

Maryland Historical Trust – Maryland Commission on Indian Affairs
Working Group on Native American Human Remains
Minutes of the Twelfth Meeting
September 26, 2010

The Twelfth meeting of the Maryland Historical Trust (MHT) – Maryland Commission on Indian Affairs (MCIA) Working Group (Working Group) on Native American Human Remains Meeting convened in the conference room of the Maryland Archaeological Conservation (MAC) Lab at Jefferson Patterson Park and Museum, 10515 Mackall Road, St. Leonard, MD 20685, on September 26, 2010.

Working Group Members Present: Claude Bowen, Virginia Busby (Co-Chair MCIA), Sewell Fitzhugh, Bob Gajdys, Gina Hamlin, Richard Hughes, Maureen Kavanagh (Co-Chair MHT), Bob Wall.

Working Group Members Absent: Tom Bodor, Rico Newman.

Staff Present: Ed Chaney (MAC Lab, Deputy Director), Phil Deters (MHT, Assistant Attorney General), Charlie Hall (MHT, State Terrestrial Archeologist), Patricia Samford (JPPM, Acting Director; MAC Lab, Director).

Members of the Public Present: None.

1. Call to order, Introductions, Approval of Minutes.

Co-chair Maureen Kavanagh called the meeting to order at 12:25 PM. Designees were directed to review minutes of the eleventh meeting. Co-Chair Kavanagh requests an addition to the statement concerning the grouping by which the remains are to be placed, adding that it will be determined by MHT designees “based on review of original records.” With this addition, Bob Gajdys moves to accept the minutes, Claude Bowen seconds, and the motion passes unanimously.

2. Review Site Selection Criteria.

Prior to discussing site selection criteria, Sewell Fitzhugh noted that a rumor was circulating among the Maryland Indian community that Jefferson Patterson Park and Museum might be sold. Director Samford noted that this was likely based on a budget analyst’s recommendation that the park be turned over to the Department of Natural Resources. The recommendation was defeated. Phil Deters explained that Mrs. Patterson’s Trust had conditions. While JPPM could be transferred to another state department, the state cannot sell the property. Bob Gajdys added that as a member of the Board of the Friends of JPPM he heard such rumors and suggestions every year. Staff Hall noted that an addition to the draft Memorandum of Understanding (Agreement number 10) anticipated this concern, stating “In the event that ownership or control of the Appropriate Place of Repose is transferred from the MHT, the Secretary may designate an alternative APR in consultation with the MCIA.”

Co-Chair Kavanagh recalls the discussion at the last meeting of the Working Group (June 24, 2010) regarding the conditions considered important to preservation by the archeological designees, including soil drainage and slope. At that meeting the Working Group instructed MHT staff to examine soils and slope at JPPM and report back with the results. Co-Chair Kavanagh stated that MHT staff, including JPPM staff, had completed this work, and maps depicting 12 areas with well drained soils and slope less than 5 percent on the park. JPPM

staff described each of the 12 areas with respect to location, acreage, current and future use, and vegetation/cultivation. An MCIA designee wondered if any of the 12 areas was near a documented Indian archeological site. Co-Chair Busby noted that many Indian archeological sites had been identified on park property, and as a result all of JPPM could be considered Native land. Two of the 12 areas are currently wooded and/or wetland, and two are currently used for event parking. Another consideration discussed was the remoteness of the sites, which could be a detriment to security. Four of the 12 areas are so remote as to present security issues. The Working Group agreed to eliminate these eight areas from further consideration, unless a suitable area could not be found among the remaining four.

3. Tour property to review potential locations for Appropriate Place of Repose.

The Working Group left the MAC Lab at 1:00 PM to examine each of the four areas.

One of the areas (#10) was judged too close to a public road. One (#6) was found to be partially wooded and partially used for parking, leaving too little area for the purpose. Of the remaining two areas, one had a water view (#4) and the other did not (#9).

4. Review locations and issues; outline next steps.

The Working Group reconvened in the MAC Lab conference room at 2:15 PM.

A number of issues were discussed, beginning with proposed changes since the draft MOU had been circulated by email to all the designees. The placing of a benchmark near the Appropriate Place of Repose was questioned, and Staff Hall showed the designees a picture of what was intended (2" diameter brass surveyor's benchmark, to be set near ground surface in concrete). The potential need for mediation, in the event of a future disagreement, was discussed. Assistant Attorney General Deters suggested that the MOU be amended by adding a sentence: "In the event of any proposed modification to this MOU or any dispute between the parties under this MOU, the MCIA shall consult with the Maryland Indian communities." Costs associated with establishing this Appropriate Place of Repose were discussed, and all designees agreed that those associated with the preparation of the land would be borne by the State, while those associated with the preparation of the remains would be borne by the Maryland Indian community.

Co-Chair Kavanagh calls for comments regarding the four areas inspected. All were in agreement that the area with a water view was the most desirable for the Appropriate Place of Repose among those inspected. No objections were raised to the following consensus statement:

Area #4 shall be forwarded to the Secretary as the Working Group's recommendation for the Appropriate Place of Repose at Jefferson Patterson Park and Museum.

Discussion of the next steps resulted in the following priority schedule:

First, send the recommendation to the Secretary.

Second, prepare the area (clear it of vegetation, etcetera).

Third, have the clay tablets made.

Fourth, ready the remains for placement.

Preparation of the remains for placement in the Appropriate Place of Repose may involve wrapping them in fabric (red cotton) and the inclusion of other materials.

The Working Group expressed its hope that the MOU could be finalized and sent to the Secretary by the end of October, signed by all parties by the end of November, and the remains in the ground by the end of the year.

The desirability of a press release was discussed and all agreed that any discussions with the press should be vague. In general, the designees felt that the less publicity the better.

Co-Chair Kavanagh drew the designee's attention to the other remains and the need to discuss several outstanding issues that attend to them, including the need for additional study of some of the remains, and defining acceptable locations.

Gina Hamlin moved that the meeting be adjourned, Virginia Busby seconded, and the motion was passed unanimously.

The meeting was adjourned at 3:20 PM.