January 21, 2016

The Honorable Robin Vos
Speaker, Wisconsin State Assembly
Room 211 West
State Capitol
P.O. Box 8953
Madison, WI 53708

The Honorable Peter Barca
Minority Leader, Wisconsin State Assembly
Room 201 West
State Capitol
P.O. Box 8952
Madison, WI 53708

Dear Speaker Vos and Representative Barca,

On behalf of the American Anthropological Association (AAA), we are writing to express deep concern regarding the proposed changes in legislation (LBR 2890) which would drastically alter Wisconsin law (85 Wis Act 316) concerning the treatment of state-cataloged burial sites, particularly those located on or contiguous with private property. If enacted, the legislation would do great harm to some of the state’s most sensitive cultural resources, particularly pre-contact effigy mounds of Native American origin. AAA joins our sister organizations, the Society for American Archeology and the Wisconsin Archaeological Survey, in respectfully requesting that the legislation not be approved in its current form.

Founded in 1902, the AAA is dedicated to advancing human understanding and addressing the world’s most pressing problems. It is the world’s largest professional anthropology organization with more than 10,000 members in all 50 states as well as in many nations around the world. Over 120 of our members are Wisconsin residents, and many more have been trained at the great universities in your state.

Prior to sustained contact with European Americans, Native Americans in the Mississippi Valley built effigy mounds for a variety of purposes, including burials. According to the Ho-Chunk Nation, more than 80% of these structures located in Wisconsin have been damaged or destroyed over the centuries. Current state law protects the mounds—including those located on private land—from being disturbed.

Under AB 620, however, the state would be required to issue permits to private landowners who contest the presence of human remains in the mounds for the purpose
of searching for conclusive evidence of human remains. Invasive techniques such as heavy equipment excavation, which are destructive by their very nature, could be used. The bill would also allow methods such as ground-penetrating radar to constitute proof of the absence of remains, yet some of these practices are not consistently reliable when it comes to physical grave authentication. This is because very ancient or decayed remains are often hard for remote sensors to identify. If no evidence of remains are found, then the mounds would lose all legal protection and be altered or even destroyed, despite the culturally important meanings, uses, or histories they may possess. Any mounds found after passage of this bill would require prior proof of human remains to be protected.

There are numerous other problems with the legislation. For example, all sites catalogued as burial places on private land—not just Native American places—within the state would lose their protections and be subject to potential destructive analysis. In addition, under current law, historical documentation, oral histories and other types of data are acceptable evidence of the presence of burial sites. AB 620 notably omits oral types of histories from being used when assigning safeguards against removal, and instead relies solely on physical investigation and written citations. This would prejudice the law against Native Americans since by definition most of their burial places would not appear in any post-contact written materials.

Finally, even if some of these catalogued mounds and other places are not, in fact, burial sites, they are still historical treasures. They help tell the story of all the peoples of Wisconsin who came before. To permit the diminishment or destruction of these invaluable cultural resources would be a terribly mistaken policy. We strongly urge the Wisconsin State Assembly to reject AB 620.

Sincerely,

Alisse Waterston
President
American Anthropological Association

Ed Liebow
Executive Director
American Anthropological Association