Course Description
The term cultural resource “means data/money to the archaeologist, heritage to the Native American, obstacle/cost to the developer, and legislation to the bureaucrat,” according to David Kamper, writing in the May, 2010, issue of Anthropology News (p. 49). This course addresses all these meanings and more within the context of what it takes to actually do archaeology in the U.S. today. As many as 80% of the people who find jobs in archaeology will work in cultural resource management (Newmann & Sanford 2001), and many archaeologists will work exclusively in CRM for sustained periods of their careers. In the United States, 85% of the money spent on archaeology funds CRM archaeology (Schuldenrein 1998:33). Goals of CRM include: designing and carrying out scientific studies under applicable preservation and environmental laws, conserving cultural resources through avoidance of destruction, and recovering and preserving information through data recovery when destruction is unavoidable. This course will introduce students to the objectives of CRM and the methods of designing research in the CRM context that will make contributions to our knowledge of the past. We address the myriad considerations archaeologists confront in our efforts to carry out archaeological research within a complex legal and ethical framework. We trace how the legal framework for archaeological work in the United States has developed, and how contemporary archaeological research is conducted in compliance with federal and state laws and regulations. In this seminar, you will gain a working knowledge of the legal basis for doing public archaeology, and will learn how to use existing regulations and guidance. We will also address cultural resources that are not always archaeological, such as Traditional Cultural Properties.

We address research ethics throughout the term by considering:

- accountability: What are our responsibilities to the archaeological record, to fellow professionals, to the public who pays the bills, and to Native Americans/Alaska Natives and other descendant communities affiliated with the materials we study? How can we more effectively convey the value of archaeology to various stakeholders? How can we justify archaeology to disinterested groups?

- looting and commercialization: How widespread is the theft of archaeological materials and vandalism of archaeological sites in the United States? How can we educate the public (including law enforcement personnel, juries, and judges) about the value of archaeological site protection and preservation?

- the relationship between archaeologists and stakeholder communities: Why is there antagonism toward archaeologists in some parts of the country? How can archaeologists and Native Americans/Alaska Natives effectively work together to protect archaeological and sacred sites and reduce looting and vandalism? What is the context for addressing issues of reburial and repatriation of human remains and associated artifacts? How can archaeology itself be transformed and enriched through genuine collaboration with descendant and local communities? How are Native American & Alaska Native archaeologists influencing the direction of CRM and the discipline of archaeology more generally?

Requirements In this seminar the responsibility for success is shared equally among us. CRM has grown increasingly complex in recent years. An enormous amount of background information relevant to this class is available online.

Class attendance is mandatory, and because class meetings will be devoted to seminar discussion rather than lecture, it is essential that you keep up with the readings and come to class prepared to engage in lively and critical discussion of the material. If you miss a class, it will detract from your attendance & participation grades. As you read through the
assigned reading, you should mark up your texts, prioritizing specific passages you want to discuss with the group. These might be the passages you find most important, useful, interesting, provocative, puzzling, and so forth. Have your marked-up book, readings, and essay available as we meet on Zoom.

There are weekly writing assignments and a final paper, for both undergraduate and graduate students. In response to each prompt, students write a concise ~700-word essay on the readings. The essay can be single-spaced. For Week 3, the assignment is a different length. For Weeks 8, 9 and 10, follow the recommendations described in Ethics in Action. Students may not skip assignments for 3, 8, 9, and 10, but can skip one of the assignments for weeks 4, 5, 6, or 7. Students will submit 8 of the 9 weekly assignments. Students will turn in assignments by 6pm on Sunday on Canvas. This gives me advance information on your thinking and allows me to anticipate productive directions for discussion. Please see my comments on Canvas to improve your writing as we proceed during the term.

Required Texts


Additional required readings are posted on Canvas within the weekly module, but also under "Files." They are listed below in alphabetical order by author.


SAA Archaeological Record (2015) This publication from the SAA is uploaded intact as a single pdf. Specific articles to read are by Cox (pp. 17-19), Goebel (pp. 29-32), Pitblado & Schott (pp. 36-39), and Watkins (pp. 14-16).


Required Internet Resources
The class schedule includes references to required reading on the internet. In most cases, these are comprised of pertinent federal laws, regulations, and guidelines. Be sure to budget adequate time for this reading; some documents...
are rather long. The assigned web reading for this class is an estimated 600 conventional pages, but some portions of the regulations and guidelines you can just peruse.

