

PROFESSIONAL
ARCHAEOLOGISTS OF
NEW
YORK
CITY



NEWSLETTER NO. 27
 January 1986

28

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Materials for inclusion in the PANYC Newsletter should be sent to the editors, Anne-Marie Cantwell and Diana diZerega Wall, Department of Anthropology, New York University, 25 Waverly Place, N.Y., N.Y. 10003. To ensure the publication of the material in the next issue, please submit it at least two weeks before the next scheduled meeting.

Minutes of the PANYC General Membership Meeting, CUNY Graduate Center, Room 1126, November 20, 1985.

Geismar called the meeting to order at 7:10.

Secretary's Report: The minutes of the September 11, 1985 Meeting were corrected to read: "President's Report: ... Ellis Island encountered human bones ... John Pousson, of the National Park Service (NPS), who conducted the midden tests". "Action Committee: 2. ... Vetter commented that PANYC's concern ... Vetter will contact Landscape Services ...". "Guidelines Committee: ... Vetter wondered whether fieldwork ... ". With these corrections the minutes were accepted.

Treasurer's Report: Winter reported a balance of \$991.39 after paying \$62.78 in expenses. There are 36 PANYC members and 7 Newsletter subscribers.

President's Report: 1. Geismar has sent Edwin Friedman a 'Thank You' note (See PANYC Newsletter No. 26, Nov. 1985) upon his departure from the Landmarks Preservation Commission (LPC). She reported that the Board recommended that a honorary membership be extended to Mr. Friedman. This suggestion was accepted by vote. Geismar will call Mr. Friedman and Henn will write a letter. 2. On Liberty Island the digging of an utility trench cut through a midden deposit. Staff from the National Park Service (NPS) excavations on Ellis Island examined and profiled part of the trench, finding a Levanna jasper projectile point, cord stamped pottery and charcoal. As Liberty Island is on the National Register, the NPS agrees that the site's boundary description should be amended to include this area. 3. Geismar has written a letter to Roland Force regarding the movement of Museum of the American Indian in an effort to keep it in the city. Copies were sent to Gov. Cuomo and Mayor Koch. 4. The prospective salvors of the HMS Hussar, the British Revolutionary War frigate wrecked in the East River near Hells Gate, have received a permit from the New York State Department of Education (NYSDE) to proceed with surveying. A permit from the Army Corps of Engineers (ACE) may be needed if the salvagers disturb or dredge sediments in the river. Orgel will find out who should be contacted at the ACE. Geismar reported that the Board had discussed the ownership of the excavated materials. Nurkin pointed out that in a similar case in Lake Champlain, the salvagers acknowledged the State's ownership but tried to gain reimbursement. The salvors of the Hussar might also claim ownership under Federal Admiralty law. Salwen noted that Federal law is a separate problem, but that PANYC could directly support and contact the NYSDE to urge the safeguarding of these resources. After more discussion, it was decided to determine whether permits issued by the NYSDE or ACE could have conditions attached, geared to protecting the resources.

Newsletter Committee: Cantwell extends thanks, especially in this season, to Byland who kindly xeroxed 55 copies of the Newsletter, and to all those providing future assistance. Perazic will help with mailing. Thanks are extended to all contributors and Solecki's article is noted with pleasure. The committee requests that members submit short, single spaced descriptions of current work. Winter added that NYAC has copied our Newsletter format. Congratulations to the committee!

Special Publication and Public Meeting Committee: Wall reported that the theme of the next Public Meeting will form the basis of the Special Publication. The tentative program theme is "Digging New York" and will focus on New York City sites and the interpretation of artifacts. Papers should be geared to the general public. The committee will meet again. Ceci asked whether the Special Publication could also include a bibliography of PANYC members' publications, and films relating to NYC archaeology. Baugher asked if a listing of the reports sent to the Municipal Archives could be included. Orgel and Ferguson could contribute report titles in the ACE library.

Action Committee: 1. Geismar reported that the letters written by Rubinson have been reproduced in the Newsletter. 2. Salwen discussed reviews of the proposed NYS regulations for the transfer of funds to local governments. The criticisms raised were the emphasis on 'buildings' rather than all cultural resources and the absence of archaeologists on local commissions. Letters sent by the NYS Office of Parks, Recreation and Historic Preservation indicate that these problems will be corrected. 3. Salwen also mentioned that the Federal Register will begin to develop standards (36 CFR 79) for the curation of Federally owned collections and associated records. He recommends that PANYC write to Dr. Bonnie Keel (NPS) specifying the particular problems raised by the curation of collections from large urban sites. Geismar and Salwen will write this letter. 4. Baugher reported that NYU has begun construction on two sites in the village (one within the boundary of the Historic District) without an evaluation of cultural resources. After discussion it was decided that PANYC would write to NYU to protest these actions.

Research and Planning Committee: 1. Geismar reported that the letter, drafted to accompany the Park Department's property list which PANYC was asked to review, will be sent when Pagano has finished entering PANYC's comments on the listed properties. 2. T. Klein discussed the possibility for continuing the PANYC symposium series. He suggested that the next symposium could focus on the Urban Archaeology workshop planned for this year's SHA meeting and also work on the development of research questions. 3. Salwen volunteered a small grant from NYU to begin an archive and clearing house for technical archaeological information. The grant would cover xeroxing services if reports were contributed and space for reading could be provided. If additional grants were obtained the archive could be computerized. Baugher suggested that each borough should have such a repository. Members listed the Staten Island Institute, NYU, Brooklyn College, Lehman College and the Queens Borough Public Library as potential locations. PANYC members will write to these institutions.

Guidelines Committee: Rothschild reported that the committee has met several times. A draft set of guidelines will hopefully be circulated before the next meeting with a request for written comments.

Legislative Committee: 1. Geismar reported that the letter sent to D. Miner of LPC with the proposed City Charter changes has been included in the PANYC Newsletter (No. 26, p.5). Miner is reviewing the materials. 2. Orgel questioned the proposed revisions to 36 CFR Part 800 as they appear to be so flexible as to be open to interpretation and may

seriously weaken the 106 regulations. After discussion it was decided that Orgei will locate more information on the proposed changes and Geismar will coordinate with the Action and Legislative Committees.

Membership: Henn reported that Thomas Amorosi and Edward Morin had applied for membership and that the board recommended both applicants to the General Membership. Both applicants were accepted by a general vote.

Old Business: 1. Geismar reported that she had followed up on the Gracie Mansion excavation which occurred three years ago. There is an inventory and the report is in preparation. Salwen suggested that PANYC write a strong letter expressing dismay that the report had not been prepared before this and send copies to the Mayor's Office, LPC, and Bess Meyerson. 2. Winter had received a letter from the Society of Civil Engineers. The Society is calling for a new canon embracing the husbandry of the world's natural and cultural resources and the environment. 3. Geismar noted that before the next meeting the Nominating Committee will create a form to solicit suggestions for the next slate.

New Business: 1. Cantwell asked the members if the new meeting time was satisfactory. It was, and will be kept. 2. Winter reported that the Metropolitan Museum of Art has proposed state legislation similar to the proposed amendments to the Cultural Properties Implementation Act (see PANYC Newsletter No. 25, p.29). Winter will make further enquiries and inform the Action Committee. 3. Salwen mentioned that NYU would like to sponsor a ceramic workshop with George Miller, if PANYC would share the finances. The fee for the 8 hour workshop is \$500. After much discussion it was decided that PANYC would contribute 50% or \$250. whichever is less. Non-PANYC members could attend free of charge. 4. Nurkin referring to the last page of the last PANYC Newsletter (No.26, p.34), said that the NYS Bar Association is also drawing a general ordinance for historic preservation, but that it did not address archaeological resources. He added that the challenge to the Times Square/42nd Street Development Project has been defeated. The court found the objections to be inadequate and that there would be no adverse impact to archaeological resources. Salwen asked whether the LPC sensitivity map which included this area was considered. Baugher responded that this project was reviewed before the map was created. Nurkin noted that the Court of Appeals will probably not hear the case as the Appellate Division decision was unanimous.

Respectfully submitted,


Roselle Henn, PANYC Secretary

PROFESSIONAL ARCHAEOLOGISTS OF NEW YORK CITY

November 19, 1985

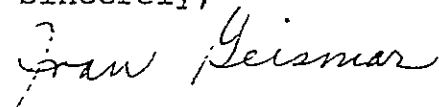
Roland Force, Ph.D.
Director
The Museum of the American Indian
Broadway and 155th Street
New York, New York 10031

Dear Dr. Force:

As an organization of archaeologists, many of our members have used the museum's vast research collections in our studies and work. Our interests often go beyond the spectacular Native American artifacts and collections from North and South America's geographical culture areas; they extend to the drawers and boxes of artifactual material representing millenia of local occupation. It would be an irreparable loss to have these collections taken from us and those New Yorkers and visitors whose awareness and knowledge of two continents is expanded by them.

We urge you to keep the Museum of the American Indian in New York City where it may continue to enrich us all.

Sincerely,



Joan H. Geismar, Ph.D.
President
Professional Archaeologists of New York City (PANYC)

cc. Honorable Edward I. Koch, Mayor
Honorable Mario Cuomo, Governor

Joan H. Geismar, 40 East 83 Street, New York, New York 10028

MUSEUM OF THE AMERICAN INDIAN
HEYER FOUNDATION
BROADWAY AT 155TH STREET
NEW YORK, N. Y. 10032
(212) 263-2420

January 3, 1986

Dr. Joan H. Geismar
President
Professional Archaeologists of New York City
40 East 83 Street
New York, NY 10028

Dear Dr. Geismar:

I am responding to your letter of November 19, 1985. I am always pleased to hear that the Museum is held in high regard. To be held in high regard by professional anthropologists is particularly pleasing.

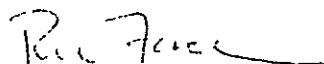
As you may be aware, the Trustees of the Museum have long striven to find a solution to our space, staff, and financial requirements in New York, to no avail. Only after failing in this effort did they seek to satisfy our institutional needs elsewhere.

Mr. Perot's offer is not only the best one we have, it is the only one. City and State officials have not provided any comparable alternative. Instead, they have continued to press our Board to merge this institution with the American Museum of Natural History. A substantial majority of our Trustees do not favor this.

The matter is now before the court and we trust will be decided fairly and in a manner that will allow the Museum to prosper with adequate facilities, staff, and financial support. And without the Trustees having to relinquish their responsibilities to others.

There is still time for the people of New York, city and/or state, to provide this institution with the support it deserves. Your letter may help. It is simply not enough, however, for this community to say that we may not depart without considering the consequences of staying without adequate resources, locations, or personnel.

Sincerely yours,



Roland W. Force
Director



THE CITY OF NEW YORK
OFFICE OF THE MAYOR
NEW YORK, N. Y. 10007

DIANE MULCAHY COFFEY
CHIEF OF STAFF

December 17, 1985

Dr. Joan H. Geismar
President
Professional Archaeologists of NYC
40 East 83rd Street
New York, NY 10028

Dear Dr. Geismar:

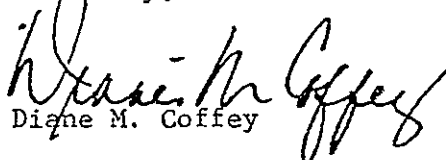
Mayor Koch has asked me to acknowledge your letter to Roland Force of the Museum of the American Indian (MAI) on which he was copied. Your letter urges that MAI remain in New York.

The founder of the Museum of the American Indian stipulated in the documents establishing MAI that the collection was to remain in New York State. To that end, the Mayor has committed himself to assisting the institution in constructing and establishing in New York City a much expanded facility for exhibition and study of the collection. Governor Cuomo and Mayor Koch have each committed \$13 million in State and City funds for a new building and the City has committed operating assistance as well.

As you know, the Mayor has gone on record in support of a joint venture uniting the enviable American Indian artifact collections of MAI and the American Museum of Natural History (AMNH). However, under the terms of all the various proposals which have been made, MAI would not be merged with AMNH -- either legally or practically. Rather, only the two collections of American Indian artifacts would be merged in order to create a single, world-class institution dedicated to the study and exhibition of the united collections.

It was good of you to share your views with us. Please be assured that we are doing everything possible to keep the Museum in New York City. Also, do let us know of any further thoughts you may have on this issue.

Sincerely,


Diane M. Coffey

DMC:cc

PROFESSIONAL ARCHAEOLOGISTS OF NEW YORK CITY

January 14, 1986

Joseph Bresnan
City of New York
Parks & Recreation
The Arsenal
Central Park
New York, New York 10021

Dear Mr. Bresnan:

Both the New York City Department of Parks and Recreation and the Professional Archaeologists of New York City (PANYC) recognize the need to preserve and manage archaeological sites in the city's parks. To begin to address this need, PANYC, in coordination with Parks and Recreation, has developed a preliminary list of known and potential archaeological sites within the parks and therefore under the jurisdiction of the department.

