

'Sanctity of Burial Sites'— State, Federal Laws Protect Cemeteries

(EDITOR'S NOTE: The following letter was written by Area Director Morris Thompson for Alaska operation of the Bureau of Indian Affairs. The letter is timely and it is aimed toward protection of the Native cultural and spiritual heritage such as burial sites. The letter has been sent to each of the 12 regional corporation presidents.)

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS
Juneau Area Office
P.O. Box 3-8000
Juneau, Alaska 99801

June 5, 1973

Mr. Robert Marshall
President
AHTNA Incorporated
Box 823
Copper Center, Alaska 99573

Dear Mr. Marshall:

To help preserve the cultural and spiritual heritage of Alaska Natives it is important that Native cemetery and historical sites be protected from further destruction. Many sites have already been ruined; graves destroyed and artifacts carried away. It is more than likely that with the growth and expansion of industry, tourism and population this already critical situation will be intensified. Every effort must be made to stop this destruction, thus safeguarding cultural and historical treasures and ensuring the sanctity of burial sites.

Pilfering cemeteries, grave sites or other historical sites is against both State and Federal law. Historical sites located on lands controlled or owned by the United States are protected by the Congressional Act of June 8, 1906 (16 U.S.C. 432 et seq.). According to this Act, to steal from, or otherwise disturb, a site on Federal land is a Federal offense.

Historical sites found on State-owned or controlled property are protected by the Alaska Historic Preservation Act. The Act states:

" . . . it is unlawful for a person to appropriate, excavate, remove, injure, or destroy, without a permit from the commissioner (of Natural Resources), and historic or archeological resources of the State.

"No person may unlawfully destroy, mutilate, deface, injure, remove or excavate a gravesite or a tomb, monument, grave-stone or other structure or object, even though the gravesite appears to be abandoned, lost or neglected." (Quotes from A.S. 41.35.200 (a) (c).)

The Act goes on to name these penalties:

"A person who violates a provision of this chapter is guilty of a misdemeanor, and upon conviction is punishable by a fine of \$1,000, or by imprisonment for not more than six months, or by both."

Persons violating these laws can be arrested by the local law enforcement officer or an Alaska State trooper in cases involving either State or Federally controlled lands. Even if the land is owned or controlled by the United States, the local police, or a State trooper, ordinarily are empowered to make the arrest; also, an FBI agent or a U.S. Marshal may be contacted.

Under normal circumstances violations of Federal laws will be prosecuted by the U.S. Attorney (G. Kent Edwards, Box 680, Anchorage) and violations of State laws by the local District Attorney.

To inform each community of these laws protecting cemetery and historical sites this letter may be reprinted and circulated in the villages in your region.

Sincerely yours,

Morris Thompson
Area Director