

# Utah Professional Archaeological Council

June 24, 2011

Gary R. Herbert  
Utah Governor  
Utah State Capitol Complex  
350 North State Street, Suite 200  
PO Box 142220  
Salt Lake City, Utah 84114-2220

Dear Governor Herbert:

The Utah Professional Archaeological Council (UPAC) would like to express concern over the June 21, 2011 firings of State Archaeologist Kevin Jones, Assistant State Archaeologist Ron Rood, and Physical Anthropologist Derinna Kopp. They provided critical services to the state that will be difficult to duplicate with reduced staff. The likely results may include delays to development projects, especially ones that inadvertently uncover human remains or other archaeological materials on private or state lands. We further fear that the firings will result in reduced protection of the state's world-class archaeological resources.

Several aspects of the recent events are troubling and create the appearance that the firings were politically motivated. Even granting the possibility that the appearance is deceptive, the abruptness of the firings, the Antiquities Section's opposition to the siting of the UTA's Draper commuter rail station, and the dismissal of other prominent critics of the Draper FrontRunner site (specifically, Forrest Cuch), all combine to suggest that the employees in question were fired, in part, for advocating the protection of archaeological resources. Even if that inference is incorrect, the tone of recent news stories about the firings suggests that journalists also find this explanation plausible. At a minimum, the handling of the situation has been clumsy and has created the impression that Utah State government does not value its precious archaeological resources.

It also seems unlikely that the firings will improve the efficiency of the Antiquities Section. It will, no doubt, be cheaper to replace the three fired employees with one Forensic/Physical Anthropologist, but whoever is hired will have to start over and determine, for each of many sets of human remains, the status of analysis and the status of consultation with the NAGPRA review committee about the disposition. This will create a great deal of extra work, and will be extremely inefficient. The fact that the firings were effective immediately also creates the impression that they were punitive rather than a means to increase efficiency; allowing a transition period would not only have been more considerate to the dismissed employees but it would have reduced the inefficiencies resulting from the personnel changes.

UPAC exists to represent professional archaeological interests in political and public forums and to promote archaeological research, education, and preservation in the state of Utah. We strongly support the important work the Antiquities Section does, and are concerned that the firings will impede this work. In particular, the Antiquities Sections has provided long-term, secure management of archaeological data for state and federal agencies; effective public outreach and education; recovery of Native American human remains discovered on non-federal lands in Utah; has made determinations of

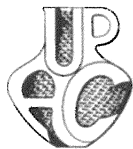


*Creating A Future For Utah's Past*

# Utah Professional Archaeological Council

cultural affiliation for those human remains in accordance with the state's version of the Native American Graves Protection Act; has acted as an "official" source for information about the archaeological resources in the state; and has been charged to provide advice to state and local government agencies that lack other sources for guidance about how to deal with archaeological management issues. We believe that all of these functions are appropriate and important, and are concerned that the Antiquities Section now lacks adequate staffing to continue to provide them. We would appreciate the opportunity to discuss the future of the Antiquities Section with appropriate members of your administration, and we respectfully request the answers to the several questions below raised by the firings.

- 1) The Antiquities Section is given several specific duties under state law. One of these is to “provide advice on the protection and orderly development of archaeological resources” (Utah Code Title 9, Chapter 8, Section 304 2d). With the dismissal of Kevin Jones and Ron Rood, who specifically will provide this advice? And given the appearance (at least) that the firings may have been retribution for carrying out exactly this responsibility, what assurance is there that any future employee of the Antiquities Section will feel free to offer independent, professionally valid advice?
- 2) Another statutory responsibility of the Antiquities Section is to “promote research, study, and activities in the field of antiquities” (Utah Code Title 9, Chapter 8, Section 304 2a). The Section has fulfilled this responsibility through a variety of educational programs targeted at Utah school children and teachers, through acting as a liason to avocational archaeologists in the state, and through sponsoring and organizing annual Archaeology Week activities. These educational activities have largely been Ron Rood’s responsibility, and they have provided a much needed resource to compensate for the relatively meager exposure to Utah archaeology provided in most of Utah’s schools. To what extent will these programs continue, and who will have responsibility for them?
- 3) Will the person hired into the proposed new Forensic/Physical Anthropologist position be able to deal with discoveries of human remains in an adequate and timely manner? Such situations often require immediate excavation of the remains, and such excavation is often not possible for one person to carry out by themselves. Are any of the remaining employees of the Antiquities Section experienced in excavating burials or qualified to assist?
- 4) The job description for the new Forensic/Physical Anthropologist position lists duties unrelated to physical or forensic anthropology, including reviewing archaeological research designs and providing cultural resource management assistance. These are appropriate responsibilities for the Antiquities Section as outlined in Utah State law (Title 9, Chapter 8 Section 304 2), but these duties will require someone with extensive training and experience in archaeology and cultural resource management. As it is unlikely that any one individual will have the necessary training and experience in physical/forensic anthropology, archaeology, and cultural resource management, how will qualifications in these various be weighted in the hiring decision? What steps, other than hoping for applicants with unlikely



*Creating A Future For Utah's Past*

# Utah Professional Archaeological Council

combinations of skills and abilities, will be taken to ensure that the Antiquities Section is staffed appropriately to carry out all of its responsibilities?

- 5) What other options were considered to cope with the legislature's mandated budget cuts? Specifically, Phil Notarianni's retirement as director of State History, combined with Wilson Martin's service as acting director, leaves one high-level position within the Division of State History vacant. Would it not have been less disruptive, and more efficient, to postpone filling this position rather than firing three employees whose work was vital to carrying out the Antiquities Section's statutory responsibilities?
- 6) Are the reductions in Antiquities Section staff permanent? Are there plans or hopes to increase staffing as the economy recovers to levels more commensurate with the Antiquities Section's statutory responsibilities? Will Utah ever again have a designated State Archaeologist to provide an official source of information on the state's archaeological resources?

Thank you for your attention to our concerns. I and other representatives of UPAC would appreciate an opportunity to meet with you and/or appropriate representatives of state government to discuss our concerns and how the reorganized Antiquities Section can meet its statutory responsibilities.

Sincerely,



James R. Allison  
President, Utah Professional Archaeological Council  
Department of Anthropology  
800 SWKT  
Brigham Young University  
Provo, Utah 84602  
(801) 422-3059  
jallison@byu.edu

disclaimer: this letter reflects the views of the author and of the Utah Professional Archaeological Council, not those of Brigham Young University or its sponsoring institution

cc: Michael Hansen, Acting Director, Utah Department of Community and Culture  
Wilson G. Martin, Acting Director, Utah Division of State History



*Creating A Future For Utah's Past*