**Grading for undergraduates** will be based on a percentage of 347 points:

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<thead>
<tr>
<th>Component</th>
<th>Points</th>
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<tr>
<td>Attendance (4 per class)</td>
<td>76</td>
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<tr>
<td>Participation (4 per class)</td>
<td>76</td>
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<tr>
<td>Weekly Essays/Writing Each student does eight @ 20 points each</td>
<td>160</td>
</tr>
<tr>
<td>Final Essay Due March 17, 10:15am</td>
<td>35</td>
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**Grading for graduate students** will be based on a percentage of 397 points:

<table>
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<th>Component</th>
<th>Points</th>
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<tr>
<td>Attendance (4 per class)</td>
<td>76</td>
</tr>
<tr>
<td>Participation (4 per class)</td>
<td>76</td>
</tr>
<tr>
<td>Weekly Essays/Writing Each student does eight @ 20 points each</td>
<td>160</td>
</tr>
<tr>
<td>Abstract Due Feb. 19, noon</td>
<td>10</td>
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<tr>
<td>Final Paper Due March 17, 10:15am</td>
<td>75</td>
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**Attendance** – To attain the full 76 points for attendance, you must attend each of our 19 class meetings (4 points per session). *Please be on time to class;* I do my best to start promptly. Zoom produces an attendance report for me after each Zoom meeting. I use these reports to confirm your attendance. I would prefer that students turn on their videos to facilitate conversation. Please use your mute button when you aren’t talking as ambient noise in your background can distract others. I will keep track of these points and update them on Canvas at least weekly.

**Participation** To attain the full 76 points for participation (4 points per session), you must have excellent classroom participation throughout the term. Classroom participation is judged not only by the frequency of participation, but the quality of participation. Poorly timed or disruptive comments or behavior will detract from your score. Please use the chat judiciously. To evaluate everyone fairly, I hope to learn your names within the first week of class. This will be easier for me if you turn on your video. I will keep track of these points and update them on Canvas at least weekly.

*High quality participation* can involve: being prepared for discussion having completed the reading, making relevant comments, asking clarifying questions, moving discussion forward, using evidence to support a position, presenting factual information, making analogies, and recognizing and identifying contradictions. *Negative behavior* includes being unprepared, being late for class, making irrelevant comments, not paying attention, distracting others, interrupting, monopolizing discussion, or making a personal attack. Hopefully, everyone will feel comfortable speaking up in class as time allows.

Because I will have read your weekly writing assignments prior to class, I will have advance information on your thinking. This allows me to identify points of confusion that I can then clarify in class. It also allows me to anticipate productive directions for discussion. I will be calling on students by name to share their thinking with the class. Those of you who have taken classes from me before know how this works— it doesn’t require extra preparation from you, but it does provide you with the opportunity to contribute to a directed discussion. I will also call on graduate students to provide summaries or synopses of the extra reading they do so as to share some of this information with the undergraduates.

**CourseOutline and Schedule**

**Week 1**

**Monday - Course Introduction, Orientation to Internet Resources** - Course overview, orientation to federal laws, regulations, and guidance on the internet.
Homework: View *In the Light of Reverence*. Sign in to the UO Library Website, [https://docuseek2.com/cart/product/117](https://docuseek2.com/cart/product/117)

**Wednesday** - Discuss film: *In the Light of Reverence*.

**Homework:** The Legal Framework for CRM in the United States


**Essay Due Sunday at 6pm (upload on Canvas):** Explain how the readings help you understand either:
1) how laws must be understood in their historical context, or
2) how work you’ve done on a CRM project fits into the larger picture of heritage resource management.

**Week 2**

**Monday & Wednesday** – Discuss the Legal Framework for CRM in the U.S.

**Homework:** National Register of Historic Places

Read King (2013) pp. 83-104. See: [https://www.nps.gov/subjects/nationalregister/index.htm](https://www.nps.gov/subjects/nationalregister/index.htm) and read about the National Register and multiple property submissions, also peruse National Register Bulletins 15, 16A, 16B, 38 at [https://www.nps.gov/subjects/nationalregister/publications.htm](https://www.nps.gov/subjects/nationalregister/publications.htm)

**Essay Due Sunday at 6 pm - Rosemont Lake Case Study Assignment (upload on Canvas)**

Use the National Register criteria A-D to determine the eligibility of properties located in the Rosemont Lake area. Accept the fact that *The Rosemont Case Study* provides limited information. Evaluate the significance of the identified properties. Which properties are eligible to the National Register of Historic Places? In your discussion, make explicit reference to the National Register criteria. In addition to using definitions and understandings outlined in King (2013), be sure to use the guidance in National Register Bulletins 15 and 38. In the case of some sites, you may also have to consider how integrity and the criteria considerations come into play. Papers should be 2 pages (single-spaced; about 1000 words). We will discuss these evaluations in class.

