archaeology” introduced the book); detailed explanations of NEPA and the NHPA; the importance of research designs with many excellent examples; models for doing surveys; probabilistic and non-probabilistic modeling during surveys; assessing site significance; assessing effects and impacts (direct and indirect); mitigation; and sample CRM projects. Only one article, by Canadian archaeologist Don MacLeod (1977:63 – 72), inserted towards the front of the volume because of its unique topic, discussed “marketing” and public engagement.

King, Hickman, and Berg’s volume (1977), from my perspective of nearly four decades in the CRM business, reads like a gossipy, biting, deconstruction of the NHPA and 36 CFR 800, the Advisory Council’s regulations that implement Section 106 of the NHPA. It includes detailed descriptions and denigrations of the process’ relevant “cast” of characters (there is no mention of Native Americans, other descendent communities, and other stakeholders) and detailed scenarios of “fictional” projects describing research designs, identification surveys, evaluation of sites, determinations of effects, and mitigation of impacts. The only reference in the Index to public education or outreach is “public information meeting,” mentioned on one page in the 344 page book. In 1976 this book would have been my bible had Tom King (1975) not written *Cultural Resource Law and the Contract Archaeologist: Methods of Resource Evaluation and Reporting* for the New York Archaeological Council. King’s slim, 25 page booklet was our secret “de-coder” for 36 CFR 800; it was the only practical and free guidance available in those early days.

CRM’s (de)evolution from a broad archaeological heritage enterprise with its strong research orientation, as envisioned through the 1970s, to the competitive business of CRM results from the NHPA process. Part of the problem is that the NHPA process came to be understood by CRM practitioners, from federal agencies to SHPO offices to contractors, as a cookbook. This adoption is best illustrated by exploring the steps embedded in 36 CFR 800. CRM practitioners have memorized the Advisory Council’s “Section 106 Regulations Flow Chart” (Advisory Council on Historic Preservation 2001). The flow chart summarizes the fluid Section 106 process by laying out various

Figure 1. The Section 106 flow chart lays out the key steps in what's known as "the Section 106 process."

Credit: Advisory Council on Historic Preservation



responsibilities and tasks and, thus, is a favorite handout to federal and state agencies, municipalities, engineers, utilities, and private developers who are complying with 36 CFR 800 and remain mystified by it after more than forty years. The Council's flow chart (Figure 1) reduces CRM to its day-to-day basics - - the "cookbook" - - as presently understood by CRM archaeologists and most others involved in CRM:

- Is there an *undertaking* or not?
- If there's an "undertaking":
  - What's the *area of potential effects*?
  - Identify *historic properties* [in Vermont known as Phase I archaeological investigations]
  - Evaluate historic properties [in Vermont known as Phase II archaeological investigations]
- Are historic properties affected?
  - Assess the *effects*
  - Are historic properties adversely affected?
  - Apply criteria of adverse affect
- Resolve adverse affects to historic properties [Phase III data recovery investigations are one possible outcome of this step]

Words in italics are defined in the 36 CFR 800 regulations; "*historic properties*" are defined in a foot note on Page 3. To the amazement of regulators in other resource fields, such as wetlands, Section 106 is not a green light-red light process. Saying "No, you cannot do this project" is not an option under Section 106 unless Native American burial sites are involved, then project termination may be an obvious option. It's noteworthy that the African Burial Ground project in New York City, in which one of the most significant African sacred sites on the American continent was uncovered, did not stop construction of a new federal office building (Perry, Howson, and Bianco 2006). The Section 106 process is purposely flexible, created as a tool for "considering" impacts on historic and archaeological resources and other types of historic properties, for "consulting"<sup>6</sup> about such potential

impacts," and seeking consensus resolution to the extent possible (King 2000). Neumann and Sanford's (2001) 300 page "training manual" for CRM is remarkable in its level of detail and volume of case studies on the technical aspects of proposal writing, identification ("Phase I"), evaluation ("Phase II), data recovery as mitigation ("Phase III), laboratory analyses, and report preparation but research designs are given minor mention. There is no mention of public education and outreach. Neumann and Sanford (2001:43) refer to CRM archaeology in its regulatory Section 106 context as "a no-nonsense world."

From early on there was an immediate concern to maintain the quality of the archaeology and archaeologists. This is seen throughout the 1974 Cultural Resource Management Conference in Denver (Lipe and Lindsay 1974), various early "training" publications (Portnow 1978; Mayer-Oakes and Portnoy 1979) to help archaeologists be better managers but remain scholars, published CRM literature (Schiffer and Gumerman 1977; King, Hickman, and Berg 1977), and development of a number of CRM "terminal" Masters training grounds in some western universities (such as Idaho State and Washington State universities). CRM's early insistence on great research-driven archaeology was exemplified in the Cache River Archaeological Project in which the US Army Corps of Engineers proposed a massive channelization project within a 2,018 square mile area (Schiffer and House 1975). The project publication, containing 38 chapters (articles), served as a model in 1975 and today remains a model of what a contract archaeological study should be and frequently is not. The importance of regional research overviews were encouraged and hoped for from the beginning (Scoville 1974:7; King 1974: 65 -66). Arthur Spiess (1978), long-time Maine State Archaeologist, organized an excellent volume of papers in 1978 to help build a research foundation for Northeastern CRM. All graduate students entering the CRM field in New England today and those already in the CRM field in New England would be well-served to read it. But the concept of regional research designs never got to where it needed to go. Funding and time constraints and capacity have been insurmountable

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<sup>6</sup> Tom King's August 28, 2009 blog (2009b), in "CRM Plus," tells a personal story, previously unknown to me, how the concept of consultation was thought up by the

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Council's first Executive Director, Bob Garvey, during one of the Advisory Council's first project reviews.



obstacles. Perhaps as CRM elders retire, they can apply for grants to collaboratively develop regional syntheses and research orientations.