Unfortunately, PANYC's structure and limited resources make it impossible to present our information in a polished form. Ideally, the four categories* devised for this assessment should be computerized and integrated with the general park list. In this way, archaeological information could be updated and revised as necessary. Although our capabilities preclude this task, perhaps it could be undertaken by parks.

To create the enclosed list, PANYC obtained an official compilation of city parks from Parks & Recreation which was analyzed by twelve members and associates of PANYC who met and identified known or potential prehistoric and historic archaeological sites. Known sites are either documented in the archaeological literature or actually known to the professionals who made the assessment; potential sites were flagged on the basis of topography and general land characteristics that are amenable to harboring Native American sites as well as a park's location. The results of this assessment have been appended to the Parks list at our disposal.

As no formal archaeological and historical survey of all the city parks has been conducted, this list is preliminary and should not be considered in any way definitive. Unquestionably, the potential exists for more sites to be present within the parks than are flagged here. However, this preliminary list will begin to aid Parks & Recreation in the management of archaeological sites under its jurisdiction, a task Parks recognizes as being important (see attached letter from Commissioner Henry J. Stern). Based on this list, it will be possible to determine if a proposed construction project or other land modifying action might impact an archaeological resource. If a site or a potentially sensitive area noted on this list is within the parameters of a Parks project, PANYC recommends that Parks &

PROFESSIONAL ARCHAEOLOGISTS OF NEW YORK CITY

PANYC/Parks 2

Recreation engage a professional archaeologist to conduct a documentary and, if necessary, an archaeological survey to determine if the proposed project will impact a cultural resource.

PANYC also recommends that Parks retain an archaeologist when a proposed construction project will occur within a park or portion of a park that is not covered by this site list. The archaeologist will conduct an historical/archaeological background study of the project area and, if necessary, an archaeological field survey to determine if a site warranting excavation or management is present.

As was recently the case at the Van Cortlandt Mansion where historic features apparently were destroyed in the course of outdoor work, the handling of historical and archaeological resources within the parks is critical. Coordination with the New York City Landmarks Preservation Commission during historical and archaeological assessments is strongly advised.

Parks & Recreation is to be commended for its growing awareness of the need for preservation of New York City's archaeological sites. The Professional Archaeologists of New York City will continue to offer support in this endeavor by updating the site list whenever possible and by providing any technical assistance requested.

Sincerely,

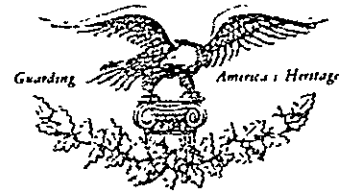
Joan H. Geismar, PANYC President
Terry H. Klein, PANYC Research and Planning Committee
Karen Rubinson, PANYC Research and Planning Committee

enc.

cc. Commissioner Henry J. Stern (letter only)
Ivan Lisnitzer (letter only)

*The four site categories are: P=known prehistoric; H=known historic; P(?)=potential prehistoric; H(?)=potential historic.

If necessary, please contact Joan H. Geismar, 40 East 83 Street,
New York, New York 10028 (212) 734-6512



National Trust for Historic Preservation

1785 MASSACHUSETTS AVENUE, N.W. WASHINGTON, D.C. 20036 (202) 673-4000

November 22, 1985

Ms. Karen S. Rubinson
Professional Archaeologists of New York City
820 West End Avenue
New York, NY 10025

Dear Ms. Rubinson:

On Friday, November 15, the House Ways and Means Committee voted to retain the rehabilitation tax credits. Although the vote is subject to change by the Committee, the full House of Representatives and, of course, the Senate, the vote represents a clear rejection of proposals to eliminate these credits.

The Committee voted to retain the historic rehabilitation tax credit at a 20 percent level and to combine the two, non-historic credits into a single 10 percent credit. This credit would apply to the substantial rehabilitation of non-historic buildings built prior to 1935. In the context of the overall staff proposal, rehabilitation and historic preservation would maintain a favorable position relative to other real estate investments.

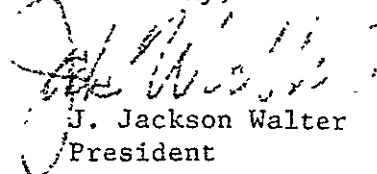
This vote is a substantial victory for all of us who have worked long and hard to convince the Congress to continue preservation tax incentives. I especially want to recognize the hard work of Chairman Alan Boyd and our Board of Trustees, our state Advisor network, Preservation Action, the American Institute of Architects and other historic preservation organizations who have made saving the tax incentives a priority this past year, and the many individuals who took the time to contact their Congressmen.

The hard work of Preservation Action and its many Tax Task Forces throughout the nation was a key to our first victory. Their work, in bringing members of the preservation and development communities together with civic officials, successfully brought the message of the tax credits to the attention of Congress.

This is, of course, only a first step. We must continue to make our case to the House of Representatives and the Senate. Action in the full House of Representatives will follow completion of House Committee action. The Senate is expected to begin its consideration of tax reform early next year. Although we should take a moment to celebrate our progress to date, we must continue our hard work.

Congratulations!

Sincerely,



J. Jackson Walter
President



DEPARTMENT OF THE ARMY
NEW YORK DISTRICT, CORPS OF ENGINEERS
26 FEDERAL PLAZA
NEW YORK, N. Y. 10278-0080
November 21, 1985

REPLY TO
ATTENTION OF:

Environmental Analysis Branch

Ms. Karen S. Rubinson
c/o The Institute for Research in History
1133 Broadway
New York, New York 10010

Dear Ms. Rubinson:

Thank you for your interest in the Arthur Kill Navigation Project. Unfortunately, your comments were received too late to be included in the final report and environmental statement.

Enclosed please find a comment/response section to answer your concerns. Again, thank you for your interest in this project.

Sincerely,

Richard J. Tosi
for Samuel P. Tosi, P.E.
Chief, Planning Division

Enclosure

Comment We recommend an archaeological survey of the area around Shooter's Island to determine the extent and number of shipwrecks.

Response This project was shifted away from Shooter's Island to avoid impact. The Shooter's Island drift Removal Project has done a detailed survey of the shipwrecks. This resulted in some new listings in the National Register and specific mitigation.

Comment We feel that the tidal shoreline of Shooter's Island perhaps warrants survey for prehistoric remains, since the area is of high potential.

Response The Arthur Kill project will not impact Shooter's Island. As a result, a survey under this action is not justified. This survey, however, was done under the Shooter's Island Drift Removal project.

AIA Advisories:

AMENDMENT TO THE NATIONAL STOLEN PROPERTY ACT: THE "McCLAIN OVER-RIDE BILL

(S.605)

In the 1977 case United States v. McClain, an art dealer and four other defendants were convicted of violating the National Stolen Property Act when they brought Pre-Columbian artifacts into the U.S. from Mexico. Mexican law declares all Pre-Columbian material within its borders to be the property of the state, and the court therefore ruled that McClain et al. had transported "stolen" property across state lines.

S.605 would in effect reverse the McClain decision by exempting cultural property from the National Stolen Property Act's provisions when a foreign state's ownership of the material is based solely upon a blanket claim of ownership of a certain class of material. It would thus eliminate what is widely regarded as an effective deterrent to much illicit trafficking in antiquities and a valuable tool in prosecuting this criminal activity. The NSPA's requirement that the prosecution prove that the defendant had knowledge of the foreign law guards against its use against innocent and unwitting purchasers.

Archaeological Institute of America President James Wiseman and Chair of the AIA Committee on Professional Responsibilities, Ellen Herscher, presented a written statement opposing S.605 to the Subcommittee on Criminal Law of the Senate Judiciary Committee, which held hearings on May 22, 1985. The Council of the AIA passed a resolution opposing S.605 on December 28, 1985. No further action has been taken at this time.

Comments regarding S.605 should be directed to your own Senators, and especially the following Senators:

Co-sponsors of S.605:

Daniel Patrick Moynihan (D-New York)
Robert J. Dole (R-Kansas)

Subcommittee on Criminal Law, Senate Judiciary Committee:

Paul Laxalt, chair (R-Nevada)
Strom Thurmond (R-S.Carolina)
Arlen Specter (R-Pennsylvania)
Charles McC. Mathias (R-Maryland)
Joseph R. Biden, ranking minority (D-Delaware)
Edward M. Kennedy (D-Massachusetts)
Howard M. Metzenbaum (D-Ohio)

Address: United States Senate, Washington, D.C. 20510

AIA Advisories:

THE CULTURAL PROPERTY REPOSE ACT

(S.1523, H.R.2389)

Bills have been introduced in the Senate (S.1523) and the House of Representatives (H.R.2389) that would sharply limit the time period during which a foreign government could sue in U.S. courts to recover cultural material which that foreign state considers its rightful property. Such civil legal action is now available as a remedy for any party who discovers that another is in possession of the first party's property (such as a stolen automobile), without any implication of criminal involvement by the current holder.

Foreign governments have only very rarely initiated lawsuits of this kind: disputes regarding ownership of cultural property have generally been settled through negotiation between the two parties. Passage of these bills, however, would enable unscrupulous collectors to illicitly acquire antiquities and even stolen artworks, conceal them for a relatively brief period during which the foreign owner would have no reasonable opportunity to ascertain the whereabouts of his property — after which time the current holder could keep the item. The time periods and conditions specified in these bills are considerably shorter and less rigorous than similar statutes of limitations included in the UNESCO Convention implementing legislation. For example, an object would acquire "repose" after only two years if a museum has catalogued it, or after only five years if its owner has "consulted" with "scholars or experts" regarding it.

The Subcommittee on Patents, Copyrights and Trademarks of the Senate Judiciary Committee has scheduled hearings on S.1523 in January 1986. The Council of the Archaeological Institute of America passed a resolution opposing both bills on December 28, 1985.

Comments regarding S.1523 and H.R.2389 should be directed to your own Congressman and Senators, and especially to the following:

Sponsor of H.R.2389;
Rep. Richard Gephardt (D-Missouri)

Co-sponsors of S.1523:
Sen. Charles McC. Mathias (R-Maryland)
Sen. Lloyd Bentsen (D-Texas)

Subcommittee on Patents, Copyrights and Trademarks, Senate
Judiciary Committee:

Sen. Mathias, chair
Paul Laxalt (R-Nevada)
Orrin G. Hatch (R-Utah)
Alan K. Simpson (R-Wyoming)
Patrick J. Leahy, ranking minority (D-Vermont)
Howard M. Metzenbaum (D-Ohio)
Dennis DeConcini (D-Arizona)

Address: U.S. House of Representatives, Washington, D.C. 20515
U.S. Senate, Washington, D.C. 20510



The World Archaeological Congress

The 11th Congress of the
International Union of Prehistoric and Protohistoric Sciences
Southampton and London September 1986

National Secretary:
Professor P. J. Ucko, B.A. Ph.D. F.S.A.
Department of Archaeology
University of Southampton
Southampton SO9 5NH
Telephone: (0703) 555206 (Direct Line)
Telex: 47661 SOTONU G

P R E S S R E L E A S E

The Executive Committee of the World Archaeological Congress 1986, meeting today at the British Museum, considered the position of the Congress in the light of the advice of the United Kingdom National Committee.

The Executive repeated its view that the policy of apartheid is incompatible with the objectives of the Congress. At the same time it wished that the Congress should be open to "all bona fide scientists, irrespective of nationality, philosophical conviction or religious faith".

It found difficulty in reconciling these two principles, and decided to reaffirm its decision that individuals resident in South Africa and Namibia should not be admitted to the Congress while the current policy of apartheid is maintained. It has taken this decision with reluctance, recognising that this will exclude some greatly respected colleagues, but has followed the overwhelming view of the National Committee that this is the appropriate decision.

The Executive Committee, in reaching its decision, took into account its desire to see as wide an international participation as possible and the practical consequences of cancelling the Congress.

20 November 1985



The World Archaeological Congress

The 11th Congress of the
International Union of Prehistoric and Protohistoric Sciences
Southampton and London September 1986

President:
Professor J. D. Evans,
M.A., Litt.D., Ph.D., F.B.A., F.S.A.
Institute of Archaeology
31-34 Gordon Square
London WC1H 0PY
Telephone: 01 387 6052

Letter from the President to all of those proposing to participate in the World Archaeological Congress 1986

The ban on participants from South Africa and Namibia at the World Archaeological Congress 1986 has naturally aroused mixed reactions and led to the receipt of much correspondence. I am concerned that there seems to be a fairly widespread misconception that it is aimed personally at the individuals affected by it. This is not so, as was made clear in the letters which the National Secretary sent to those concerned, and elsewhere. We are well aware that individual South African archaeologists have been among the outspoken critics of apartheid, and that collectively they have been instrumental in dispelling the mythology which is used in support of it. We value them as colleagues and are distressed and unhappy at having to exclude them on this occasion. The ban has been accepted by us only on the basis that it is a protest against the explicitly racialist political system in South Africa and the inequitable society it has created, not against individuals.

