
Association of Professional Archaeologists

NEWSLETTER, VOLUME 1, NO. 1, SPRING-SUMMER 1989

President's Message

It is with considerable pleasure that I am able to introduce the first newsletter of the Association of Professional Archaeologists. The Association has developed from the efforts of a number of individuals sharing a common goal of developing an organization to both represent professional archaeologists and that would serve as a self regulating body.

Although the spark that precipitated the development of the A.P.A. can be traced to a consultants conference sponsored by the Ontario Ministry of Culture and Communications (then Citizenship and Culture) held in the fall of 1987 in Toronto, the climate for such an organization has been developing for some time. The requirements for archaeological assessments under the Ontario Planning Act and the Environmental Assessment Act have fostered a considerable growth in employment opportunities within the discipline in Ontario. The considerable diversity in the background of those practicing archaeology and the varied approaches to archaeological activities have raised a concern for ensuring a high standard of conduct among those deriving an income from archaeology.

The A.P.A. seeks to integrate the concerns of archaeologists from all avenues of employment including: administration, conservation/curation, consulting, education, research and teaching and to ensure that issues and practices affecting archaeological resources are conducted within a commonly recognized set of standards.

Specifically, the objectives of the A.P.A. are to 1) encourage professionalism in archaeology; 2) represent the profession in areas of concern; 3) mediate solutions

to problems involving archaeological resources; 4) recognize significant accomplishments in archaeology; and, 5) encourage cooperation in and beyond the profession of archaeology.

These objectives are regarded as essential components in the establishment and maintenance of an organization that is responsible to both the archaeological resource base and to those involved in its interpretation and management.

With its first year coming to a close the A.P.A. is in the process of finding its feet. The incorporation process which began in earnest last fall, will hopefully be complete by the next annual meeting. The constitution and by-laws, passed by the membership at the first annual meeting held in Toronto, will be published in an upcoming issue of the Newsletter.

The Association provided a strong response to the archaeological licensing changes proposed by the Archaeological Committee of O.H.F. last fall. In spite of this rocky start in our relationship with the O.H.F. the A.P.A. is participating, through its representation on the Joint Committee, in a healthy dialogue with the archaeology committee regarding the licensing issue.

The executive is meeting on a regular basis in order to discuss and implement procedures for those mundane matters of letterhead and membership cards as well as those more onerous matters of membership criteria and ethical standards.

At the April 14th, 1989, meeting, the executive decided to organize a workshop for late winter or early spring of next year that would deal with self regulation. We should have further news on its progress for the October annual meeting.

Despite this modest beginning the Association of Professional Archaeologists is starting to take form. We anticipate a more active role for the association in the years to come, one that we hope will benefit not only the archaeological community but the general public in whose trust archaeologists must always practice.

Sincerely yours,
Hugh J. Daechsel
President

Secretary's Report

In order for the APA to survive and prosper, the Executive feels that it is imperative to keep members well-informed of its activities. As secretary of the APA one of my duties is the keeping of detailed records of each monthly meeting of the Executive. These minutes are kept on file, along with other letters, drafts, etc. pertaining to the Association and related business, in my office at the University of Waterloo. In this report (and future issues of the newsletter) and based on the minutes of Executive meetings and other correspondence, I will present a general summary of the activities of the Executive members over the course of the past six months. Some of these activities are described in more detail elsewhere in this newsletter.

The activities to date of the APA Executive have included:

1) Since we are a young, recently founded organization much of the time of Executive members has been spent in activities necessary to get the Association off the ground. First, incorporation of the organization as a non-profit organization has been a major concern. There have been some delays in this process due to unforeseen problems with which the Executive has had to deal. For example, it is the feeling of the organization's lawyer that the term "Association of Professional Archaeologists" is too general and may not be acceptable to the government agencies in charge of such matters. Hence, the Executive has had to spend considerable time grappling with this and other problems. Nonetheless, we should be fully incorporated within the next two to three months. Other "start-up" activities have included: the development and printing of official letterheads for APA Executive members to be used when carrying out official organization business, the designing and

printing of membership cards (please find yours enclosed), the designing of a logo for the organization, the development of an Ethics and Standards Code to which members are to adhere if they are to remain in good standing (please find a draft enclosed for your approval), the development of a procedure for resolving grievances filed against members violating the Standards and Ethics Code (almost completed), drawing up a list of criteria governing who can apply for and be a member of the APA (in process), deciding on the categories of membership the organization will recognize (completed), developing a procedure for handling and evaluating applications for membership (completed), production of the first edition of the newsletter (in your hands!), appointment of an editor (Mr. Neal Ferris) to handle future issues of the newsletter, etc. All of these activities have been extremely time-consuming but they are a necessary first step in developing a viable organization. Once completed, we can turn all our attentions to the more pressing problems affecting archaeology in the province.