Schiffer (1975:1-7) reflected on issues and challenges of the new business of CRM and argued that research designs were fundamental to CRM work. If the first crisis in that era was gearing up for, and carrying out, the enormous flow of archaeological work, "*the second crisis is already upon us.... The emerging picture of contract archeology as big business is a disquieting one; it is characterized by persistent and grave defects in the areas of research results, contract specifications, information flow, and organization.....The Cache River Archeological Project was structured in part to demonstrate that the division between contract archeology and more traditional activities is largely artificial.*"

Reality got in the way of the ideal pretty quickly: too many projects (large and small, but mainly small), tight budgets, tight schedules, too much competition, inadequate training, and lack of political capital were then, and remain now, just some of challenges in CRM. In the Advisory Council's 1977 *Special Issue Report*, Bob Crecco (1977:32), U.S. Department of Transportation (DOT) administrator, complains that numerous challenges to DOTs findings "leads [sic] us to believe that archeologists don't believe each other. We have difficulty finding archeologists to begin with. There are very few archeologists who understand what is needed in a project review. Most archeologists tend to be of the academic nature; many of them have never been out on a transportation project, don't know what is required....and their findings then become challengeable by many people, including our own project planning people." Tom King's (King, Hickman and Berg 1977:190) scathing indictment of government archaeologists as "those who simply are not very smart"<sup>7</sup> was unfair and largely untrue

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<sup>7</sup> King, Hickman and Berg (1977:190-191) comments are too delightfully insulting not to quote in full: "*For years, American universities have accepted large numbers of graduate students, in anthropology at least, with the expectation that at least some would be 'washed out' en route to the PhD. Often, those who have been eliminated in accordance with this expectation have been given Master's degrees as consolation prizes, regardless of their scholarly competence. While many MA holders are*

but testified to the stress on the profession as CRM work exploded.

Regardless of his opinion about their archaeological staff's intelligence, King, Hickman and Berg (1977:75-76) identified state historic preservation offices (SHPO) as playing a major role in the conduct of CRM and it is not possible to overstate the roles that SHPOs, and their archaeologists have played. Across the nation SHPOs are organized differently in different states. Some are a unit of the state's historical society, some are part of the state's natural resource agency, or planning agency, or development agency (Vermont), and some are not even in the Executive branch, such as the Massachusetts SHPO that is part of the Secretary of State's office. Positions of State Archaeologists across the nation are equally idiosyncratic: some are in the SHPO office (such as Vermont, New Hampshire, Maine, and Massachusetts), others associated with universities (such as Connecticut). New York State's State Archaeologist is in the New York State Museum within the New York State Department of Education. SHPO archaeologists, who sometimes but not always have the title "State Archaeologist," and others, at the state level, such as Agency of Transportation archaeologists, have been leaders and often pioneers in many initiatives. They have insisted on good research, building relationships and collaborating with Native communities and other stakeholders, promoting meaningful and energetic public archaeology, working with conservation non-profits, preserving sites on private lands through voluntary easements, designing

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*excellent scholars (and, of course, many PhDs are not), it remains a fact that many people have been given MAs not because they have good minds and scholarly qualities but precisely because they have been found to lack them. Since 'government work' is generally held in low esteem among at least anthropologists and historians, it is the terminal MA holders who quite often have been recommended by their university departments for jobs with the SHPO, positions as state archeologists, and employment by federal agencies. As a result, many of the people who now occupy key decision-making roles in the historic preservation system are those who simply are not very smart. ....Thus, as things now stand, people who are often not very well equipped as scholars to begin with, and who have been selected out of academia for just this reason, are assuming high-pressure positions with little potential for satisfactory advancement"[my emphasis].*



creative mitigation, and other important work. Lack of national standards for doing archaeology ultimately resulted in most states creating their own, a source of conflict sometimes when the same developer is working across several states. Vermont created its own guidelines in 1989 and revised them in 2002 (Peebles 2002) since the 1983 Secretary of the Interior's Standards and Guidelines lacked much needed specifics.

Vermont was a leader early on in protecting its remarkable underwater archaeological heritage in its half of Lake Champlain (Peebles 1985, 1988, 1995). The early partnership between DHP and the little known but important Champlain Maritime Society and, later, with the Lake Champlain Maritime Museum, both under the dynamic leadership of Arthur Cohn, created a shipwreck management and protection program considered a model across the nation. That all cultural materials older than 10 years under State of Vermont waters are state-owned makes management far simpler (Figures 2 and 3). When in 1988 Congress passed the Abandoned Shipwreck Act of 1987, Vermont's first Underwater Historic Preserve, the mid-19th century *General Butler* wreck in Burlington Harbor (Figure 2), was three years old (Lake Champlain Maritime Museum no date, Peebles and Skinas 1989, Crisman 1994).

Throughout the 1970s and into the late 1980s SHPO archaeologists did a remarkable amount of hand-holding for clueless federal agencies and naïve contracting archaeologists doing the work. In the 1970s we had to assist well-meaning but untrained academic archaeologists moon-lighting as CRM archaeologists. Decades later, SHPOs, in spite of Tom King's cynicism, play a vital watchdog role. As King (2009a) points out in "*Our Unprotected Heritage*," as well as in his CRM Plus blog (2009b), the NHPA process to this day needs constant vigilance.

Archaeological survey is the foundation step in CRM for identifying as-yet-undiscovered sites (most sites have not yet been discovered). The requirement to survey thousands of projects and hundreds of thousands of federal and privately owned acres has resulted in ground breaking methodological innovations that has further shifted the paradigm. My generation of archaeologists starting in the mid-1970s had no undergraduate training in doing surveys and experienced largely

on-the-fly training in graduate school. Tom King's (1978) *The Archeological Survey: Methods and Uses* was very useful to the first generation of state and federal regulators who were starting to review scopes of work for surveys of project areas. The volume included an early overview of "predictive surveys" (1978:73 – 95) at a time when most archaeologists in the Northeastern United States were not thinking a great deal about conducting surveys. This lack of experience contrasts with western archaeologists who had already been surveying thousands of square miles of federal lands (such as Bureau of Land Management and United State Forest Service lands) making predictive surveys and sampling strategies the norm early on.