It has also been queried why we did not cancel the Congress rather than bow to pressure, and there have been a few calls for us to do this. We did, of course, consider this alternative. One major reason for rejecting it was that, with the encouragement of the International Union of Prehistoric and Protohistoric Sciences, we had made strenuous efforts to attract truly world-wide participation, and these seem likely to be notably successful. We feel that this made it exceptionally important to ensure that the Congress should be able to take place and fulfil these expectations. We felt that it would still have great value and, while regretting the denial of access to scholars of South Africa and Namibia, we recognised that their presence, on this occasion, could lead to the absence of many other countries.

On the 20th November we explained our decision to a meeting of the United Kingdom National Committee and took their advice. This well-attended meeting of over 50 people not only overwhelmingly supported our decision, but many members went beyond the UK Executive's position of acceptance under duress and felt that the ban was also morally justifiable. In reaffirming our earlier decision, following that meeting, we were therefore strengthened in our view that we had correctly appraised the state of feeling among people in this country, and that the decision we took was the appropriate one in the circumstances, however distasteful in its interference with the freedom of academic interchange between individual scholars.

I hope that in the light of what I have said above, you will feel able to participate in the Congress.

Finally, may I apologise for the confusion caused inadvertently by references to the "Executive Committee" in my circular of the 22nd October. This should, of course, have read the United Kingdom Executive Committee.



RUTGERS
THE STATE UNIVERSITY
OF NEW JERSEY

DEPARTMENT OF HUMAN ECOLOGY • COOK COLLEGE • NEW BRUNSWICK, NEW JERSEY, 08903 • (201) 932-9168

Carmel Schrire
Professor

December 2, 1985

Dear Colleague,

We write with regard to the decision of the British National Organising Committee of the 11th Congress of the International Union of Prehistoric and Protohistoric Sciences (I.U.P.P.S.) to exclude from participation all delegates employed in South African institutions, regardless of race, nationality or creed. (Press release, 19 September 1985). This was allegedly done in response to demands by various bodies in Southampton and Britain for a "total boycott of any form of cultural contact or exchange with South Africa" (Circular, 22 October 1985).

The mandate under which the present British organisers were delegated to work is perfectly explicit. On the matter of exclusions, paragraph 3 of Section VII of the Statutes of the I.U.P.P.S. demands that the meeting affirms "la collaboration de savants de tous les pays", accepting "all bona fide scientists to its venue, irrespective of nationality, philosophical conviction or religious faith" (Nenquin, in litt. 15 May 1982). Excluding South African workers from the World Archaeological Congress without reference to the International Executive Committee, the Permanent Council or the General Assembly of the I.U.P.P.S. oversteps the mandate under which the British organisers were delegated to operate. Even more ominous are the efforts of the British to find out whether American students working in South Africa are receiving any funding there, in order that they too may be excluded from the Congress (Ucko in litt. 22 October 1985). Attributing British actions to pressure from local and national bodies is not sufficient cause: 'the venue and funding' sources should have been changed as soon as the Association of University Teachers, the City Council of Southampton and the student union threatened the ethical foundations of our profession. Academic freedom is the keystone of international scientific exchange: refusal to support it threatens the basis of our professional and intellectual existence.

The system of apartheid in South Africa appalls us all. Its present consequences underscore the difficulties under which our colleagues there have operated for years, and it is to the credit of faculty members at open universities such as U.C.T. and Wits., that they have maintained the principles of academic freedom through years of repression. Excluding these and other scientists from this international congress totally ignores their efforts. It will in no way mitigate the policies of the government, but it imposes on each and every one of them an arbitrary judgement reminiscent of those under which they struggle, fight and operate every day of their lives.

South African residents were notified of the ban by mail dated September 9, 1985. Session organisers were only informed ten days later, and delegates presenting papers will be notified with the Final Announcement when it arrives by sea-mail from Britain. Our appeals and objections have therefore been a little tardy in appearing. Nevertheless, over the past three months, we have deluged the British organisers with objections and appeals to

reconsider the impact of their decision on free scientific exchange. We have dispatched letters and cables: few have received more than an official reiteration of intent. One of us offered to fly to London to address the organisers: this was summarily refused. Articles in Nature (October 31, 1985) and Science (November 22, 1985) both stress the unprecedent and seriousness of the ban. Finally, Professor Jacques Nenquin, the Secretary General of the I.U.P.P.S., flew to London to urge the British organisers to reconsider their decision. This they did on November 20, deciding overwhelmingly to maintain their position. Consequently Nenquin is calling for a meeting of the International Executive of the I.U.P.P.S. This will not occur until mid-January, and since papers are due in before that date, we have decided to call for widespread resignations now.

Numerous delegates have already resigned, including session organisers J.D. Clark, M.W. Conkey, P.A. Jewell, M.P. Leone, D.W. Phillipson, and C. Schrire. Participants including L.R. Binford, A.S. Brooks, N. David, C.G. Sampson, K. Schick, N.P. Toth, E. Trinkhaus and E.N. Wilmsen have also declined to attend. In Britain, at least three Vice Presidents, Professors G. Daniel, S. Piggott and J.D.G. Clark have declared themselves non-participants as has B. Cunliffe, a former session organiser, and J. Coles.

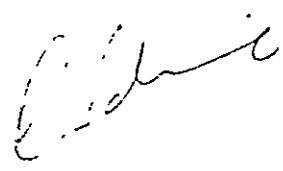
We urge you to support the mandate of the I.U.P.P.S. to include all bona fide scientists in its meetings, by refusing to attend this British meeting. We ask you to declare yourself a non-participant, or to resign, pending the re-instatement of those disinvited delegates.

We would be grateful if you would bring this matter to the attention of students and colleagues in your department. Please send copies of your correspondence to Dr. C. Schrire at the above address in order that we may chart the progress of this appeal. We thank you for your time and attention and look forward to your response.

Signed:

Session Organisers:

J. Desmond Clark, University of California, Berkeley.
 Margaret W. Conkey, S.U.N.Y., Binghamton.
 Mark P. Leone, University of Maryland, College Park.
 Carmel Schrire, Rutgers University.



Members of the Permanent Council of the I.U.P.P.S.:

Robert H. Dyson, University of Pennsylvania.
 Fred Wendorf, Southern Methodist University.

Delegates:

Alison S. Brooks, George Washington University.
 Lewis R. Binford, University of New Mexico.
 Nicholas David, University of Calgary.
 John W.K. Harris, University of Wisconsin, Milwaukee.
 C. Garth Sampson, Southern Methodist University.
 Edwin N. Wilmsen, Boston University.

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DEPARTMENT OF THE INTERIOR

Office of the Secretary

43 CFR Part 7

Archaeological Resources Protection Act; Proposed Department of the Interior Supplemental Regulations

AGENCY: Office of the Secretary, Interior.

ACTION: Proposed rule.

SUMMARY: These proposed regulations supplement the Department of the Interior's regulations in 43 CFR Part 7, implementing the Archaeological Resources Protection Act of 1979, and are in response to direction in section 10(b) of that Act. The supplementation consists of adding Subpart B to the regulations, including §§ 7.31 to 7.37, and renaming the current regulations as Subpart A. The additional regulations will provide supplemental definitions specific to the Department of the Interior, detail on permitting on Indian lands, or permit appeals and disputes, and on supplemental civil penalty procedures for the Department of the Interior, and will address the matter of determining areas not to be, or no longer to be, of archaeological interest. This last point has been identified by various parties as requiring clarification.

DATES: Comments must be received on or before January 13, 1986.

ADDRESSES: Comment should be in writing and should be addressed to Dr. Bennie C. Keel, National Park Service, P.O. Box 37127, Washington, DC 20013-7127. 202-343-4101.

FOR FURTHER INFORMATION CONTACT: Dr. Bennie C. Keel, Departmental Consulting Archaeologist, Rm 8220, 1100

I St., NW, National Park Service, P.O. Box 37127, Washington, DC 20013-7127. 202-343-4101.

SUPPLEMENTARY INFORMATION:

Background

These regulations implement provisions of the Archaeological Resources Protection Act of 1979 ("Act"; Pub. L. 96-95, 93 Stat. 721; 16 U.S.C. 470aa-11). They were prepared by a Departmental task force composed of representatives of the National Park Service, the Bureau of Land Management, the Fish and Wildlife Service, the Bureau of Indian Affairs, the Bureau of Mines, the Office of Surface Mining, the Geological Survey, the Minerals Management Service, and the Office of the Solicitor.

The Act was enacted "to secure, for the present and future benefit of the American people, the protection of archaeological resources and sites which are on Federal public lands and Indian lands, and to foster increased cooperation and exchange of information between governmental authorities, the professional archaeological community, and private individuals having collections of archaeological resources and data which were obtained before the date of enactment of the Act" (Sec. 2(b)).

Section 10(a) of the Act required the Secretaries of the Interior, Agriculture and Defense and the Chairman of the Board of Tennessee Valley Authority, after consultation with other Federal land managers, Indian tribes, representatives of concerned State agencies, and after public notice and hearings, to promulgate uniform rules and regulations as may be appropriate to carry out the purpose of the Act. These rules and regulations were promulgated after consideration of the provisions of the American Indian Religious Freedom Act (92 Stat. 469; 42 U.S.C. 1996). The uniform regulations were published in 48 FR Part 1018 of January 6, 1984, and became effective 30 days later. They can be found at 43 CFR Part 7 (Department of the Interior), 36 CFR Part 296 (Department of Agriculture), 18 CFR Part 1312 (Tennessee Valley Authority), and 32 CFR Part 229 (Department of Defense).

Section 10(b) of the Act provides that "each Federal land manager shall promulgate such rules and regulations consistent with the uniform rules and regulations, . . . as may be appropriate for the carrying out of his functions and authorities under this Act." The Department of the Interior finds it appropriate to promulgate supplemental

regulations under the Act and the uniform regulations.

The five areas supplemented by this proposed rulemaking include (1) definitions specific to the Department of the Interior, and a definition of Indian cultural and religious sites, (2) the determination of loss or absence of archaeological interest, (3) permitting procedures relating to Indian lands, (4) permit appeals and disputes, and (5) hearings and appeals procedures. These topics are covered by adding Subpart B and §§ 7.31 through 7.37 to the Department's uniform regulations, 43 CFR Part 7, which as a result of this rulemaking will become Subpart A.

(1) Supplemental definitions. This discussion, at § 7.32, provides definitions of land manager and public lands specific to the Department of the Interior. Additionally, it provides a definition of cultural and religious sites for purposes of section 4(c) of the Act, dealing with notification of Indian tribes. The Department is soliciting comment on the proposed definition, and on any other formulations which would accomplish the purpose of providing a reasonable and clear definition which will assist land managers in determining when to notify interested tribes that a site of cultural or religious value to them may be harmed or destroyed by a permitted action. Finally, a definition of Indian allotted lands is given.

(2) Determination of loss or absence of archaeological interest. The uniform regulations, in § 7.3(a)(5), provide that Federal managers may determine that certain material remains in specified areas and under specified circumstances are not or are no longer of archaeological interest and therefore are not protected by the Act. This provision was added to the uniform regulations to respond to comments that the definition of "archaeological resources" in the proposed regulations would not allow dislocated, material remains, which had lost archaeological interest by reason of their dislocation, to be collected by hobbyists. Subsequent to the publication of the final uniform regulations, a number of Federal, State, and private archeologists and law enforcement personnel have expressed a concern that the statement in § 7.3(a)(5) is too vague and may result in confusion over whether a particular area was or was not longer an archaeological resource. This might result in problems of enforcement and in exposing hobbyists to penalties under the Act because of a lack of specificity in the process of making determinations. For this reason, the proposed regulations have added a

section at § 7.33 detailing the process to be used by Federal land managers in determining that certain material remains in specified areas and under specified circumstances are not archaeological resources. This process includes making a professional evaluation of the area being considered for designating as not having, or no longer having, archaeological interest. Land managers should note that different specific situations will require different methods of evaluation. The cost-effectiveness of such methods should be considered when determining which method is appropriate.

(3) Permitting procedures relating to Indian lands. The proposed new section, § 7.35, clarifies the application of permitting procedures found in § 7.6 to Indian lands, and specifies the manner in which multi-owner Indian lands will be treated.

(4) Permit disputes and appeals. The discussion of permit disputes and appeals in a proposed new section, § 7.36, provides information to permit applicants on how to appeal bureau decisions regarding permit issuance or denial.

(5) Hearings and appeals procedures. A proposed new section on hearings and appeals procedures, § 7.37, supplements the discussion of civil penalties in § 7.15 and 7.16 of the uniform regulations. Section 7.15 establishes that Federal land managers may assess a civil penalty against any person who has violated any term or condition of a permit issued pursuant to the Act, or any prohibition against excavation, removal, alteration, or defacement of archaeological resources prohibited by the Act. Section 7.16 discusses the methods by which civil penalty amounts will be determined. The proposed new section provides instructions to persons wishing to request a hearing on a notice that they have been assessed a civil penalty.

Compliance With Other Authorities

Environmental Effects

The Secretary of the Interior has prepared an Environmental Assessment on this rulemaking and has made a Finding of No Significant Impact pursuant to regulations of the Council on Environmental Quality implementing the National Environmental Policy Act (42 U.S.C. 4332). Copies of the Environmental Assessment and Finding of No Significant Impact are available for public review in the National Park Service's Washington Office.