2) The Executive has begun to open up lines of communication with various agencies and organizations interested in, or governing the state of, archaeology in Ontario. For example, we have opened up and maintained contact with the OHF directly by letters and phone and indirectly via our representative on the "Joint Committee" (see Ann Balmer's report in this issue), through which we have expressed our concerns on several issues affecting the state of archaeology in Ontario such as proposed licencing changes, problems with the "Contract Information Forms" used by heritage consultants, the possibility of future self-regulation/accreditation of archaeologists rather than through government controlled agencies, selection of individuals to serve on OHF committees, events at the Plater-Fleming site, etc. We have also opened up or begun to initiate communications and liason with a number of other organizations through which we can express our concerns on archaeology or to which we can go for help and assistance in dealing with heritage concerns. These have included not only other Ontario organizations such as the OAS but organizations outside the province such as the "Society of Professional Archaeologists" (SOPA) in the United States and the "New York Archaeological Council."

3) The Executive members have spent some time attempting to publicize the goals of the organization and to attract members. This has included

both personal contacts with various individuals involved in archaeology in the province and public presentations such as at the annual Ottawa OAS meeting.

4) Executive members have attended various meeting in order to keep track of archaeological research and concerns and, where applicable, to express our concerns about developments affecting the archaeological community. Meetings which have been attended include: the OHF licencing forum in January, the annual SOPA meeting in Atlanta in April, a meeting between the Chiefs of Ontario and Cemeteries Branch personnel over proposed changes in the Cemeteries Act and regulations governing it (readers concerned about this issue are urged to read Heather McKillop's article in this issue), a meeting of the Regional Municipality of Waterloo Planning board at which the APA expressed its support for the continuation of the "Regional Archaeologists" position in that area and the hope other municipalities would develop similar programmes, a meeting of the Central Ontario Liberal Caucus of MPP's in order to make known some of our concerns about the state of archaeology in the province, etc.

5) Finally, the Executive has dealt with a number of miscellaneous issues including: drawing up a list of individuals/organizations to whom we can write and lobby on our concerns over archaeology (members who know of individuals who could be added to this list are urged to contact me), planned the annual Fall meeting of the APA and its agenda (for details on the meeting see elsewhere in this issue), began planning of a meeting and forum on self-regulation/accreditation for next March to which interested organizations have been invited to participate, developed and approved a proposed budget for the association for the next financial year, and so on *ad infinitum*.

Overall, it is my personal opinion that the Executive has accomplished a great deal in the past 6 months but, of course, much remains to be done. If members or individuals contemplating membership desire more information on any or all of the above activities, they are strongly urged to contact me.

Christopher Ellis

Joint Committee on Archaeology in Ontario

FORMATION AND MEMBERSHIP

At the ESAF meetings in the fall of 1988, discussions about changes to the licensing procedure proposed by the Archaeology Committee of the OHF led to an informal request to all archaeological organizations in Ontario for a show of interest in the idea of the formation of an ad hoc committee to address these concerns. As a result, a committee called the **JOINT COMMITTEE ON ARCHAEOLOGY IN ONTARIO** was formed. It was thought that the archaeology community as a whole would benefit from better channels of communication between the groups and individuals with an interest in heritage research, conservation, and management in Ontario. The goal was to have representatives from all sectors of the archaeology community. These representatives are subject to change at any time at the discretion of their organizations. Interested groups have sent representatives as follows:

* The Association of Heritage Consultants:
Ron Williamson, David Cuming

* The Association of Professional Archaeologists: Heather McKillop, Ann Balmer

* The Ontario Archaeological Society:
Christine Caroppo, Michael Kirby

* The Ontario Council of Archaeology
(observer status only): Dean Knight

* Save Ontario Shipwrecks: Fred Gregory

* Toronto Board of Education (observer status only): Peter Hamalainen

* Archaeological Conservation Officer Program: Stewart Leslie (observer status only)

PURPOSE AND PROCEDURE

The primary purpose of the Joint Committee is to facilitate communication and dissemination of information. It is NOT meant to be the exclusive means of communication between groups or individuals in the archaeology community, or between

the archaeology community and other agencies. In most cases, authorization for action comes from each executive. In addition to the function of communication, it also serves to:

- * provide a forum for discussion of issues of mutual concern
- * provide a means of requesting or offering support between organizations or groups.
- * co-ordinate action on particular issues
- * lobby

CURRENT ACTIVITIES

The Joint Committee has discussed issues of mutual concern such as:

- * licensing policy
- * self-regulation
- * issues associated with the actions taken regarding the Plater-Fleming Site (BdHb-2)
- * review of license reports
- * Timber Management A
- * unmarked graves
- * current activities of each organization
- * consultation with the OHF Archaeology Committee

Representatives from the Joint Committee have been meeting with representatives of the Archaeology Committee to discuss various topics and concerns, such as, licensing, contract information forms, self-regulation, publication, and funding. These meetings will continue on an ad hoc basis as issues arise requiring consultation with the Archaeology Committee. The representatives from both sides may change with the issues under discussion.