The impossibility of surveying 100% of a landscape, or testing 100% of a site, or collecting 100% of surface artifacts over many acres, fostered statistical sampling (Mueller 1974) and predictive modeling. The ever-increasing cost of archaeology was also a practical reason for sampling at all levels and applying predictive models. In the 1970s some projects that had pioneered predictive modeling stood out: the Cache River project (Schiffer and House 1975), Dave Thomas' (1969) Reese River, Nevada, surveys, Matson and Lipe's (1975:124-143) Cedar Mesa, Utah, project, Margaret Kimball Brown's (1978) Illinois survey, and, in the Northeast, Dincauze and Meyer's (1977) east-central New England study. A small batch of relevant literature available to archaeologists in the mid-1970s, for example, Lou Binford's *Archaeology at Hatchery West* (Binford et. al. 1970) and Jim Mueller's *Use of Sampling in Archaeological Survey* (Mueller 1974), provided the foundation on which I developed the statistical sampling research design for my Master's thesis at Poison Creek, Idaho (Neudorfer 1976), and launched many other archaeologists in their CRM work. During my second year in Vermont, in 1977, I hired a dozen undergraduates from the University of Vermont<sup>8</sup> to do a statistical random sampling

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<sup>8</sup> James B. Petersen, a junior at the University of Vermont, was my crew chief in the 1977 survey. He was several years older than the rest of the team having taken several years off before heading to the University of Vermont. Kevin J. Crisman, a senior at Montpelier High School, was also on my crew that summer, among others who left archaeology after undergraduate or graduate school. See Peebles 2004 for stories about the 1977 survey project and dream team.

Photo 6. A perspective view of the Burlington Bay (Vermont) Horse Ferry Underwater Historic Preserve. Drawing by Kevin J. Crisman. Credit: Texas A & M University Center for Maritime Archaeology and Conservation.

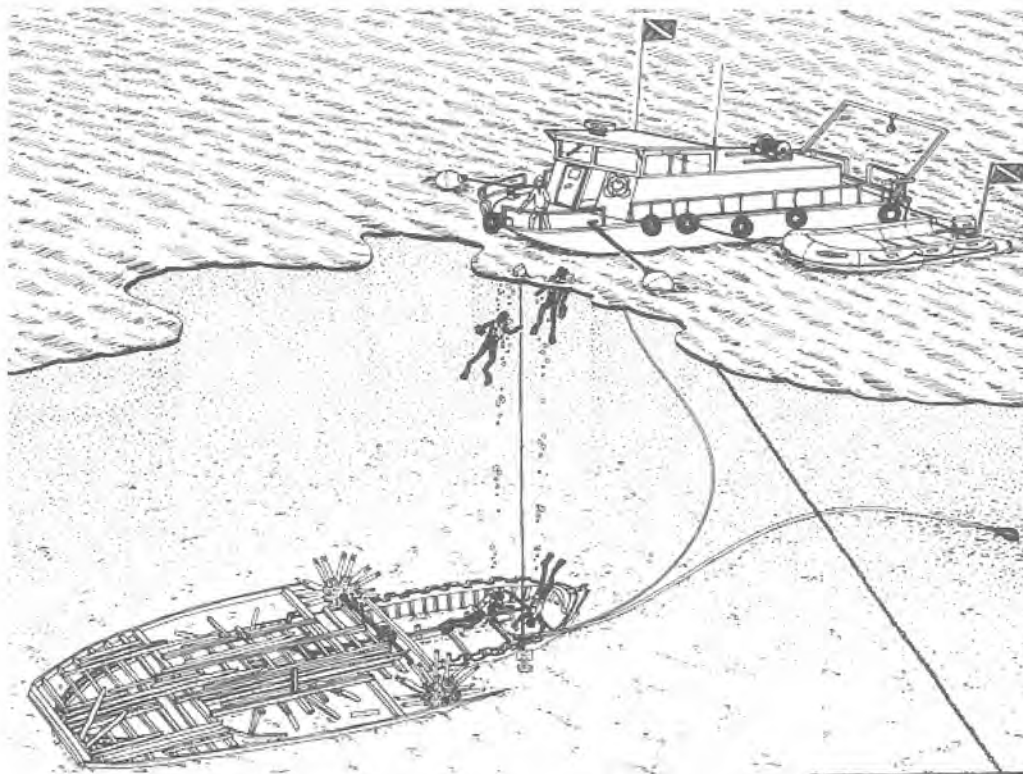


Figure 2. The *General Butler* was the first of eight Vermont Underwater Historic Preserves created to conserve the lake's historic shipwrecks by enhancing divers' appreciation for its extraordinary history. The program is managed under a unique partnership between the Vermont Division for Historic Preservation and the Lake Champlain Maritime Museum. Credit: Vermont Division for Historic Preservation and Lake Champlain Maritime Museum.

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## *General Butler*

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The *General Butler* was built in 1862 in Essex, New York. The schooner-rigged *Butler* is an example of a Lake Champlain sailing canal boat designed to sail on the lake and, with masts removed and centerboard raised, travel through the Champlain Canal.

On her last voyage she was under the command of her third owner, Captain William Montgomery of Isle La Motte. While sailing up the lake on December 9, 1876 a powerful winter gale struck and upon approaching Burlington, the *Butler's* steering mechanism broke. The captain jury-rigged a tiller bar to the steering post and attempted to maneuver his craft around the breakwater. The attempt was unsuccessful and the schooner crashed headlong into the breakwater. The force of the water was so great that the vessel was repeatedly lifted on top of the ice-covered stones. One by one each of the ship's company made the perilous jump onto the breakwater. The captain was the last to leave the ship which immediately sank into the 40' of water where she now rests.

Having narrowly escaped death by drowning, the *Butler's* survivors now risked freezing to death on the breakwater. All surely would have perished had it not been for the heroic intervention of Burlington ship chandler James Wakefield and his son, who rowed out in a 14' lighthouse boat and took all five to safety. The *Butler* was declared a total loss. Artifacts from the *General*

*Butler* are on display at the Lake Champlain Maritime Museum.

### FEATURES OF INTEREST

- Size of wreck: 88' long, 14' wide
- The vessel rests on her keel, bow towards the breakwater. There are five hatches in the deck.
- Note the dead-eyes, windlass and cleats used for sailing.
- The masts were stepped on deck in three sided "tabernacles" and held in place with iron pins.

### DIVING INFORMATION

- Experience level: Beginner
- Depth of water: 40'
- Buoyancy should be carefully controlled to avoid damaging this fragile and remarkably intact wreck.
- Exercise special care at the stern to avoid damaging the extremely fragile rudder.