Economic Impact

The Secretary of the Interior has determined that this rulemaking is not a "major rule" within the meaning of Executive Order 12291 (46 FR 13193, February 17, 1981) and would not have a "significant economic impact on a substantial number of small entities" within the meaning of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). These determinations are based on findings that a major portion of the rulemaking is primarily directed toward the management of Federal resources, with negligible impact on the general public. Furthermore, the rulemaking generally adds detail to provisions already found in the uniform regulations and does not have any economic impact above and beyond that imposed by the uniform rules, which were found not to be a major rule and not to have a significant economic impact on a substantial number of small entities.

Information Collection Requirements

The permitting provisions of this rule do not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.* Information collection requirements for the issuance of permits were promulgated on February 6, 1984, in existing 43 CFR 7.6 were previously reviewed by the Office of Management and Budget, and were given clearance number 1024-0037. Other information needs which may be incident to implementation of these regulations will not result in more than 10 requests for information from the public per year, and therefore would not require approval from the Office of Management and Budget under 44 U.S.C. 3501 *et seq.*

It is proposed to amend 43 CFR Part 7 as follows:

1. The heading for Part 7 is revised to read as follows:

PART 7—PROTECTION OF ARCHAEOLOGICAL RESOURCES

2. The authority citation for Part 7 is revised to read as follows:

Authority: 16 U.S.C. 470aa-ff; Related authority: 16 U.S.C. 470aa-ff; 16 U.S.C. 432, 433, 16 U.S.C. 409, as amended, 16 U.S.C. 470a t, as amended, 42 U.S.C. 1996.

3. Sections 7.1 through 7.19 are designated as Subpart A—Departmental Regulations, and a new Subpart B is added to read as follows:

Subpart A—Departmental Regulations

Subpart B—Supplemental Regulations

- 7.20—7.30 (Reserved)
- 7.31 Scope and authority.
- 7.32 Supplemental definitions.
- 7.33 Determination of loss or absence of archaeological interest
- 7.34 Procedural information for securing permits.
- 7.35 Permitting procedures on Indian lands
- 7.36 Permit appeals and disputes
- 7.37 Hearings and appeals procedures

Subpart B—Supplemental Regulations

§§ 7.20-7.30 (Reserved)

§ 7.31 Scope and authority.

The regulations in this subpart are promulgated pursuant to section 10(b) of the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470ii), which allows agencies to develop rules and regulations for carrying out the purposes of the Act, consistent with uniform regulations issued pursuant to section 10(a) of the Act (subpart A of this part).

§ 7.32 Supplemental definitions.

For purposes of this subpart, the following definitions will be used

(a) "Federal land manager" means the head of the land managing bureau or office within the Department of the Interior that administers the lands under consideration, or persons to whom such management authority has been officially delegated.

(b) "Public lands" means:

(1) Lands which are administered by the Department of the Interior.

(2) Lands where responsibility under this part has been delegated to the Secretary of the Interior pursuant to section 3(2) of the Act.

(3) Federal and Indian lands with respect to which no Federal department, agency, or instrumentality has primary management authority.

(c) For purposes of section 4(c) of the Act a "site of cultural or religious importance" means a location which has traditionally been considered important to an Indian tribe because of a religious event which happened there, because it contains specific natural products which are of cultural or religious importance, because it is the dwelling place or embodiment of spiritual beings, because it is conducive to communication with spiritual beings, or because it has other specific and continuing significance in Indian religion or culture.

(d) "Allotted lands" means lands granted to Indian individuals by the United States and held in trust for those individuals by the United States.

§ 7.33 Determination of loss or absence of archaeological interest.

(a) Under certain circumstances a Federal land manager may, pursuant to § 7.3(a)(5) of this part, determine material remains of human life, which might otherwise be considered to be archaeological resources, not to be, or no longer be, of archaeological interest and therefore not to be archaeological resources

(b) The Federal land manager may make such a determination if he/she finds that the remains are not capable of providing scientific or humanistic understandings of past human behavior, cultural adaptation, and related topics.

(c) Prior to making a determination that material remains are not, or are no longer, archaeological resources, the Federal land manager shall ensure that the following procedures are completed:

(1) A professional archaeological evaluation of archaeological material remains and similar materials within the area under consideration shall be completed, consistent with the Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation (48 FR 44716 of September 29, 1983) and with 36 CFR Parts 60, 63, and 65;

(2) The principal bureau archeologist or, in the absence of a principal bureau archeologist, the Departmental Consulting Archeologist shall determine that the remains under consideration cannot contribute to the resolution national, regional, or local questions of scientific or humanistic importance;

(d) The Federal land manager shall fully document his/her determination and the basis therefor.

(e) The Federal land manager shall make public notice of the determination and its limitations, including any permitting requirements for activities associated with the materials determined not to be archaeological resources.

(f) Any interested individual may request in writing that the Departmental Consulting Archeologist review any final determination by the Federal land manager that certain remains are not, or are no longer, archaeological resources, except in cases where the Departmental Consulting Archeologist made the original determination in the absence of a principal bureau archeologist. Two (2) copies of the request should be sent to the Departmental Consulting Archeologist, National Park Service, P.O. Box 37127, Washington, DC 20013-7127, and should document why the requestor disagrees with the determination of the Federal land manager. The Departmental Consulting Archeologist shall review the request,

and appropriate materials to the Federal land manager's determination and its supporting documentation. Based on this review, the Departmental Consulting Archeologist shall prepare a final professional recommendation and shall transmit the recommendation and the basis therefor to the head of the bureau of office for further consideration, within 60 days of receipt of the request.

§ 7.34 Procedural information for securing permits.

Information about procedures to secure a permit on public or Indian lands can be obtained from the Federal land manager of the bureau or office who controls the specific area of the public or Indian lands for which a permit is desired, or from the state, regional, or national office of that bureau or office.

§ 7.35 Permitting procedures of Indian lands.

(a) If the lands involved in a permit request are Indian lands, the applicant should submit the permit application to the area office of the Bureau of Indian Affairs that is responsible for the administration of the lands in question. Details of the application process are specified in § 7.5, above.

(b) This application should be accompanied by documentation that any necessary Indian consent for the archaeological work has been given. The applicant should consult with the Bureau of Indian Affairs concerning procedures for obtaining consent from appropriate tribal authorities and individual Indian landowners as required by the Act and these regulations.

(c) For requests for permits or extensions or modifications of permits for Indian reservation lands, the consent of both any individual Indian landowner and the tribal government must be obtained. For Indian allotted lands outside reservation boundaries, only consent from the individual landowner is needed. Where multi-owner allotted lands are involved, consent by more than 50% of the ownership interest is sufficient.

(d) The issuance of a permit under this part does not remove the requirement for any other permit required by tribal law.

§ 7.36 Permit appeals and disputes.

(a) Any affected party disputing the decision of a Federal land manager with respect to the denial of an application, the inclusion of specific terms and conditions in a permit, or the modification, suspension or revocation of

of a permit may request the Federal land manager to review the disputed decision and may request a conference to discuss the decision and its basis.

(b) The disputant, if unsatisfied with the outcome of the review or conference, may request that the decision be reviewed at the next higher organizational level within the bureau or office involved.

(c) Any disputant unsatisfied with the higher level review, and desiring to appeal the decision, pursuant to § 7.11 of this part, should consult with the appropriate Federal land manager regarding the existence of formal bureau appeal procedures. In the absence of bureau appeal procedures, provisions of 43 CFR Part 4 shall apply.

(d) Any affected person may appeal any professional issues involved in a bureau permitting decision, such as professional qualifications, research design, or other professional archeological matters to the Department Consulting Archeologist, who shall make a final professional recommendation to the head of the bureau of office involved. This appeal should be in writing, and should state the reasons for the appeal. See § 7.33(f) for the address of the Departmental Consulting Archeologist.

§ 7.37 Hearings and appeals procedures.

(a) *Requests for Hearings.* Any person wishing to request a hearing on a notice of violation and assessment shall file a written, dated request for a hearing with the Hearings Division (Departmental), Office of Hearings and Appeals, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203-1923. The respondent shall enclose a copy of the notice of violation and the notice of assessment. The request shall state the relief requested, the basis for challenging the facts used as the basis for charging the violation and fixing the assessment, and respondent's preference as to the place and date for a hearing. A copy of the request shall be sent upon the Solicitor of the Department of the Interior personally or by registered or certified mail (return receipt requested), at the address specified in the notice of violation and assessment. Hearings shall be conducted in accordance with 43 CFR Part 4, Subparts A and B.

(b) *Waiver of right to a hearing.* Failure to file a written request for a hearing within 45 days of the date of service of a notice of assessment shall be deemed a waiver of the right to a hearing.

(c) *Commencement of hearing procedures.* Upon receipt of a request for a hearing, the Hearing Division

(Departmental) will assign an administrative law judge to the case. Notice of assignment will be given promptly to the parties, and thereafter, all pleadings, papers, and other documents in the proceeding shall be filed directly with the administrative law judge, with copies served on the opposing party.

(d) *Appearance and practice.* (1) Subject to the provisions of 43 CFR 1.3, the respondent may appear in person, by representative, or by counsel, and may participate fully in those proceedings. If respondent fails to appear and the administrative law judge determines such failure is without good cause, the administrative law judge may, in his/her discretion determine that such failure shall constitute a waiver of the right to a hearing and consent to the making of a decision on the record made at the hearing.

(2) Departmental counsel, designated by the Solicitor of the Department, shall represent the Federal land manager in the proceedings. Upon notice to the Federal land manager of the assignment of an administrative law judge to the case, said counsel shall enter his/her appearance on behalf of the Federal land manager and shall file all petitions and correspondence exchanges by the Federal land manager and the respondent pursuant to 43 CFR 7.15 which shall become part of the hearing record. Thereafter, service upon the Federal land manager shall be made to his/her counsel.

(e) *Hearing administration.* (1) The administrative law judge shall have all powers accorded by law and necessary to preside over the parties and the proceedings and to make decisions in accordance with 5 U.S.C. 554-557.

(2) The transcript of testimony, the exhibits, and all papers, documents and requests filed in the proceedings, shall constitute the record for decision. The judge will render a written decision upon the record, which shall set forth his/her findings of fact and conclusions of law, and the reasons and basis therefor, and an assessment of a penalty, if any.

(3) Unless a notice of appeal is filed in accordance with paragraph (f) of this section, the administrative law judge's decision shall constitute the final administrative determination of the Secretary in the matter and shall become effective 30 calendar days from the date of the decision.

(4) In any such hearing, the amount of civil penalty assessed shall be determined in accordance with this part, and shall not be limited by the amount assessed by the Federal land manager under § 7.15 of this part or any offer of

mitigation or restitution under the Federal Land Management Act.

(f) *Appeal.* If the respondent of the Federal land manager may appeal the decision of an administrative law judge by filing a "Notice of Appeal" with the Director, Office of Hearings and Appeals, United States Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203-1923, within 30 calendar days of the date of the administrative law judge's decision. Such notice shall be accompanied by proof of service on the administrative law judge and the opposing party.

(2) Upon receipt of such a notice, the Director, Office of Hearings and Appeals, shall appoint an ad hoc appeals board to hear and decide an appeal. To the extent they are not inconsistent herewith, the provisions of the Department Hearings and Appeals Procedures in 43 CFR Part 4, Subparts A, B, and C shall apply to appeal proceedings under this Subpart. The decision of the board on the appeal shall be in writing and become effective as the final administrative determination of the Secretary in the proceeding on the date it is rendered unless otherwise specified herein.

(g) *Report service.* Copies of decisions in civil penalty proceedings instituted under the Act may be obtained by letter of request addressed to the Director, Office of Hearings and Appeals, United States Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203-1923. Fees for this service shall be as established by the Director of that Office.

Dated: September 19, 1986.

P. Daniel Smith

Acting Deputy Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 86-27760 Filed 11-12-86 2:47 pm]

BILLING CODE 4310-06-0

Is Pirates' Treasure Buried Beneath Heights Waterfront?

BURIED HISTORY COULD STALL DEVELOPERS' 'TREASURE HUNT' ABOVE GROUND

By George Winslow

IS THERE STILL pirate's treasure buried on the Brooklyn waterfront below the Promenade?

In the early 19th century, Brooklyn residents spent a great deal of time along the waterfront looking for Captain Kidd's buried treasure. According to Henry Stiles' *History of the City of Brooklyn*, several workmen found some buried treasure, valued at \$3,000, in the late 1820s. Ever since, there have been continual rumors of pirate treasure on the Brooklyn waterfront.

If the rumors could be proven true, any development proposed for the piers could be affected by archaeological research which, by law, would have to be undertaken.