**Week 3**

**Monday – Martin Luther King Day, No Class**

**Wednesday** – Discuss NRHP and Rosemont Lake Case Study

**Homework:** Section 106 of National Historic Preservation Act

Read King (2013) pp. 105-208, King (2009) on Tse-whit-zen. Review NHPA of 1966 that can be found at NPS Federal Historic Preservation Laws (2018). Browse contact information on SHPOs and THPOs: See the Conference of State Historic Preservation Officers’ website [https://ncshpo.org/](https://ncshpo.org/), and click on directory to see a map and listing of SHPOs. Then see [https://www.nathpo.org/thpo-search/](https://www.nathpo.org/thpo-search/) for a list of THPOs by state.

**GRADUATE STUDENTS** – Peruse the Forest Service Region 6 Programmatic Agreement.

**Essay Due Sunday at 6pm (upload on Canvas):**

For those with experience working in CRM, identify both 1) the parts of the section 106 process with which you have had experience, and 2) the parts of the section 106 process with which you have not had experience. For students who lack on-the-ground experience, summarize the most useful advice and “tips” offered by Tom King.
Week 4
Monday and Wednesday – Discuss Section 106 of NHPA

Homework: **The Legal Context for Addressing Native American Values: AIRFA, NMAIA, NAGPRA**

**GRADUATE STUDENTS:** Read Mountain (2017) and NMNH (2020)

**Essay Due Sunday at 6pm (upload on Canvas):** How well are Native American (Alaska Native, Native Hawaiian) values addressed in the laws and regulations governing CRM and heritage resource management?

Week 5
Monday – Discuss the Legal Context for Addressing Native American Values


Wednesday – Continue discussion with reference to the film, *Breaking New Ground: Native Americans in Archaeology*.

Homework: **Archaeological Resource Protection Act - Looting, Vandalism**

**GRADUATE STUDENTS:** Read: Bowman (2008), Pitblado (2014).

**Essay Due Sunday at 6pm (upload on Canvas):** This week’s reading incorporates many conflicting points of view. Choose three authors for today (or sets of authors) and put them in dialog with one another in an attempt to gain mutual understanding of how best to address the looting of archaeological sites.

Week 6
Monday and Wednesday – Discuss ARPA, Looting, and Vandalism

Homework: **Bringing it “Home”: Professional Qualifications, Codes and Principles of Ethics, and Oregon Laws**

**Essay Due Sunday at 6pm (upload on Canvas):**
**Option #1** - Analyze your own professional qualifications using the Secretary of Interior’s Professional Qualifications Standards. Then analyze the professional codes of the seven organizations listed above and explain whether these make it more or less likely that you would join these groups.

**Option #2** - Analyze Oregon laws with regard to Griffin and Churchill’s paper. What problems and contradictions are the most serious ones in conducting archaeology in this state?

Week 7
Monday – Professional Qualifications
Wednesday – Oregon laws – Dennis Griffin or Molly Casperson as guest

Homework: Ethics in Archaeology I
Read: King (2013:351-375) and Colwell-Chanthaphonh et al. (2008:1-75). Using our course resources and the recommendations in Colwell-Chanthaphonh et al. (2008), write-up your solution to the dilemma posed in case study #16 (The Private Landowner and the 365 Government) on p. 92, using the principles described in Ethics in Action. This may involve additional readings outside of those assigned for class. In your paper, follow the eight steps:

1. identify the dilemma,
2. identify the facts (including relevant sections of laws, ethical principles and professional codes),
3. identify the stakeholders,
4. generate possible solutions,
5. generate practical constraints,
6. generate alternative solutions,
7. solve the dilemma,
8. prepare for negotiation.

This should follow the format on pp. 48-51, and the first three steps can take the form of bulleted lists as opposed to a narrative. This paper may be up to 3 pages (single-spaced).

Essay Due Sunday at 6pm (upload on Canvas): Upload your write-up of your solution to the dilemma posed in case study #16 (The Private Landowner and the 365 Government) on p. 92, as described above and in Ethics in Action. This paper should be 1000-1250 words (single-spaced).

Week 8
Monday – Discuss case study #16, with teams organized for Wednesday as Groups on Canvas.
Wednesday – Ethics Bowl Teams confer – re: organization, planning, research, meeting times. Teams will meet outside of class to pool resources and discuss cases.

Homework: Ethics in Archaeology II
Each of the teams will prepare for x number of the following cases studies, x being the number of team members:

#2 Bad Press, p. 77
#6 When Education Leads to Looting, p. 81
#20 Amateur Archaeology Collectors, p. 96
#28 Building upon Burials, p. 104
#29 An ARPA Dilemma, p. 105
#30 Problematic Repatriation

Teams meet outside of class to pool resources and discuss cases. Teams can assign individual members to be “experts” on specific cases. Individuals will produce one page (single-spaced) “abstracts” for each case that summarize the analytical response (eight steps). A three-person team will submit three abstracts, and four-person team will submit four. These abstracts will comprise this week’s writing assignment.