**LOCATION:** 44°28.23N, 73°13.70W

Approximately 75 yards west of the southern end of the Burlington breakwater.

Note: The *General Butler* is located 300' north of the City of Burlington's waste water discharge pipeline.

**DO NOT PENETRATE  
THE WRECK!**

Photo 7. The Chittenden County crew spent several weeks surveying lands around East Creek in Orwell. The purpose of the survey was to document as many archaeological sites as possible in case the notion of siting a nuclear power plant on East Creek moved to the next step. Credit: Vermont Division for Historic Preservation.





survey across a number of towns in Chittenden County, in the western part of the state, in a naïve attempt to do a “western-style” survey as I had learned in graduate school. There were two big differences between Idaho and Vermont: no grassless, open ground surface, and hundreds of private land owners who had to give permission to allow us on their land to survey (Photo 6). Dozens of sites were discovered simply by talking to people without putting test pits in the ground. Western predictive modeling differed from what Northeasterners had to work with since we were dependent on sub-surface testing, virtually unknown for a long time in the western states. My thesis field work was among the first sub-surface testing surveys in the Great Basin outside of cave sites. Lovis’ (1976) pioneering sampling work in the forests of Michigan stood out for us New Englanders. The sampling literature started early in CRM but was not sustained over the decades. The grind of the day-to-day business of CRM archaeology prevented many lessons-learned from making it into the published literature. Some excellent analyses have been completed but remain in the grey CRM literature. While predictive modeling remains a cornerstone of CRM practice, most of the time it’s neither true modeling nor a quantitative task. Rather, it’s become a matter of evaluating the landscape through various means, exercising preconceived notions and experience of where different site types at different time periods are dispersed across the landscape, and designing testing methodologies based on that.

CRM emerged as a field just as the New Archeology (Johnson 1999:22-30) swept in with its focus on systems thinking, importance of the external environment, scientific approach, importance of cultural process, more explicitness in stating biases, problem orientation, and the importance of variability. Past emphasis on excavating the biggest and “best” sites shifted towards discovering all sites, including small, shallow, and single component sites (King, Hickman and Berg 1977:28). The Cache River project (Schiffer and House 1975) with its examination of environmental settings, the multitude of site types, experiments in replicating fire cracked rock, and hypothesis testing exemplified CRM and its integration with the New Archeology. King, Hickman and Berg (1977:27-28) observed that “Seeking *appropriate* kinds of data, rather than whatever data happened to be apparent

in a site, led new archeologists to look for kinds of data that had been little attended to in the past.” As CRM evolved into the business of CRM, theory took a back seat to other considerations. King, Hickman and Berg’s observation, above, works when conducting Phase III data recovery studies. These investigations are large, intensive, broad, and expensive where the research design (ideally and hopefully) drives the sampling strategy and types of data recovered. However, when doing Phase I test pits, 50 centimeter by 50 centimeter in Vermont, smaller elsewhere, CRM archaeologists have to take any data they are lucky enough to find. Even when archaeologists create and implement excellent research designs, theory is rarely on the agenda. Goodby (1994:51-63) provided an excellent summary of CRM’s methodological link to post-processual theory and found it non-existent: “CRM research has produced, at best, a history of diet, not a history of people” (1994:53). This lack of theory remains the current situation and a remedy may need a new generation of CRM practitioners taking a different approach to CRM. Funding will always be a constraint in many cases.

CRM and compliance with Section 106 involves a host of complex relationships and requirements at different stages of the process of which only a few can be mentioned here. The 1992 revisions to the NHPA (Advisory Council on Historic Preservation 2008a) require government-to-government consultation with federally recognized Indian tribes when carrying out Section 106. These revisions resulted from further fallout from a world view in which archaeologists studiously avoided dealing with Native peoples (Thomas 2008:vii – xii). In practice, it is impossible to legislate relationships. The act of consultation with Native communities often gets lost in the act of delegating legal and administrative responsibilities, often unlawfully. Since it is the legal obligation of the federal agency to initiate and conduct the consultation, CRM practitioners are in an awkward position unless they are expressly asked to facilitate consultation. Most of the time, they are not asked to play a role. In practice archaeologists are often too busy just running their CRM organization to inquire about or push for active consultation, unless pressed to do so.

Every once in a while a project offers lessons all around and allows the profession to grow a bit; it can also be used as an object lesson for

reluctant agencies and developers. Such was the case in the African Burial Ground project in New York City with the grievous and notorious absence of consultation by the federal General Services Administration (GSA). This project was as publicly contentious as Kennewick Man but played out under different legal jurisdiction and with very different outcomes. The lead federal agency, GSA, and its original archaeological consultants, in a passive role, exemplified a “business-as-usual” approach as they made decisions for proceeding to construction within what was known to be a highly sensitive 18<sup>th</sup>-century African burial ground. Michael Blakey (2009, personal communication) observed, “GSA kicked and screamed every way for 12 years although they spent twelve million dollars in the end.” He concluded that the main lesson that everyone needed to learn from this experience was the “the community has authority (Blakey 2009, personal communication).”

#### **Putting the “Public” into CRM: From One-Directional Education & Outreach to Collaboration**

Writing in 1972, Hester Davis served as the pioneering mouthpiece for those few activist American archaeologists who saw education as a major key to site preservation.

Archeologists must begin and then guide the education of the public. Although most professionally trained archeologists have involved themselves but little in practical politics or the communications media, some of them must learn about practical politics and others must write and speak knowledge-ably about archeology. Most important, the public must become actively and intelligently concerned and involved. In addition to arousing and involving the public, archeologists themselves must develop new techniques, new areas of cooperation, and new concepts to deal with the present crisis [of site destruction] [Davis 1972:271].