Although some remain skeptical about the existence of buried treasure, there is no doubt that there were once plenty of pirates who could have buried it. In the late 1600s and early 1700s, pirates made New York City their port of call. The notorious Captain Kidd and various other pirates would stop in New York and dispose of the loot they'd stolen from Spanish galleons bringing back treasures of the New World. They swaggered through the streets and, perhaps not unlike today's drug dealers who launder money through off-shore banks, were welcomed by many leading merchants who were glad to buy their booty and provision their ships. Officials, paid off with large bribes, looked the other way.

One of these pirates was Captain Kidd. Like many other pirates before him, such as the Captain Sir Francis Drake, Kidd received official sanction for his activities from no less powerful a source than the crown of England. Even stranger is the fact that Captain Kidd was hired by the King of England to suppress pirates!

However, it soon became

apparent that Kidd wasn't suppressing pirates; in fact, he was a pirate, and when he returned to New York in 1698, N.Y. Governor Lord Bellmont ordered Kidd's arrest. This order must have confused Kidd, because only three years earlier, Kidd had entered into an agreement with Bellmont to outfit a ship and share the booty of every pirate ship Kidd captured! At one point during the partnership, Kidd had given Bellmont's wife jewels valued at 10,000 British pounds.

Kidd got word of the order and buried part of his treasure. Then he put into the New York Harbor, hoping to patch up his differences with his former partner. Bellmont, however, seems to have had enough of him, and shipped Kidd off to England to be hanged.

Some of Kidd's treasure was recovered in the early 18th century, but many people were convinced there was more to be found.

Henry Stiles' book, published in 1869, noted that in 1829 people commonly went searching for the treasure. According to Stiles, one of the prominent citizens of Brooklyn Heights described the phenomenon this way: "Furman's Manuscript records" at this time that "the people still continue digging for Captain Kidd's money, in and about Brooklyn. On the hills it is no uncommon thing to see several large round notes where they have been searching for money." Similar searches also occurred in New York island about this time," Stiles wrote. "Mr. H.E. Pierrepont informs the author that several cases have occurred within his personal knowledge, of such explorations taking place on the Pierrepont estate, and at other places along the Heights. When building the wall on Furman Street, which protects and strengthens the face of the Heights, under his present residence, two of the

laborers unearthed a large sum of money, in coin, amounting it was said to be nearly \$3,000 with which, it is needless to add, they made tracks to other parts."

Stiles does not say if this story was ever confirmed or if the treasure was actually Captain Kidd's treasure. But pirates' treasure is not the only thing that could be found around the piers when the Port Authority and the City begin developing the waterfront. The area where Piers 1 through 6 are located is not only the best undeveloped land in the city; but, according to archaeology professor Ralph Solecki of Columbia University, it is also, with Brooklyn Heights, one of the best archaeological sites in Brooklyn.

Under the law, the city and Port Authority will have to study the area before developing the piers to make certain that no significant archaeological materials are lost or destroyed by construction.

When asked about the possibility of Captain Kidd's treasure being buried below the Promenade on Furman Street, Solecki said he knew nothing about pirates' treasure in this area. However, in an interview last week, Solecki did say that he and other archaeologists have already found some important archaeological materials on the Brooklyn waterfront. In a 1978 dig in the Fulton Landing area, he discovered the foundations of a ferry boat house dating from 1750, artifacts from the 18th and 19th centuries, a section of a dock dating from 1670 to 1680, and a plate from the helmet of a Hessian soldier.

Revolutionary War artifacts may possibly be buried here. "Washington had his Dunkirk there," Solecki said, referring to the fact that George Washington and the Continental Army had to retreat to Manhattan from Brooklyn after losing the Battle of Long Island in 1776. During that retreat over the river, Washington and his army were forced to dump a lot of war material at the docks.

Some of this material might still be found about 100 feet back from the current waterfront. Solecki noted that landfill had moved the shoreline out about 100 feet from where the waterfront was located in Washington's day. He explained that, as a result, any development which was about 100 feet from the current waterfront was likely to find 18th century and Revolutionary War material.

He noted also that researchers into the area around the piers might find old piers, and possible foundations of dwellings and materials from later periods.

The area surrounding Fulton Landing and the piers was very active commercially for hundreds of years. In the 18th century, plantations in Brooklyn grew food for Manhattan, which was transported over the river by ferry. Later, at the end of the 18th century and early 19th century, slaughterhouses were set up in the area. "They found it cheaper to slaughter cows on the Brooklyn side and transport the dead meat over the river than to bring live cows over by ferry," Solecki said.

The growth of the slaughterhouse industry and the ferry also increased commercial activity. "It became the Hoboken of its time," Solecki said. "Hotels and bar rooms around the ferry were set up so that people had a place to wait for the ferry." One of the major pastimes while waiting seemed to be heavy drinking. "We found a lot of whisky bottles in that area," Solecki noted. He said also that Brooklyn Heights was a prime site for American Indians. "It was a favorite site for local Indians. They used the Heights as a plantations ground. They had a village here and there and there is a mound near Main Street in the vicinity of York," he said. The mounds were usually built by American Indian tribes for burial and for ceremonial purposes.

The local Indians are also known as the Canarsees. Only a few thousand in number, they had several villages on western Long Island, includ-

... continued

ing major settlements in what is now Canarsie, Flatlands, Sheepshead Bay, Gowanus and Downtown Brooklyn, according to a slim book entitled *The Shaping of A City: A Brief History of Brooklyn*, published by Brooklyn Rediscovery and the Brooklyn Educational and Cultural Alliance.

These villages were connected by paths, some of which are now used as highways. For example, Flatbush Avenue and the present-day Kings Highway were originally Indian paths. These Indians may have seen Giovanni de Verrazzano when he sailed into New York Harbor in 1524, but their first substantial contact with Europeans came in 1609 when they greeted Henry Hudson's expedition with a hail of arrows that killed one man and wounded others.

Although the Indians were quickly destroyed by European diseases, economic exploitation and racial discrimination, their longstanding presence in the area might mean that there are significant pre-contact artifacts in the piers area. Solecki said, however, that he has not seen any Indian artifacts in the digs he has conducted.

Many of the old Indian sites have been disturbed by construction. However, thousands of Indian artifacts were discovered several years ago on the waterfront in Manhattan, an area that has seen even more construction than the Brooklyn piers.

Solecki feels the findings of urban archaeologists are very important in keeping our appreciation of the past. "Archaeologists uncover materials that are not recorded in the written literature," he explained. Artifacts and bones, which can even indicate what people ate, could help us understand economic and social changes in the civilizations on the Brooklyn waterfront.

Roosevelt Isle branching out

By OWEN MORITZ

Urban Affairs Editor

Hear about the great Roosevelt Island coverup? Well, it's a true story that involves residents along posh Sutton and Beekman Places, including some well-known celebrities. But at least one cultural official is angered by it all.

The coverup is 55 cedar, black Austrian and pine trees. They were planted on the island this month to camouflage rundown historical hospital buildings on the cigar-shaped island in the East River that parallels Manhattan's upper East Side.

The Sutton and Beekman Place set who face these ruins—they're landmark structures that date back more than a century—complain their views are besmirched. "We wanted something nicer than abandoned buildings to look at," a spokesman explains.

So the residents, who include actors Cliff Robertson, Dina Merrill and Kitty Carlisle Hart, collected more than \$450,000 to pay for the buying and planting of trees to im-



Dina Merrill

prove the vista. Friends of Roosevelt Island, as they call themselves, say another 200 trees will be planted in the spring. The trees range in height from 6 to 12 feet. No public money is involved and New York State (Roosevelt Isle's landlord) gave its okay after a long delay.

But authorities like David Reese, while agreeing that the buildings are in a bad way, complain "the screen of trees proposed by the Friends of Roosevelt Island would only encourage the buildings' decay." Reese is director of the Abigail Adams Smith Museum on E. 61st St., which also overlooks the ruins.

Instead, he thinks Sutton Place would be better served if the ruins were cleared of rubble, stabilized and "enhanced with grass, shrubbery and benches." He adds: "I hope that in the future Sutton and Beekman Place residents will look upon the buildings with more enlightened vision. At the very least I hope that the Friends of Roosevelt Island will be open to the possibility of exploring history rather than simply covering it up."

The New York Times
8 Dec 1985

Follow-Up on the News

Spirit of 1780

WHEN salvagers reported finding a sunken Revolutionary War frigate in New York's East River last September, they were elated. They said the 26-gun British frigate, H.M.S. Hussar, contained a payroll in gold now worth \$576 million.

Capt. Robert Herb of the Bergen County police in New Jersey read about it and became dejected. Noting that the ship also carried 80 American soldiers as prisoners in her hold when she sank in 1780, he said, "They never had a chance because they were shackled, and they died for a country that they never even truly saw born."

Captain Herb said in October that he had written to Mayor Koch and Governor Cuomo suggesting a memorial to the war dead near the wreck.

City Hall has referred the captain's proposal to Joseph Bresnan, the city's director of historical parks.

"Something should be done," Mr. Bresnan agrees. But, he says "putting a marker up in some very remote location would not be a good idea."

The Hussar is believed to be 80 feet down in the murky waters of Hell Gate, off the South Bronx. No attempt has been made to send divers to the site, because it is considered too cold for this until the spring.

If remains of the Americans on the Hussar are recovered, Mr. Bresnan says, they could be added to a crypt at the Prison Ship Martyrs Monument in Fort Greene Park in Brooklyn.

The monument, erected in 1907, is a granite column more than 100 feet high, topped by a bronze urn that once contained an eternal flame. Though in disrepair at present, Mr. Bresnan acknowledges, the monument honors prisoners — foreigners as well as Americans — who were seized by the British during their occupation of New York in the Revolution.

State Seeks to Block Museum's Move

By GRACE GLUECK

In the first legal move to prevent the Museum of the American Indian from leaving New York, Attorney General Robert Abrams has filed a motion in State Supreme Court asking that the museum's petition to relocate in Texas be dismissed.

The City of New York has also entered a motion to intervene as a party opposing the museum's petition, thus allying itself with the state. The two motions are the subject of a hearing today by Justice Martin B. Stecher in State Supreme Court in Manhattan.

For more than a decade, the museum has sought to move from its current building at 155th Street and Broadway, which it says is grossly inadequate to house and exhibit its collection of some million objects of American Indian culture. It is now intent on accepting the offer of H. Ross Perot, the Texas computer executive, to raise \$70 million to build new facilities for the museum in Texas. Its petition to this effect was filed last month.

Existence Linked to New York

At a news conference at his office yesterday, Mr. Abrams said, "We've stated many times that it's a clear case as a matter of law that the museum may not move outside the city." The trust documents establishing the museum in 1916 by George G. Heye, an engineer and collector of Indian artifacts, "clearly indicated that the museum was to be in New York State and operate there," Mr. Abrams said, and he cited seven references in the document to that effect.

"Although Mr. Heye modified the trust document several times before

his death," Mr. Abrams said, "he never modified the clauses that linked the museum's existence and operation to New York."

In its petition, the museum had stated that was "impossible and impracticable" to carry out the conditions of the Heye trust, Mr. Abrams added. But he noted that an offer from the American Museum of Natural History, assisted by New York City and State, to build a new facility on the Museum of Natural History grounds was "superior to the Perot offer, amounting in fact to \$90 million worth of support."

The natural history museum has offered to raise \$30 million for new construction, and an additional \$35 million for capital construction costs over the next 10 years. The city and state each have offered \$13 million, and the city would contribute \$4 million as an annual operating subsidy for the museum.

At today's hearing, Justice Stecher could take one of two courses, Mr. Abrams said. He could grant the Attorney General's motion to dismiss the museum's petition, or he could allow the petition, in which case further hearings would be held.

THE NEW YORK TIMES
19 DEC 1985

Let American Indians Decide Fate of Museum

To the Editor:

I believe that the Museum of the American Indian should be situated where it is appreciated. I believe it should be run by people who are totally involved with its well-being.

The choice should be left to the Indian people — since the museum has artifacts of many Indian tribes.

If New York City's concern for the museum were sincere, other offers would not have come up!

My views are that the museum must remain independent of any other institution. If it has to stay in

New York, it should be independent, Indian membership on the board and staff should be maintained and increased, and the museum must be expanded to be a world-class institution, wherever it is.

Please listen to the people who have the right, the obligation and the pleasure of maintaining this museum.

CECILIA LEWIS

San Jose, Calif., Nov. 1, 1985

To the Editor:

Further on the discussion of a new home for the Museum of the American Indian — including a query from President Reagan on the feasibility of adapting New York City's disused United States Custom House (news item, Nov. 9). Should not this museum be sited in Oklahoma City (population 450,000)? It should not be forgotten that the 46th state was known as Indian Territory until 1907, when it attained statehood. It still has the second-largest Indian population (after Arizona).

An "on-site," midcontinent museum of the culture of America's indigenous peoples — whose culture is so little recognized — would, moreover, be a small token of atonement for this nation's tragic treatment of the Five Civilized Tribes who long ago established a civilization in the Indian heartland.

G. E. KIDDER SMITH

New York, Nov. 9, 1985.