Assignment Due Sunday at 6pm (upload on Canvas): Each team member will submit a one-page abstract for their assigned case that summarizes the analytical response (eight steps).

Week 9
Monday & Wednesday - Each team will present a different case, with time for rebuttals from other teams. At the end of class, we’ll review the rules for the Ethics Bowl (pp. 129-131) to be held on March 8 & 10 in Week 10.

The March 8 & 10 Ethics Bowl cases will be sent to each team after Wednesday’s class (confidentially).

Homework: Teams will meet outside of class to prepare for the Ethics Bowl.
Assignment Due Sunday at 6pm (upload on Canvas): Each team member will submit a one-page abstract for their assigned case that summarizes the analytical response (eight steps).

**Week 10**

**Monday and Wednesday - March 8 & 10 - The 2021 University of Oregon Archaeological Ethics Bowl**
I will serve as moderator and recruit two outside judges. We will follow the Ethics Bowl rules (pp. 129-131). Once again, teams will meet outside of class to pool resources and discuss cases. Each team will have prepared one-page abstracts for each of their cases.

**Undergraduate Student Final Papers Due March 17, 10:15am** - Undergraduates will write a 1000 word essay that is an analytical response to a case study that has not been previously presented in class. In addition to cases in the book, you can also choose from cases presented at other SAA Ethics Bowls: [https://www.saa.org/annual-meeting/ethics-bowl/ethics-bowl-archive](https://www.saa.org/annual-meeting/ethics-bowl/ethics-bowl-archive)

**Graduate Student Final Papers Due March 17, 10:15am** - Graduate students will write a 10-page (double-spaced, 12-point font) research paper of their choice. A 200 word abstract/paper proposal and preliminary bibliography are due the Friday of Week 7 (February 19) by noon for feedback.

**Academic Honesty**: Each student is expected to produce independent written work. All written work should be in your own words and a product of your thinking. Plagiarism can result in a failing course grade. Be very careful to avoid plagiarism and learn how to quote and paraphrase effectively, see [https://integrity.mit.edu/handbook/academic-writing/avoiding-plagiarism-paraphrasing](https://integrity.mit.edu/handbook/academic-writing/avoiding-plagiarism-paraphrasing) for excellent advice online or this pdf: UW 2003.

*The University of Oregon is working to create inclusive learning environments. Please notify me if there are aspects of the instruction or design of this course that result in disability-related barriers to your participation. You are also encouraged to contact the Accessible Education Center in 360 Oregon Hall at 541-346-1155 or uoaec@uoregon.edu.*

**Reference Documents**

**Legislation**

- American Indian Religious Freedom Act Amendments of 1994 (P.L. 103-344)
- Archaeological Resources Protection Act of 1979, as amended (16 U.S.C. 470aa-470ll)
- Native American Grave Protection and Repatriation Act of 1990 (P.L. 101-601)
- Executive Order 11593 Protection and Enhancement of the Cultural Environment (1971)
- Executive Order 13007 Indian Sacred Sites (1996)

**Regulations**

- 36 CFR 60 National Register of Historic Places
- 36 CFR 61 Procedures for Approved State and Local Governments Historic Preservation Programs
- 36 CFR 63 Determination of Eligibility for Inclusion in the National Register
- 36 CFR 65 National Historic Landmarks Program
- 36 CFR 68 Secretary of the Interior’s Standards for Treatment of Historic Properties
- 36 CFR 78 Waiver of Federal Agency Responsibilities under Section 110 of the National Historic Preservation Act
- 36 CFR 79 Curation of Federally-Owned and Administered Archaeological Collections
- 36 CFR 800 Protection of Historic Properties
- 43 CFR 10 Native American Graves Protection and Repatriation Act Final Rule
43 CFR 10.11 - Disposition of culturally unidentifiable human remains

Guidelines
Guidelines for Federal Agency Responsibilities under Section 110 of the National Historic Preservation Act
Secretary of Interior's Standards and Guidelines for Archaeology and Historic Preservation
Secretary of Interior's Proposed Historic Preservation Professional Qualifications Standards.
U.S. Department of Interior, National Park Service; the following four items can be found at
1991 How to Complete the National Register Registration Form. National Register Bulletin 16A.
1991 How to Complete the National Register Multiple Property Documentation Form. National Register Bulletin 16B.

State of Oregon
ORS 97.740 et seq. Indian Graves and Protected Objects
ORS 358.905 et seq. Archaeological Objects and Sites
ORS 390.235 et seq. Archaeological Sites and Historical Materials
OAR 736-051 Archaeological permits