It took almost two decades for the discipline to grasp the need for public involvement. The flood of inaccessible CRM reports, the infamous “grey” literature, and vast volume of archaeological collections created very significant problems for CRM: distribution and sharing of information, collections care and management, ethical dilemmas about “ownership” of the past, and

accountability to the tax payers or private developers who had paid for the archeological studies. Throughout the 1970s and 1980s guidance for CRM practice made little or no mention, with a few notable exceptions, of public engagement, public education, or collaboration with stakeholders. Bob McGimsey’s (1972:7) vision, that “the proper practice of archeology entails total involvement of all interested parties and the public,” was not shared by most archaeologists for a long time. McGimsey was a pioneer in prodding the profession to remember that archaeology was not for archaeologists but for everyone else (federal laws such as NAGPRA succeeded where prodding failed): “Without public appreciation of the importance of archeological sites and information there can be no effective protection of sites, or the information contained within them....” (1992:7). Hester Davis and Bob McGimsey were also ringleaders of the six Airlie House seminars held in 1974 and reported on in 1977 (McGimsey and Davis 1977). One seminar centered on “The Crisis in Communication” (1977: 78 – 89), with seminar participants Bob McGimsey, Brian Fagan, Lou Brennan, Frank Hole, Alice Kehoe, Tom King, and Nathalie Woodbury. They concluded that the survival of the profession depended on a radical change in archeologists’ communication with the general public, landowners, and other audiences:

It is no longer appropriate for archeologists to operate totally within an ivory tower. Perhaps such behavior is appropriate for certain practitioners, but for the majority of archeologists to continue to act without regard for contemporary conservation and legislative needs would be a disaster. While it will always be true that archeologists need to communicate effectively among themselves, it now is abundantly clear that unless they also communicate effectively with the general public, and with those making decisions affecting the cultural resource base, all else will be wasted effort [McGimsey and Davis 1977:89].

Ceaseless looting across the nation on western federal lands and on state and private lands in every state led many government archaeologists to conclude that education was key in attempts to slow down the pace of looting (SAA 1990). In the eastern states especially, but throughout the country, grappling with protection of sites on private lands finally shined a light on the urgency of

engaging landowners as stewards of their lands and the sites on them. Education was critical for this vast group of potential site stewards, or potential site destroyers, as well. The 1980s and 1990s saw state and federal government archaeologists take the lead in these efforts (Jameson 2004:50-54; Smith and Ehrenhard 1991) but some exceptional private CRM firms, such as Statistical Research, Inc. (SRI) in Tucson took leadership roles in integrating public archeology into CRM (Ellick 1998).

In 1992 the Bureau of Land Management and the Interagency Task Force on Cultural Resources sponsored *Project Archaeology: Intrigue of the Past*, Utah's archeology education program that became a model for similar programs across the nation (Moe 1998, 2000). The idea that archaeologists can teach teachers who in turn educate America's future landowners, developers, and decision-makers lies at the foundation of the great work that the NPS, the SAA, and many individual states and organizations are doing in archaeology curriculum development. Archaeology Week programs became very popular as a way to focus a lot of archaeology education into a short time frame and in recent years morphed into Archaeology Month programs. The first Archaeology Week was developed in Arizona in 1983, Vermont's first was in 1994 (National Park Service 1999; Vermont Archaeological Society, no date). With financial and other supports from the Vermont Agency of Transportation and the DHP, the Vermont Archaeological Society coordinated Vermont Archaeology Weeks and then Months up until 2012 when the DHP took over the program. As the professional and ethical obligations to do archaeology for and with the public become more engrained, levels of engagement are evolving from a simple one-directional process, from archeologist as "expert" talking to the non-expert, to a methodological model of collaboration that blurs the lines of expert-non-expert and allows collaborators to have equal voices and status (Killion 2007b) The DHP's 2007 Lake Champlain Voyages of Discovery project in Addison took community engagement to a new place. The line between "teachers" and "students" was fluid and hazy (Peebles et.al. 2009 ) (Photo 7).

Unfortunately, because the majority of CRM practice occurs at what's called "Phase I" (the generally limited field process of testing an area to identify sites that may exist within it), practitioners

do not often engage with publics, only the client. Frequently for practical reasons, Phase I CRM archaeology practice can be rote and unimaginative, and sometimes remains that way at the Phase II (evaluation) level as well. A survey of regulatory requirements, or guidance, for public education in CRM shows that federal and state performance standards pay minimal attention to engaging the public and sharing archaeological information (Peebles 2007). Vermont's extensive and detailed guidance to archaeological consultants stands out (Peebles 2002).

In a daily explosion of growth and change, the Internet and social media provide important vehicles for public engagement, education, communication, and collaboration. Chip Colwell-Chanthaphonh and T.J. Ferguson (2008:1- 32) use the expression "collaborative continuum" to convey that collaboration as a "range of strategies," from reluctant consultation, to sharing information, to the truest collaboration. Educating the public about archaeology is at one point of the continuum. Information recovered by archaeologists is shared and transferred to non-archaeologists: teachers, students, descendent communities, landowners, communities within which the sites are found, and to other stakeholders. Public education is often one-directional: we found this information and we want to share it with you. Community archaeology projects are evolving to create more meaningful relationships between archaeologists and various types of "communities." Recent examples (Killian 2007; Silliman 2008; Watkins, Pyburn and Cressey 2000) show archaeology is forever changed by these commitments to developing respectful, reciprocal, and mutually beneficial relationships with the many "communities" that interact with archaeologists, sites, the past, and the land. The powerful stories in these books merit wide readership. Thomas (2008:vii) states that "collaborative archeology has the potential to rock the theoretical, methodological, and ethical foundations within the world of contemporary archaeology." It already has.

A recent example illustrates "best practices" in welcoming and engaging various communities (Photo 8). The Phase III archaeological data recovery project in Swanton, along Route 78, funded by the Vermont Agency of Transportation (VTrans), offered a rare opportunity for



Photo 8. The 2007 Lake Champlain Voyages of Discovery Project, funded by the Institute of Museum and Library Services and directed by the Vermont Division for Historic Preservation, exemplified a great community collaboration project. Archaeologists worked side-by-side with community members of all ages to discover and learn about the area's history. Credit: Will Costello.