THE NEW YORK TIMES

20 NOV 1985

Sifting the Schoolyard for Bits of History

FORTY third-grade students have embarked on an archeological dig in the backyard of the Dalton School at East 91st Street. Absorbed in mud, and away from sneakers to faces, the subjects have been excavating surprises hidden in a wooden box about the size of a shipping crate, with one clear plastic side. Through a four-inch slit of earth, containing the remnants of four distinct eras, are clearly visible.

"You should see them reason out life back then," said Neal Goldberg, a doctoral student in archeology at Columbia University who is running the project. "There is so much learning that motivation simply does not become a problem."

The six-week dig, begun as a pilot program two years ago, is now an integral part of the third-grade curriculum. It was begun, said Frank Moretti, the school's director of curriculum, "in an effort to return to the spirit under which school originally functioned where experience preceded the formulation of ideas."

During the project, students use trowels and brushes to move, carefully and systematically about 1,200 pounds of dirt. As some youngsters dig up arrowheads, glass, pottery shards and an occasional jawbone, others wash, screen, log and map the finds.

In the top layer — residue of the modern industrial age — Gerard Jeffrey discovered a vacuum tube. In subsequent research, he said, he found that "now we have transistors, which are much better." Old telephone receivers sent Abigail Schade running to find out more about Alexander Graham Bell, Mr. Goldberg said.

New Amsterdam, at the mouth of the Hudson River, must have had churches in the 1600's, the students reasoned because among the objects they found were bits of stained glass. Giorgio Handman and Edward Lippman dug into library books and learned that these Dutch settlers were farmers and that they traded with other countries.

Inside the classroom, the children have sketched chalk murals on large sheets of brown paper, depicting life

as it was. Older kids have reconstructed from the artifacts they dug up. And they have drawn maps that show where the objects were found.

Using their hands to discover and weigh history makes learning tangible and inspires students to explore, according to Mr. Moretti.

"When I get dirty," said Andy Kern, age 8, "I feel a part of the past."

Scheduling initially proved the most taxing aspect of the program since it takes up several hours a day. Teachers were concerned that they would not be able to fit in regular subjects.

Mr. Moretti and the third-grade teachers solved the problem by incorporating into the project the other school subjects.

"We found the children were so much better taught proportion through mapping than by sitting in a classroom," Mr. Moretti said. "We incorporate library skills — the card catalogue, the encyclopedia — and start them on their research skills."

The results have been wonderful but messy, according to Linda Lippman, one of the third-grade teachers, who added, "The school has mud all over it."

"They come up with ideas I never thought of," said Mr. Goldberg. For example, when the students found beads, they looked at the colors and surmised that the Indians were inspired by the colors they saw in their environment.

"The program permits us," said Mr. Moretti, "to tailor the program to students' individual needs and abilities."

"It allows the kids who can fly to really fly," said Stanley Seidman, who directs kindergarten through fourth grade at Dalton. "It teaches them that there is often no right explanation. There are alternatives, which are as credible."

"It really is like solving a puzzle to them," Mr. Goldberg said. "As they do their research, they don't want to be bothered. Sometimes when the bell rings at the end of the day, I can hear a groan of disappointment from the library."

THE NEW YORK
TIMES

18 Dec 1985

Trade the Indian Museum for the Dallas Cowboys

By Monroe E. Price

Maybe Robert Abrams, New York State's Attorney General, is making a big mistake in trying to block the transfer of the Museum of the American Indian, in upper Manhattan, to Dallas, where financier Ross Perot has offered more than \$70 million for a grand new building and installation. As New Yorkers, we should look at this offer as an opportunity, not another sign of our waning economic power.

I propose that we trade the Museum of the American Indian for the Dallas Cowboys.

Monroe E. Price is dean of Yeshiva University's Benjamin N. Cardozo School of Law.

At first glance, this may seem absurd, but think of how it fits into the Grand Plan. Obviously, one of New York's big challenges is to find a National Football League team of quality for the projected domed stadium in Queens. Rather than promise better sanitary facilities to satisfy Leon Hess, so that he'll return his Jets from New Jersey, New York can, without groveling, obtain one of the media sensations of the last decade, Tom Landry's terrific team.

Trading the museum for the Cowboys would permit our community to reinforce received doctrine about the importance of real estate in New York City.

Rule 1 is that the principle of retailing also applies to cultural institutions: location is everything. Rule 2 provides that you can get a state com-

A good deal
for
both cities

mission to study what's needed and recommend bonding authority for a domed stadium for football, but try to get the same kind of commitment for a museum of Indian artifacts. Under Rule 3, if condominiums for the wealthy were suitable on top of the Indian Museum, a solution would be found (see Rule 1).

If we can get the Cowboys, we can make Queens look even more like

Texas, mowing down small businesses in Flushing and allowing building to begin. Happy drivers from Long Island and all over can cruise along Robert Moses's early expressways, reviving the happy days we knew before the rise of the Meadowlands.

New York will get football and Dallas will get culture — a wonderful example of the intersection of supply meeting demand. But there would be other bonuses as well. Here are a few.

Moving the team to New York would fit in with the modern use of oxymorons in naming franchises. The New York Cowboys would join the Utah Jazz and the Los Angeles Dodgers (people don't dodge in laid-back Los Angeles) as teams whose names reflect ancient points of origin but

have a strangely disorienting charm in their current abodes

Having a team called the Cowboys might fit in well with the new mood on Wall Street. What better accompaniment for a macho bull market and an aggressive take-charge takeover environment? The cowboy firms of Wall Street would line up to buy luxury boxes so that their executives could engage in vicarious interceptions — preparing themselves psychologically for equivalent corporate plays.

Obviously, there would be benefits to Dallas, as well, to shipping the Cowboys out and getting the museum in. It is true that the Cowboys won in their division. But the successes of the last couple of years have not matched the glories of the past. There are even murmurings

that the great Landry is past his prime. Now is the time for Dallas to make a statement about what happens if such symbols of Texas pride even begin to falter.

From a real estate perspective, the museum makes a good deal more sense for Dallas: Parking will be better.

There are historic reasons to applaud the trade as well: 150 years ago, the Government's Indian Removal Policy was in full swing. Under a series of disputed treaties and other interventions, Indian communities were removed from settlements in the East to Indian Territory in the West. What better way to celebrate this anniversary than to have the artifacts and cultural treasures of the Museum of the American Indians follow suit? □

THE NEW YORK TIMES
28 Dec 1985

Not Yet a Nautical Museum

Although some of the merchants in New York's handsome South Street Seaport complain about sales, and a few have left, the redevelopment on the East River summons crowds, offers them interesting goods and feeds them well. The ultimate success of the enterprise, however, depends on making South Street the thrilling, partly open-air nautical museum it should be.

No other New York museum has the space to record the maritime history that propelled the city's growth. The South Street Seaport Museum was founded to fulfill that role and was to be the beneficiary of surplus revenues generated by the commerce around it. But surpluses will arrive only next year and will accrue too slowly to give the museum the help it needs.

The museum has received two sailing vessels, which were among the last to carry grain from Australia to Europe around Cape Horn. But unlike paintings or books, ships require reconstruction and costly maintenance; the spars of the four-masted bark, Peking, have been refitted and its wire stand-

ing rigging is now being worked on. Among many other vessels, the museum also has one three-masted full-rigged ship, the former Ambrose Channel lightship, and a speedy sandbagger sloop, which awaits restoration.

Yet the museum also needs a theme and funds that can proclaim it with models and live activities.

The obvious theme is the affinity between New York City and the ocean. New Yorkers and visitors should be reminded that this continent's separation from Europe was overcome by hard work and sophisticated ever-changing shipbuilding and navigation skills.

The story of New York and the sea can be made sharply relevant to current problems. But not until South Street exhibits tell that story will the complex be transformed from attic into museum. It needs generous support from those who are entranced by the sea, and also those who hope for the success of the commercial enterprises to which the museum has been attached.

Daily News 26 Dec 1985

4 sheets to the wind

Santa Maria crew was groggy

THE ASSOCIATED PRESS

GAINESVILLE, Fla.—Christopher Columbus spent Christmas morning 1492 watching his flagship, the Santa Maria, be ruined by a Caribbean reef, probably because his crew had been hoisting more than sails, an anthropologist says.

"We can certainly speculate the crew was exhausted from being up all the night before and that they had probably drunk a few toasts," said Kathleen Deagan, head of the anthropology department of the Florida State Museum at the University of Florida.

The tipoff was that the cabin boy was at the helm and everyone else, including Columbus, was sleeping when the ship ran onto reefs, she said.

For the last three summers, Deagan has led an archeological team to the north coast of Haiti to search for remains of a fort that Columbus' crew built with the Santa Maria's timbers.

The fort was the first European settlement in the New World and was dubbed La Navidad ("Christmas").

All-night party

The events that sealed the fate of the Santa Maria unfolded Dec. 23, 1492, when 1,000 startled Arawak Indians canoed out from

their Caribbean homeland, the island of Hispaniola, to inspect the bizarre, huge canoe with sails.

Seizing the opportunity, the Spanish sailors stayed up all night, trading beads, brass bells and even shoelace tips for gold, the log shows.

"To the Indians, the items the sailors had were like they were from outer space," Deagan said.

By the time night settled on the 24th, the entire crew of about 50 was exhausted from their trading and partying the night before, she said. What happened on board the Santa Maria that night "was just ridiculous."

"They put the cabin boy at the helm. Everyone else

fell asleep. At around midnight the ship hit a reef," Deagan said.

When Columbus woke up and realized what had happened, he sent a boat out from the ship to tow the

Santa Maria off the reef, she said. But instead of doing their duty, the men in the boat panicked and fled to the Nina, another of Columbus' three ships.

The captain of the Nina wouldn't let the sailors aboard and sent them back to the Santa Maria.

"By the time they got back, it was too late. The reef had ripped holes in the bottom of the ship and the hull was filling with water. It settled on the reef, but never sank all the way."

1680 Garden Is Discovered In the South

By PAULA DEITZ

Special to The New York Times

BACONS CASTLE, Va., Dec. 22 — Archeologists working here have discovered an English-style Renaissance garden dating from 1680 with a central broad walk of sand, the earliest documented formal garden in America.

Last June, in the excavation of what was assumed to be a 19th-century garden, test holes turned up a concentration of 17th-century pottery shards, wine-bottle fragments and seals. The distribution pattern of artifacts under the sand paths was uninterrupted, and the archeologists realized that the fragments could have been deposited only at the time of construction. They had found a second, older garden.

According to Nicholas M. Lucchetti, state archeologist for the Commonwealth of Virginia's Division of Historic Landmarks, who has been involved in the project since its inception, "What we found is the largest, earliest, best-preserved, most sophisticated garden that has come to light in North America."

The garden, an arrangement of six rectangular planting beds and outlying brick garden pavilions, covers an area larger than a football field. It is adjacent to Bacon's Castle, a 1665 high-

Jacobean manor house that is itself the oldest datable brick house in the country.

Deborah Nevins, a landscape historian and adjunct assistant professor at Barnard College, said: "The remains of the garden at Bacon's Castle may prove to be one of the most sig-

nificant recent discoveries in garden history."

Bacon's Castle is 12 miles south of Williamsburg across the James River at a village in Surry County called Bacons Castle, without an apostrophe. The dig was a joint venture of the Association for the Preservation of Virginia Antiquities, which acquired the house and 40 surrounding acres from the estate of its last

owner in 1973; the Garden Club of Virginia, which provided more than \$100,000 for the final stages of the project this year and last, and archeologists from the Commonwealth of Virginia's Division of Historic Landmarks.

A visitor walking along the central axis of the garden, which is 360 feet long and 195 feet wide, has a sense of the grandeur of its plan even when the

ground is lightly covered with snow on a bleak winter day.

Dr. William M. Kelso, the resident archeologist at Monticello, first saw the garden from a helicopter last week and said, "It was similar to a bird's-eye view of a great English country house estate, and I had the impression I was looking at an active working garden, as if a veil had been removed after hundreds of years."

Mr. Lucchetti compared the garden's configuration to that of an early 17th-century English garden, such as the one once at Wilton near Salisbury, England, designed by Isaac de Caus in 1615 for the Earl of Pembroke.

Catherine Howett, a landscape historian and authority on southern gardens, who teaches at the School of Environmental Design of the University of Georgia, said: "The English Renaissance tradition that the Bacon's Castle garden represents was the dominant model for the high-style gardens that persisted in the South well past the middle of the 19th century. This garden's discovery dramatically illustrates the importance of landscape archeology to the restoration of historic landscapes."

Before last week, Middleton Place near Charleston, S.C., laid out in 1741, was considered the earliest documented American landscaped garden.

Bacon Castle's six raised rectangular beds, three on each side, measure approximately 90 feet long by 74 feet wide and are separated by a 12-foot-wide central walk on the north-south axis and 8-foot-wide paths on the east-west axis. All of the paths, including the 10-foot-wide perimeter path, were of compacted sand. Bordering the sides of the garden are 6-foot-wide planting beds.

