



January 15, 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,

Legislation (AB 620) was recently introduced that would drastically change Wisconsin law (85 Wis Act 316) concerning the treatment of state-cataloged burial sites, particularly those located on or contiguous with private property. It is our belief that the proposed changes would result in great harm to some of the state's most sensitive cultural resources, particularly pre-contact effigy mounds of Native American origin. SAA respectfully requests that the legislation not be approved in its current form.

SAA is an international organization that, since its founding in 1934, has been dedicated to the research about and interpretation and protection of the archaeological heritage of the Americas. With more than 7,900 members, SAA represents professional archaeologists in colleges and universities, museums, government agencies, and the private sector. SAA has members in all 50 states as well as many other nations around the world.

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, due to the fact that very ancient or decayed remains are often hard for remote sensors to identify. If no evidence of remains were found, then the mounds would lose all legal protections

and be altered or even destroyed, in spite of other culturally important meanings, uses, or histories they might possess. Any mounds found after passage of this bill would require proof of human remains beforehand in order to enjoy protection.

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, while current law allows for historical documentation, oral histories and other types of data to be accepted as evidence of the presence of burial sites, AB620 notably omits oral types of histories from being used when assigning safeguards against removal, and instead relies 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 terrible mistake in policy. We strongly urge the Wisconsin State Assembly to reject AB 620.

Sincerely,

A handwritten signature in black ink, appearing to read "Diane Gifford-Gonzalez". The signature is written in a cursive, flowing style.

Diane Gifford-Gonzalez, Ph.D.
President

Cc: Sen. Chris Kapenga