Photo 9. NEARC archaeologists welcomed volunteers of all ages at the Route 78 project in Swanton.  
Credit: Nancy Trombley.



archaeologists to work for over four months within a rich cluster of sites in one long area along the Missisquoi River. The archaeological sites were located on many private lands and within the federal Missisquoi Wildlife Refuge. Following Vermont's expansive Archaeology Guidelines (<http://accd.vermont.gov/sites/accd/files/images/stro ngcommunities/historic/Archeo%20Guidelines%20 Combined%20%282%29.pdf>) for education and outreach, and after close consultation with VTrans and DHP, the Northeast Archaeology Research Center, Inc. (NEARC), the project's consultants, designed a multi-faceted community engagement program. To ensure a sustained level of effort and success, NEARC hired a public outreach coordinator who organized and supported volunteers of all ages; open houses; a two-day, on-site, high school class (as one component of Vermont's first-ever high school-level archaeology class); tours for visitors, school groups, summer camps, and college-level students; and presentations across the region. The project received frequent television, radio, and print media coverage; the northwestern Vermont public access television station is still showing multiple-episode series filmed during the project. Because Swanton is the heart of the Missisquoi Abenaki homeland, the project employed several Abenaki. Local Abenaki were actively involved, including a smudging ceremony for the field crew and site at the beginning of the project. Daily postings on the project's Facebook page, as well as frequent updates on the Vermont Archaeology Month Facebook page, kept lots of Vermonters up-to-date on discoveries and goings-on and provided opportunities for people to ask questions and remotely interact with the archaeologists. At least 1,500 people visited the site and uncounted hundreds of others were positively engaged in Swanton's 7,000 year old Native history. One of the local legislators posted this comment on the Vermont Archaeology Month Facebook page: *"This experience was a treasure for our county. As the month [of September - "Archaeology Month"] progressed I heard more and more people talking about it. Lots of people learned what you do and why it is important to Vermont. Thanks!"*

Volunteers who are passionate about the past, such as avocational archaeologists, have forged productive and important collaborative relationships with archaeologists. Vermont, in general, and the DHP, in particular, have been

blessed with volunteers who have made outstanding contributions to understanding and sharing our history (Peebles 1994, 1995a, 1995b). The Vermont Archaeological Society (VAS), one of Vermont's oldest non-profit organizations, has been a stalwart collaborator for decades. I press the many issues of the VAS' invaluable *Journal of Vermont Archaeology*

(<http://www.vtarchaeology.org/publications>) on any archaeologist who aspires to work in this state. The journals are required reading for anyone who wants to understand our 12,500 year old history as well as the history of archaeology in Vermont.

### Collections Care

As astounding as it seems, as early as 1979 (Lindsay et. al. 1979:2) CRM work resulting from compliance with the NHPA had already resulted in the accumulation of "hundreds of millions of artifacts and accompanying documentation." Jameson (2004:41) describes "[a] virtual avalanche of reports and collected artifacts accompanied the CRM explosion starting in the late 1970s. No one could have predicted the magnitude of this vast acceleration of cultural resources work." Unfortunately, until recently, caring for archaeology's collections has always been an afterthought, if thought about at all: where do the collections go? How will they be cared for in perpetuity? Who will care for them? Where does the money to care for them come from? How much does it cost? How well are the collections documented so some future graduate student can research them? Terry Childs' (1995) summary is an indictment of a process in which excavation trumped any future worries for treating the collections. Progress in collections management has been made with the NPS offering standards for collections care in 36 CFR 79 (U.S. Government Publications Office 2009) and guidance and encouragement (Childs and Corcoran 2000), but no funds. Colorado's relatively recent report *Addressing the Curation Crisis in Colorado* (Thornberry et. al. 2002) summarizes the current issues and how we got to where we are. This ongoing crisis of an ever-continuing and ever-growing avalanche of artifacts and other data remains unabated and is further motivation to move expeditiously towards a stronger conservation ethic in CRM and the academy, encouraging theses and dissertations that mine existing collections rather than creating new ones. The SRI Foundation offers

two, annual \$10,000 scholarships for dissertation writing based on research from existing archaeological collections. Universities need to help students refocus their research from new excavations in the ground to "excavating" collection boxes.

Caring for Vermont's archaeological collections has witnessed a transformation in the recent decade. Support for archaeology from both the Executive and Legislative branches of government resulted, first, in a temporary collections care facility in South Burlington from 2006 through 2012; and, finally, the permanent Vermont Archaeology Heritage Center in Barre opened in September 2012. The strong, long-time, partnership between VTrans and DHP has been a major factor in moving towards this goal since the late 1990s and, ultimately, achieving it. Directed by the State Archaeologist, the new Center is located within the Vermont History Center (Photo 9). This collegial and physical partnership allows Vermonters to engage in Vermont history and archaeology through collections, libraries, and exhibits in one location.

### Major Challenges Ahead

CRM has seen radical shifts since its launch in the early 1970s, especially in the new-found relationships with Native peoples and other descendent communities and its continuing push to emphasize public archaeology. There seems to be greater understanding among many CRM practitioners that "[t]here is no single public and no single past" (Little 2002:7). Its traditional exclusionary ways are changing rapidly (as rapidly as change can happen in entrenched systems) towards much more inclusionary archaeology. Many CRM archaeologists are committed to doing truly public archaeologies in spite of concomitant increased work and negotiations and even knowing this work "...will always be complex, messy, ambiguous, and precarious" (McGuire 2008:8). The Internet has opened up channels for freely sharing data and information, for asking questions, and getting feedback, and it will only serve an ever increasing pipeline for making archaeology more inclusionary. Organizations like the *Alexandria Archive Institute* (<http://alexandriaarchive.org/>) and the *Digital Archaeological Record* (<http://www.tdar.org/>) are just two of many important voices clamoring for more web-based,

free and open data, scholarship, and publications. The challenges of CRM in the 21st century are enormous; and a depressed economy makes these challenges more acute and perilous. In truth, all facets of American archaeology face these challenges, including the academy, but I think that CRM practitioners can and must provide leadership and role models since they serve archaeology's public face. I'm especially concerned with the following challenges.