A foundation uncovered east of the garden may have been a small frame structure with a cellar used in connection with garden maintenance: fragments of 17th-century horticultural bell jars were found in the area. And finally, like the garden at Wilton, there is evidence of an arbor along the eastern perimeter path.

It will be several months until soil samples sent to the University of Pennsylvania for seed and pollen analysis reveal the specific flowers or herbs planted.

The period of the garden coincides with the increasing prosperity and political influence of the plantation's owner, Maj. Arthur Allen, a native-born colonial. Built by Major Allen's father, who had come from England, Bacon's Castle, with its Flemish gabled ends and triple-diamond stack chimneys, is already an important architectural landmark. The name is derived from its use as a refuge during Bacon's Rebellion in 1676.

THE NEW YORK TIMES

26 Dec 1985

THE NEW YORK TIMES

16 Jan 1985

Let's Put the Museum Back Into the Seaport

To the Editor:

"Not Yet a Nautical Museum" (editorial, Dec. 28) focused attention on a sometimes forgotten facet of New York's South Street Seaport — the museum that helped make the development possible. Although the development was forged by a partnership between cultural and commercial interests, the museum and its concerns have been greatly overshadowed by the Seaport's commercial character.

The South Street Seaport Museum must establish a viable presence and address the challenge it faces within the Seaport development. While the museum provides unique perspectives on New York City, past and present, the attraction of these valuable offerings has been unable to compete with the pizzazz of the commercial development.

The museum needs generous support. But it also needs a redefined share of attention. The cultural-commercial partnership must begin to focus attention on the Seaport's cultural importance. The historical and cultural offerings the museum provides must be supported for their inherent value, not just for their ability to lend atmosphere and an attractive marketing motif.

ART JONES JR.
Leonia, N.J., Dec. 29, 1985

The writer was an intern at the South Street Seaport Museum, 1983-84.

Colonial Tombstones, After Weathering the Centuries,

By JAMES BROOKE

Special to The New York Times

SCOTLAND, Conn. — A cold wind blew through the stands of pines enclosing Palmertown Cemetery. From a distant field, the lowing of a cow could be heard.

As the sun faded in the late afternoon, Alfred M. Fredette pointed to gaps among the fallen and leaning gravestones.

"Fifty-four stones — all cherubs," he said of the stones, all carved between 1711 and 1760, that have vanished from the burying ground. "It's the isolated cemeteries that get hit the hardest."

Carved in granite, schist and slate, the death masks, winged cherubs and emptied hourglasses of Colonial gravestones have weathered centuries of harsh winters and neglect.

'A Collecting Society'

But now, gravestone experts say, the 17th- and 18th-century stones face a modern threat: collectors who prize them as primitive folk art. Fetching prices up to \$3,000 in Manhattan, stones from rural New England cemeteries such as this one have been stolen only to reappear as patio flagstones or coffee-table tops.

"We are a collecting society — theft for sale is much more widespread than damage by Halloween vandals," said Mr. Fredette, a retired teacher here who devotes much of his time to documenting disappearing tombstones.

"Vandalism and neglect used to be the main problems — now the most serious threat is theft," said Frank G.

Matero, an assistant professor of architecture at Columbia University. For the last five years, Mr. Matero has headed a Columbia team researching gravestone restoration.

Succumb to Thieves

icut General Assembly passed a law last year making the theft or sale of a gravestone or its fragments a felony punishable by up to five years in prison and a fine of up to \$5,000. Thirty-three other states — including New York and New Jersey — have similar laws.

The Association for Gravestone Studies, a nonprofit group dedicated to preserving ancient tombstones, is working to stigmatize ownership of gravestones.

"Black market is an appropriate term for it," said Theodore Chase, a retired Boston lawyer, who is president of the 600-member association. "It is almost impossible to obtain good title on a gravestone — if you see one for sale, most likely it is stolen."

At an auction in Cooperstown, N.Y., in 1981, a stone stolen from a cemetery in Lebanon, Conn., was put up for sale along with other items of Americana — Windsor chairs, a Hepplewhite drop-leaf table and an Amish stitched quilt. After a year of detective work by Mr. Fredette, a Connecticut state trooper seized the stone from a Manhattan gallery and returned it to Lebanon.

More recently, association members have succeeded in stopping sales of gravestones or fragments of stones in other New York galleries and auction houses.

In 1983, a headstone that had been missing since 1966 from the Cove Burial Ground in East Haddam, Conn., was spotted in a SoHo Gallery. Carved with an angel head and the name of Constantine Baker, the stone was priced at \$1,950.

Mr. Fredette helped document the stone's origin, and a state trooper seized this headstone and returned it to East Haddam.

"I deduced it was a found object, and I bought it as a collectible thing," said Roger Ricco, the owner of the gallery at the time, and now a private dealer. "Four years ago, it was much more common. The work the preservation groups are doing is very valuable. We shouldn't be dealing with gravestones because it encourages theft."

Recently in Manhattan, at the Fall Antiques Show, only one of the 106 dealers had a gravestone for sale, according to Robert Bishop, who is director of the Museum of American Folk Art in New York. Mr. Bishop said he talked with the dealer and was satisfied that the stone had been legally acquired.

"I don't see gravestones in the market very often any more," he said. "Every dealer who knows the field knows it can be confiscated."

Preservationists say they have driven gravestone trafficking underground. But they worry about the sale of fragments.

"Our cemeteries could be ruined if gravestones were smashed for fragments," Mr. Fredette said, pointing to a headstone missing a carved ornament from the top.

Last June, Sotheby's offered two early-American carvings of angels in an auction brochure. An association member called to identify the mounted stones as gravestone fragments and the auction house immediately withdrew them from sale.

Plans for Hawaiian Highway Hit Snag Over Ancient Burial Ground

Special to The New York Times

HONOLULU, Nov. 24 — A long-running dispute over a proposal to build a 15-mile freeway through the mountains of Oahu has moved into Congress, which is considering legislation to exempt the highway from Federal environmental laws.

Members of Hawaii's Congressional delegation offered the legislation after the United States Court of Appeals for the Ninth Circuit barred further work on the project.

An environmental group requested the injunction last year, saying the highway, Interstate H-3, would violate Federal law by encroaching on a state park. The park was created after the highway was first proposed and was extended to meet the highway's proposed path.

Meanwhile, however, opponents of the project are challenging the plan on another front. They say the road would threaten a recently surveyed archeological site containing a centuries-old Hawaiian burial ground and the remains of terraced fields. The environ-

mental exemption would not bar challenges on archeological grounds, they say.

The highway was first proposed in the mid-1960's as a link between the Kaneohe Bay Marine Corps Air Station and Pearl Harbor. Environmental activists have blocked it ever since and now the Defense Department says it is no longer needed.

The land on which it would be built is owned by the Magoon Estate, a real estate company, and the Iolani School, a preparatory school. Until archeologists at the Bishop Museum surveyed the area for the Federal Highway Administration last year, few people knew that it contained the terraced fields and the burial ground. When the survey was made public this month, representatives of the descendants of the island's original inhabitants voiced alarm over the prospect of a 15-mile freeway through the area.

Officials who delayed publication of the survey results said they feared public identification of the site would leave it vulnerable to desecration by artifact-hunters. The land was used as a burial

ground as far back as 1250 and as recently as 100 years ago. Hawaiians customarily buried their dead with weapons, agricultural tools and other artifacts.

The terraces, which incorporated an irrigation system, were apparently used to grow taro, the plant from whose edible root the Hawaiian staple poi is made. Taro has not been grown there for many years and the site is now covered by banana plants.

'They Should Not Touch the Site'

However state officials representing native Hawaiians moderated their opposition when Federal and state highway officials said they were redesigning the highway to bypass the area.

Nevertheless, Gard Kealoha, chairman of the culture and education committee of the Office of Hawaiian Affairs, the state agency that deals with Hawaiians who are descended at least in part from original island inhabitants, said in an interview Thursday that he and his colleagues in the agency still feared the freeway would harm the area.

"They should not touch the archeological site," he said.

Heloshi Kusumoto, Hawaii division administrator for the Federal Highway Administration, said it was already at work on alternate designs.

He said his staff was able to modify an interchange that would have cut through the burial grounds and the terraces. He said he would discuss the new plans with Dr. Don Hibbard, director of Hawaii's Historic Preservation Program, who must approve any highway plans. Plans have not been submitted to him yet.

Despite opposition from environmentalists, the state has completed about four miles of the project, spending \$80 million thus far. However, work on the remaining 11 miles must begin by next September or the state will lose the remaining Federal funds for the project. Officials estimated that entire project will cost about \$740 million.

The state is supporting the legislation introduced by Senator Daniel K. Inouye, Democrat of Hawaii, in the hope that an exemption from environ-

mental laws would derail further challenges in court. Earlier this month, state highway officials testified in support of the legislation at a hearing before a subcommittee of the Senate Environmental and Public Works Committee. The panel deciding whether to recommend that the full Senate approve measure.

Environmentalists have charged that Cheryl Soon, deputy director of the State Transportation Department, made an "end run" around the court by going to Congress. But she said Thursday that the tactic was not improper. "What's more American than going to Congress?" she asked.

THE NEW YORK TIMES
25 NOV 1985

DIED: Dian Fossey, 53, American naturalist; in Rwanda, Dec. 27. Fossey, who spent 18 years studying gorillas, was hacked to death by an unidentified assailant. She was buried in a cemetery she had built for gorillas killed by poachers.

NEWSWEEK
13 JAN 1986

Submerged Prehistoric Villages Found Off Israel

Researchers say olive pits and shipwrecks are keys to understanding Neolithic cultures swallowed by the Mediterranean.

Special to The New York Times

HAIFA, Israel — Thousands of olive pits on the bottom of the sea may not be most treasure-hunters' idea of a great find. But for scientists at Haifa University's Center for Maritime Studies, who discovered the pits in a survey of Israel's Mediterranean coastline last December, they were nothing less than a sunken treasure.

The olive pits were among the remains of five submerged prehistoric villages discovered along Israel's coast. The villages, buried under as much as 36 feet of sand and mud, date to the Neolithic period, from 7,000 to 4,000 B.C., and according to Ehud Galili, the director of the survey, are believed to be the best-preserved prehistoric remains ever found beneath the sea.

"Submerged prehistoric settlements have been found in several places in the world, but never in such quantities and never in such condition," said Mr. Galili. "In France and the United States prehistoric tools were discovered, but here was the first time we found actual buildings made of stone and wood."

Major Aims of Survey

The slowly rising Mediterranean Sea covered the settlements, causing their prehistoric inhabitants to flee eastward, until the coastline stabilized at its present position sometime in the 4th millennium B.C. They were discovered in the course of an ongoing underwater survey of the sea bottom along the Israel coast, which began in 1983.

The purpose of the survey is to trace the ancient coastline and to detect relics before they are damaged

or stolen. The surveying team dives daily in search of prehistoric remains exposed by the movement of the sand on the bottom of the sea. In December 1984 a water current reduced the sand coverage of an already known site exposing bones, teeth, flint flakes and utensils, which had sunk through the sand and landed on the harder clay layer beneath it.

Among the most spectacular objects found were the foundations of a large wooden structure believed to have been a granary, in which the olives were stored; a well made of layers of stone and wood, and human skeletons lying in positions suggesting that they had been buried.

The discovery of the prehistoric villages and remains by surveyors from the maritime center gives archeologists new material from which to reconstruct a culture that has no written documentation.

In the course of the survey, which has so far focused on a 10-mile by 200-yard strip running from Haifa to Atlit, the researchers have also come across the remains of 60 sunken ancient ships.

The study of wrecks is considered by the scientists at the maritime center to be beneficial, not because of the "treasure" value of the finds, but because of their great potential in contributing to the understanding of worlds past. The finds are especially valuable for these reasons:

☞Metal and wooden objects found at sea are often better preserved than similar objects found on land.

☞When lost or abandoned on land, metal objects are usually re-used and resmelted, whereas the sea preserves them in the same condition they were in at the time of their loss.

☞One thing all remains of shipwrecks have in common is that they did not reach their destination. Thus, wrecks are practically the only place archeologists can find raw materials, such as metals, which, had they reached their destinations would have been forged and made into tools.

Clues on Ancient Metallurgy

For example, the discovery off Israel's shores of the first ingots of tin ever found from the Bronze Age, together with ingots of copper, was, according to Dr. Avner Raban, the executive director of the maritime center, an important contribution to the study of ancient metallurgy. The opportunity to examine the raw materials used in that era shed new light on the production of the substance that gave the Bronze Age its name.



Yosel Galili

Researchers with artifacts they recovered from ship along Israel's coast.

In a separate project, a group of scientists from the center are studying ancient ports, currently concentrating their efforts on the ports of Caesarea, Ashkelon and Dor, all on the Israeli coast.

"We realized that studying harbors can be more beneficial than studying wrecks," said Dr. Raban. "A harbor is a station. Like if you wanted to learn about trains, you would learn more from going to the Grand Central Station than from looking at a piece of railroad in the Middle West."

The fact that there was little maritime activity in Palestinian harbors in the last millennium proved to be beneficial for the study of ancient harbors: modern ports were generally not constructed over the old ones, leaving them easily accessible to today's archeologists.