### *Political Naiveté and Lack of Activism*

Minimal-to-no funding for archaeology and limited-to-non-existent archaeology staffing in SHPO offices, federal and state agencies, local governments, and non-profit conservation organizations exemplify archaeology's lack of political and social capital and relevance to the broader society. Many federal agencies in the eastern United States that do lots of potential damage to archaeological sites have no archaeologists on staff after nearly 50 years since passage of the NHPA. Most state natural resource agencies lack archaeologists on staff as they conserve lands containing thousands of sites, a few recorded, most as-yet-undiscovered. The Nature Conservancy with 50 regional offices has no archaeologists among their staff. State tax departments offer property tax breaks to landowners for properly managed woodlands and deer yards but not for conserving important archaeological sites. Historic preservationist and economic guru Donovan Rypkema at a 2009 lecture in Montpelier reminded us that "politics and historic preservation are local" (2009, personal communication). I often tease Vermont archaeologists, "Did you have lunch with your local legislators this month?" "Did you attend the local Monday legislative breakfast?" "Have your local legislators visited your offices and laboratories?" With rare exceptions, most archaeologists, CRM or academic, have no relationships with their state legislators, don't speak with them, don't email them information, and don't invite them to visit the sites in which they are working. It is the rare archaeologist who has a relationship with their Congressional delegation; in Vermont, it is quite easy to do.

Archaeologists may well be among the least political creatures (Cheek 1991; McGimsey 1999) and this is at our own peril. McGuire (2008:17) sees the lack of political involvement as an American

Photo 10. The Vermont Archaeology Heritage Center opened in Barre in 2012, in partnership with the Vermont History Center. Credit: Vermont Division for Historic Preservation.





characteristic, in contrast to archaeologists from other cultures who “see politics as an integral part of all life.... This unease and disengagement occur for both good and bad reasons, but denying the political nature of archaeology is not realistic. Furthermore, denying, ignoring, or discounting the political nature of archaeology presents real dangers. It leaves archaeologists with no say or role in the political life of the knowledge that we create.....Politics is fundamentally about how groups advance their interests within society.” McGuire (2008:10-11) further argues that his “experiences have made it clear to me that many of my North American colleagues still believe that what archaeologists do is apolitical, or at best they wish to ignore the troublesome fact that it is not. I argue that we ignore the political nature of archaeology at our own peril.” Judith Bense (2000:83), long experienced in the power of politics, both in her state of Florida and nationally, and its benefits to archaeology, asks “Why are politics important to archeology?” She argues that “[t]he short answer is because archeology is almost totally dependent on politics, whether we like it or not.” Most of American archaeology is government funded and the decision-makers are government officials, politicians and their staffs who make decisions about money. McGuire and Bense’s warnings must be heeded; clearly archaeologists have not succeeded in advancing their interests across many fronts. That the New Deal during the Great Depression poured millions of dollars directly into archaeology but the 2009 American Recovery and ReInvestment Act provided no funds to archaeology or historic preservation is telling. CRM archaeology has been slow to understand this. While federal and state laws ensure, for now at any rate, the continuation of CRM “regulatory” archaeology, lack of political activism at state and local levels, certainly in New England and with few exceptions across the entire nation, precludes meaningful policies and actions where the most decisions that affect archaeological sites are ultimately made.

Vermont is one of the few states with a statewide land use law (known as Act 250) that affords some consideration of archaeological resources during project planning but requires constant vigilance and hard work to achieve preservation success. A recent, rare example of the power of political activism occurred in Vermont during the summer of 2009 when dozens of CRM

professionals and avocational archaeologists turned out to passionately testify in person and in writing at six public meetings when they perceived a serious threat to archaeology. They wanted to ensure that any revisions to the SHPO’s rules for engagement in the Act 250 process maintained and indeed strengthened protections for as-yet-undiscovered sites. Their activism was welcome, successful and a testament to its power. Ultimately, political activism occurs at the local grassroots and state levels and a large part of it (but not all) is about building and maintaining personal relationships across the political spectrum. Political relationships have, through the decades, resulted in statutory changes to protect site locations from public access, protect unmarked burials, create fees for the DHP’s archaeology digital database and the state’s archaeological collections, and establish the state’s Archaeology Heritage Center to care for and use the state’s archaeological collections.

#### *Archaeology’s Perceived Lack of Relevance to Society*

As archaeologists we have to articulate our work’s relevance to society but it’s a tough assignment. How do we address and communicate our discipline’s contributions to understanding, or explaining, some of today’s complex issues such as climate change, drought, famine, sustainability, failure of economic systems, and war? Sabloff’s (2008) excellent little volume gives various examples of how archaeology matters in today’s world. More recently, American archaeologists (Kintigh et.al. 2014:6) identified twenty five “‘grand challenges’ for contemporary archaeological research and scholarship.” Addressing these challenges can help inform modern-day problems. In contrast to Kintigh et.al’s 40,000 foot elevation questions, historian David Glassberg offers archaeologists a more realistic and useful perspective on being relevant: he reminds us that heritage is deeply personal, emotional, and local. Glassberg (2001:207) asserts that “[w]e use the various histories we encounter in public in intensely personal and familial ways, to understand who we are, where we live, and with whom we belong, and to impart a manageable scale to the flow of experience. When it comes to history, the personal and experiential take precedence over the global and the abstract.”

Glassberg is telling us that our collaborative work at the local, community level is where we can most easily demonstrate the relevance of our work; it is where we can *be* relevant. Our work becomes personal for landowners, community leaders, descendent communities, local historians, educators, students, and other involved Vermonters. Some remarkable activist archaeologists (Killion 2007b, Little 2002, Little and Shackel 2007, Merriman 2004, Smith and Wobst 2005b) demonstrate this in their stories and experiences of community engagement. Their collaborative efforts create intellectual and emotional bonds between the archaeologists and everyone else involved that foster a sense of relevance. Community engagement, or "civic engagement," is a way to strengthen bonds between and among people and create shared values; it is a pathway for helping archaeology be relevant to the person in the street and to today's society. Little and Amdur-Clark's (2008) "*Archaeology and Civic Engagement*" offers a terrific summary about the potentially unique role that archaeology can play in civic engagement because of archaeologists' special opportunities to work with tribes, communities, educators and students, and municipal governments. In Vermont, archaeologists may not readily explain population growth dynamics, or factors that drive health and well-being, but we can strive to be relevant at other levels.

#### *Lack of Strong Integration with Historic Preservation*

By law, regulations, and in theory, historic preservation is about historic properties: standing buildings, historic districts, historic landscapes, archaeological sites, and traditional cultural properties. Noted historic preservationist Donovan Rypkema (Montpelier Bridge 2009:H1) sees historic preservation as "... the means to a variety of ends, including downtown revitalization, low income housing, luxury housing, small business incubation, neighborhood stabilization, heritage tourism, economic development and others." This characterization of historic preservation illustrates why archaeological sites (and traditional cultural properties) are not in the mainstream of its business; they are very different enterprises. Archaeological sites operate in a different sphere than historic buildings, with a different playbook, different stakeholders, economic considerations, relationships with landowners and communities,

and public benefits, as well as different training and skill sets. This creates a perception that CRM, and archaeology in general, is not part of historic preservation. Archaeologists strengthen this viewpoint by not participating in broad historic preservation conversations, conferences, and other activities.

So how do we bridge the interests of historic preservation with those of archaeology? First, archaeologists need to find their strong voices around issues such as land conservation, smart growth, tax credits (state and federal), various grant programs, and local and state politics. We have many as yet unrealized opportunities in these areas. Second, we need to put a spot light on archaeological sites' value in heritage tourism, as important places in a community, as links to Indigenous and other descendent communities, and as exceptional educational tools. Barbara Little (2002:3-19) sees "archaeology as a shared vision." She (Little 2002:3) reminds us of archaeology's "public benefits that extend beyond archaeological research, using sites and artifacts for such purposes as education, community cohesion, entertainment, and economic development." Thus, archaeology can build relationships and play a key role in creating a community's "sense of place," which is what historic preservation does so well. Fostering "sense of place" (Glassberg 2001) is archaeology's intersection with historic preservation and one way to be relevant to today's society. We must be more mindful of this as we go about our business.

#### *Using Old Paradigms to Train Today's Archaeologists*

In 1974 Alan Skinner (1974:70) predicted that "contract archaeology is going to be the main training ground for archaeologists in the next 10 years... Contract archaeology should be an integral part of the academic business of training anthropologists if it is going to contribute to the preservation of the anthropology of now extinct societies." With few exceptions, universities are failing to prepare students for careers in CRM, government service (federal, state, and local), archaeology education, resources planning and conservation, and heritage management, and continue to focus on training students as researchers and future university teachers. Many universities long-ago severed their CRM arm, such as Harvard,

Brown, and most recently the University of Maine at Farmington.

Susan Bender and George Smith's (2000) little but powerful volume on *Teaching Archaeology in the Twenty-First Century* is a forceful indictment of current university anthropology programs. One chapter in the book is titled "CRM Employment and Academic Training: A Match Made on Mars? Schuldenrein and Altschul (2000: 61) ask, "Why, then, are our Ph.D. archaeologists not receiving the training they need to advance systematically in the working environments that will employ at least 70 to 80 percent of them in the next millennium?". Bender and Smith's book offers a valuable template for undergraduate and graduate studies to help train a 21st century archaeology work force. McGimsey and Davis'(2000:7) recommendation for a "complete reworking of all anthropology programs" should be heeded: "[i]t is time for some truly innovative thinking about how to provide the essential information that will properly equip potential archeologists in the twenty-first century - - *not* the mid-twentieth century" [original emphasis]. They contest that "public archeology," at its broadest, must be incorporated into university academic programs, not the narrow constructs of CRM as too many understand it. Community service, collaborative community archaeology, non-technical writings, use of varied media, and public archaeology projects and programs must be foundation stones for training 21st century archaeologists.

#### *CRM Practitioners Operate in a Survival of the Fittest Mode*

From the very beginning of CRM there were chronic worries that the "business" of archeology would overshadow research and swamp archeology. That fear has come to pass. Competition in the 21st century CRM business has diminished the quality of the archeology and threatens to sweep away the fundamental premise that heritage preservation is for and with the peoples who care about it. Tom King has consistently lamented in his recent publications (2000, 2009a), and his Internet blog (2009b) that the Section 106 process has become bureaucratic practice, that consultation with people, at the heart of Section 106, has been forgotten for the most part.

He cynically describes (2009b:8-10) the situation as:

All mechanistic, automatic, and dominated by the interests, or disinterests, of professionals. Hire a properly qualified professional (archaeologist, architectural historian) and do a survey according to SHPO "standards." Turn in report. Get approval. If you can meet the technical standards for "no adverse effect," you're done; if not, you negotiate a memorandum of agreement with the SHPO and THEN you're done.

McGuire (2008: 9) sees that "...hypercompetition among contract firms undermines the craft of archaeology and replaces it with market principles of flexibility, competition, and profit. The corrosion of fast capitalism has reached into both the academy and cultural resource management." A conversation with CRM contractor Dr. Bob Goodby (2009 personal communication) lamented the near-impossibility of doing research, much less thinking about theory, in most day-to-day, get-in-and-get-out Phase I identification studies (the vast majority and bread and butter of CRM). There's some possibility of research during Phase II evaluation studies; but only during the rare and exceedingly costly Phase III data recovery studies can good research happen (and perhaps some consideration of theory).

#### **Conclusion**

In spite of the many challenges of the multi-billion dollar business of CRM, it needs to strive to do great research, engage communities, collaborate, and take all possible measures to make archaeology valued, relevant and meaningful to the world at large. Much of the time, it's hard for CRM to be a self-critical, self-reflexive discipline: it is too busy working. We all need to take the time to hear the inspired and inspirational voices mentioned in this commentary that remind us that our work is about people and for people. I am hopeful that the business of CRM, with all its impediments such as cost and scheduling limitations, competition, client pressures, legal parameters, and other obstacles, will work hard at finding more and better ways to integrate collaboration and community into its work.

**Author's Note:** I thank all my colleagues, those who get paid to do archaeology and those who do it out of passion, including my non-archaeology-



related comrades. From you I learned new things daily for almost forty years. I take full responsibility for all errors and omissions in this commentary (and I worry there are too many). This writing is a revised and updated version of a paper that I wrote in late 2009 as a Statement of Field for the PhD program in the Department of Anthropology at the University of Massachusetts, Amherst. I had the best time immersing myself in life-changing new readings and getting re-acquainted with old readings. I am delighted to share this educational journey with you and hope you are inspired to read some of these yourself. You'll never be the same. You may notice that I am now using the "archaeology" spelling. After a lifetime of spelling it "archeology," following the federal government's convention, I was persuaded to change after the Vermont Archaeology Heritage Center moved into the Vermont History Center. We needed to be consistent on how the word was spelled (joint website, signage, publications, etc.). This old zebra gave in and changed her stripes.

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