The physical characteristics of Israel's coastline make it a particularly promising area for archeological finds. The layers of mud and sand that make up the floor of the eastern Mediterranean protected the remains of

ments from the erosion of salt water and the turbulence of tides.

In recent decades, construction projects and other activity along in the eastern Mediterranean region have led to some dramatic finds.

Massive sand quarrying for the construction of Tel Aviv in the 1950's considerably diminished the amount of sand on the bottom of the sea off Israel's shore. Later, the building of the high dam in Aswan, Egypt, in the 1960's, reduced the amount of sand poured into the Mediterranean by the Nile. Both those events caused the top layer of sand on the floor of the sea to become thinner.

As a result, objects that had been buried for hundreds or thousands of years began to turn up on the sea's floor, exposed by the parting sands after every storm.

Over the years, amateurish scavenging has evolved into serious scientific work.

Such projects are also giving scientists an opportunity to combine the study of various cultures, which are usually treated separately.

Dr. Raban stresses the nature of marine archeology as a bridge between cultures. "We don't speak of Egyptian, Roman or biblical archeology," he said. "We speak of Mediterranean archeology."

THE NEW YORK TIMES

19 NOV 1985

Move Troy? To Dalmatia?

Who Says? A Mexican?

By HENRY KAMM

Special to The New York Times

GABELA, Yugoslavia — None of the evidence is in yet, but the people of this sleepy village about 15 miles inland from the Dalmatian coast have begun to act as though they are sitting on the cradle of Western civilization. A steady flow of tourists from many countries strengthens them in their belief.

It all began last summer, when news reached here from Mexico that a private scholar had published a theory that ancient Troy was not where Heinrich Schliemann excavated it more than a century ago in Asia Minor, on the western coast of Turkey, but in Dalmatia. The Mexican, Roberto Salinas Price, said his reading of Homer's "Iliad" left room for no other conclusion but that Gabela had been Troy, he said.

Because the "Iliad" is the wellspring of Greek history and that, in turn, the bedrock of classical culture, Mr. Salinas Price's displacement of Troy's site from Asia Minor to Dalmatia would make modern Yugoslavia the fountainhead of Western civilization. The Yugoslav press seized on the theory with ardor. Unsurprisingly, the Greek press has paid no attention to the theory.

Mr. Salinas Price published his book in English at Scylax Press in San Antonio. When a correspondent of Tanyug, the Yugoslav news agency, sent a dispatch, the agency was so inundated with requests for special articles from all over Yugoslavia that it took the unusual step of publishing in hard covers both the original book and a Serbo-Croatian translation. They are selling well at about \$7 a copy.

A Lifelong Passion

Mr. Salinas Price, for whom Homer is said to be a lifelong passion, based his theory on what he considers geographical and astronomical anomalies in the "Iliad" that preclude an Asia Minor Troy. After years of research, which first brought him to Yugoslavia in 1967, he concluded that Gabela was the only possible Troy.

The Mexican theorized that the explanation of the millennia-old geographical error was political. In the 7th century B.C., Mr. Salinas Price suggests, Greeks cleverly transferred all the place names in the "Iliad" to territories that were then Greek.

Yugoslav archeologists gave the theory short shrift, proclaiming to a man and woman that no archeological evidence has ever been unearthed to buttress the Mexican's thesis.

"We don't care what the archeologists say," said Dragan Bradvica of the Gabela Tourist Association, which was quickly formed and gave the unemployed Mr. Bradvica a paying job. "We are very enthusiastic here and are



The New York Times/Henry Kamm

Dragan Bradvica of the Gabela Tourist Association in Yugoslavia inspecting piece of an Ottoman tombstone found at site cleared after publication of theory that ancient Troy stood there. Traditional site of Troy is in Turkey.

ready to dig on our own."

As soon as the first tourists showed up last summer, the farmers of Gabela knew they had a good thing going. Inspiring local youths with visions of tourist bounty, they set them to clearing one of the village's three hills, which is crowned by remnants of Roman, Venetian, Turkish and Bosnian fortifications and shrines. About 100 boys and girls gave up their spare time for weeks to make accessible a badly overgrown wasteland.

The Tourist Association does not actually pretend that the site is the Troy of old, but it does nothing to discourage that idea, either. A visitor's book full of enthusiastic comments along the lines of one man's "We believe!!!" indicates that the thought has taken hold. At the moment, the association occupies only the apartment at the back of the schoolhouse that until recently was occupied by the teacher. But before the next tourist season starts, the whole school will be moved to make way for what is hoped to be the beginning of Troy-Gabela's golden age.

Already, the enterprising private sector of this Communist country has produced an ample range of souvenir articles — Troy ceramics, maps, car stickers, sun visors, model ships and little lions of Troy. The ruins of an Ottoman mosque have been turned into a mini-amphitheatre, where classical

Greek and modern Yugoslav folklore performances will entertain next summer's tourists.

A Triumphant Visit

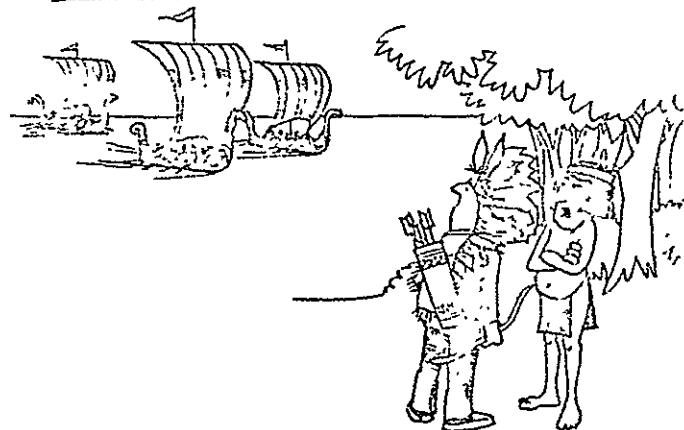
It was inaugurated on the new Troy's greatest day so far — a triumphant visit by Mr. Salinas Price in September. Three television crews and 60 or 70 reporters and photographers came to cover the event, Mr. Bradvica recalled. The Mexican was received by an applauding village, which has 2,300 inhabitants, and hundreds of outsiders.

"People wanted to thank him for bringing back fame to Gabela," the novice tourist official said, emphasizing "back." After the welcoming ceremony of bread and salt and a traditional regional dance luckily but inexplicably called the Trojan, the father of the village's fame was taken to see a Euripides drama set in Troy.

Moved by enthusiasm and clearly aware of his responsibility, the scholar said, according to Mr. Bradvica, "If they can prove I'm wrong, I'll commit suicide."

THE NEW YORK TIMES

20 NOV 1985



"Don't look now, but here come those dumb blonds again."

Where Japan Began, Progress

By CLYDE HABERMAN
Special to The New York Times

NARA, Japan — They were building a new golf course outside of town when someone discovered that a 1,300-year-old burial mound lay where a fairway was supposed to go.

After consulting with archeologists, the golf-course proprietors agreed that the mound was important and that they would preserve it, letting the chip shots fall where they may.

A similar situation occurred last year when the suburban town of Yagi wanted to break ground for a new high school. The chosen site turned out to be studded with buried relics. At the request of preservationists, school officials delayed construction for six months to give diggers time to poke around.

"This happens a lot," Ko Izumori said.

Mr. Izumori heads Nara's Kashihara Archaeological Institute. To the best of anyone's knowledge, he owns no significant property. Nevertheless, some would say he is the real-estate czar of Nara Prefecture, which encompasses this gentle city and its surrounding mountains in central Japan.

Little gets built here without Mr. Izumori's say-so.

The Birthplace of Japan

The Nara Basin, as the plain extending from the city is known, was Japan's eighth-century capital — in fact, the birthplace of the nation. Here, one can find 30 percent of all buildings designated as national treasures, and 60 percent of all statues.

It is an area suffused with historical importance. It is also a place that is in the grip of an archeological boom, which accounts for Mr. Izumori's influence these days.

Across the 116-square-mile basin, scholars have been busy turning the earth in search of imperial coffins, shards of ancient pottery, old coins, bits of weapons, religious artifacts, cooking utensils, whatever. Some townships in the prefecture have more archeological digs than traffic lights.

By Mr. Izumori's count, there are 8,000 known locations where researchers can expect to find historically valuable relics. It is his job to protect these sites, and so anyone who wants to build near them must submit plans to him in advance.

Development vs. Preservation

Mr. Izumori says he does not go out of his way to kill development projects, although he has turned down a proposed road or two in his time. No, he said one recent morning, he regards himself more as an instructor in the art of compromise.

He shows a farmer the wisdom of delaying a new irrigation system that was planned alongside an archeological dig about to begin. He persuades a contractor that perhaps it would be advisable to shift the location of a proposed apartment house by a few yards.

"We ask these people to realize that priority must go first to the antiquities," Mr. Izumori said. "Unfortunately, every time we settle a dispute, another one arises."

Still, Nara believes it has managed to keep its balance on the development-versus-preservation tightrope that historic municipalities everywhere must walk.

'A Truly National Purpose'

"Of course, some landowners are not fully happy with the restrictions placed on them," said Mikio Nakano, an official responsible for enforcing the prefecture's stern zoning codes. "But we don't get really hard objections. People realize that what we are doing has a truly national purpose. For the Japanese nation, these are important things."

The high level of interest is reflected in the attention given to a stream of discoveries that were made in Nara Prefecture over the last few months.

An example was the discovery of more than 1,000 wooden strips bearing Chinese characters, including the name of one Prince Otsu, who lived in the 7th century. Those pieces of wood apparently served as official records during Japan's Asuka Period, which lasted from 552 to 645.

Last month, archeologists working near here in the town of Ikaruga announced that they had discovered a gold-plated copper ornament that seemed to have been part of a saddle 1,400 years ago. When coupled with 3,500 pieces of cavalry gear found last fall in the same general area, the discovery supported a common theory that Japan was united as a state by horse-riding warriors who invaded the archipelago and established themselves as rulers.

A Traditionalist Revival

Few of the findings can claim international attention. But they strike a responsive chord in Japan, judging from the front-page treatment devoted to each discovery. Some scholars detect a general revival of interest among Japanese in their roots, perhaps reflecting, they say, a yearning for continuity during a period of rapid economic growth and social change.

Nowhere is archeological excavation more fevered than in the Nara Basin, much of which is placed under various restrictions. Some sections cannot be altered at all. In others, changes are permitted, but tradition is closely observed through codes governing allowable building heights, floor space and housing styles.

As a result, Nara is a city of 300,000 that seems frozen in time. Its major industries are the production of calligraphic brushes and sumi, a type of ink.

Tourism Revenues Down

For sustenance, it needs the 15 million tourists who fan across the prefecture each year, strolling park lanes, visiting gracefully aging temples and feeding rice crackers to the more than 1,000 tame deer.

Tourism, however, can be a slender reed to lean on. Visitors to the region have often treated Nara as little more than a day trip since the Japan National Railways began years ago to run high-speed "bullet trains" through Kyoto, 20 miles north.

Travelers find it easier to stay in Kyoto or in Osaka, 18 miles west. If they come to Nara at all, they arrive in the morning by chartered bus or commuter train. They look around, eat lunch, feed the deer and keep on going. Few spend the night, or much money.

But many people here have no patience for such concerns. What counts, they say, is that Nara was the first true capital of Japan, from 710 to 794, before power moved on to Kyoto and, eventually, Tokyo.

"Kyoto came later" Mr. Nakano said. "In Japan, advanced culture spread from here."

A Preservationist Ideal

There are a few residents who grumble that Nara could be even more aggressive about guarding the past.

One of them is Fumiaki Imao, a former researcher at the archeological institute who now works for the prefectural government. As he sees it, officials favor the developers too much, by usually delaying their projects instead of killing them outright.

Of 595 digs sponsored by the institute over the last decade, only 25 have been fully preserved, Mr. Imao said.

"As a researcher, I'd like to preserve everything," he said. "But as an administrator," he added with a sigh, "I know it's impossible."

The New York Times 13 Jan 1986

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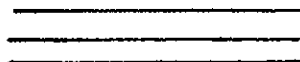
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ANNOUNCEMENT

The next meeting of the Metropolitan Chapter of the New York State Archaeological Association will be held on Thursday, February 13 at 7:30 PM at Hunter College in Room 710. The college is located on 69th Street between Lexington and Park Avenues. The IRT subway has a local stop on 68th Street. Our speaker will be Howard Winters whose talk will be on "Early Archaic and Paleo-Indian Sites." All PANYC members are invited to attend.



ANNOUNCEMENT

The PANYC Newsletter editors are compiling an ongoing list of annotated references to materials of interest to the membership. Please send us any references to reports, publications, talks, presentations, exhibits, or films in the preparation of which you have been involved or the existence of which you are cognizant. Please follow the style of American Antiquity for the references and try to limit your annotation to 100 words. The annotation should summarize briefly the topic of the material and, when appropriate, include a brief critical comment.