FUTURE

There appears to be a consensus that the Joint Committee will continue to serve a very useful and important function in addressing other issues and concerns common to the archaeology community as a whole as they arise. For example:

- * unmarked graves
- * professional self-regulation/accreditation

The Joint Committee meets regularly and welcomes general information as well as information on specific concerns anyone would like to raise for discussion or action. Although the Joint Committee

members can be contacted directly, it is preferable that this be done through the executives of the member organizations.

Ann Balmer

Act Now Before It's too Late: Comments on Bill 31: An Act to Revise the Cemeteries Act

While the public eye is focused on discoveries and excavations of Native and Pioneer cemeteries, the Ontario government is introducing legislation that will fundamentally affect the practice of archaeology. Bill 31, An Act to Revise the Cemeteries Act, has passed second reading in the Legislature and is slated for final reading this fall. Regulations for implementing the Act are currently being formulated; public discussion sessions are scheduled for September. The unfortunate circumstance is that the Act is written, the Regulations are virtually completed, but there are serious issues that need to be resolved. The new Cemeteries Act will undoubtedly be one of the most important pieces of legislation affecting archaeology, the Native community, and heritage resources. In this paper, I will provide information on and evaluate the relevant sections of the proposed Act and Regulations, as they will affect the practice of archaeology in the province, and indicate necessary changes. My objective is to urge you to support changes to the legislation before it is too late.

ETHICAL AND PHILOSOPHICAL CONCERNS

The new Cemeteries Act must reflect the moral and ethical concerns of the people of Ontario, the First Nations and archaeological communities concerning the dead. The First Nations have successfully impressed their views upon the Cemeteries Branch, through a series of meetings of the Chiefs of Ontario with representatives from Cemeteries Regulations Branch. I was fortunate to be present at one meeting on behalf of Chief Bothwell of Alderville First Nation. My comments here reflect discussion at that meeting as well as many and ongoing discussions with Chief Bothwell and others. Although the Native community has not yet been able to make changes to the Act itself, their draft of regulations pertaining to Native remains is being considered. The basic principles that underlie these regulations are:

"The sanctity of the deceased is paramount to all other concerns...The deceased have a right to rest in peace in the tradition and custom of their religion" (Bothwell et al. 1989).

The Chiefs' regulations stipulate that a qualified professional be involved in the initial investigation (evaluation) of reported human remains to determine site size and cultural affiliation of the deceased. The Chiefs recognize the skills of archaeologists in evaluating burial sites and in disinterring remains. However, the Chiefs do not regard the archaeological analysis of recovered remains as a necessary part of the disinterment process, although they see that in particular cases it may be desirable.

Archaeologists have an ethical requirement as professionals and a legal requirement as licenced archaeologists to ensure that analysis and reporting of excavated sites, including those that contain human remains, are carried out. After months of correspondence requesting consultation by the Ontario Archaeological Society (OAS), that organization was invited to present its views on the proposed Cemeteries Act on August 21, 1989 to the Cemeteries Branch. A brief (also endorsed by the Executive of the Association of Professional Archaeologists) was submitted and presentation made OAS President Christine Carropo and the author. Essentially the perspective was that burials of whatever cultural origin were intended to remain where they were interred, and that that the Cemeteries Act should reflect this; however, in those instances where burials must be disinterred, those that have heritage value (buried over 100 years ago) must be excavated by archaeologists, be analyzed, and have a report written -- whether the burials are discovered in an unmarked aboriginal or other cemetery or whether they are in a known or registered cemetery.

Although the non-Native, people of Ontario are generally unaware of the contents of the current Cemeteries Act or that there is a proposed New Act, the public has concerns and opinions about burial and disinterment. People are concerned that complete removal of burials in registered cemeteries or other non-Native grave sites is possible under the Cemeteries Act and that this can be accomplished using machinery. The hundreds of people who visited the archaeological excavation by Northeastern Archaeological Associates of St. Thomas Anglican Church Cemetery (1818-1872) in Belleville this summer appreciated the church's decision to hire archaeologists rather than a

professional grave digger to disinter the graves in an area in order to build a parish hall. The public agreed that if the graves had to be moved for building purposes, then the care and dignity of the archaeological disinterment process and the recovery of valuable historical, cultural, and biological information through archaeological excavation and analysis was the only appropriate procedure.

BILL 31: AN ACT TO REVISE THE CEMETERIES ACT

Archaeology is particularly affected by Sections 1, 8-12, 51-54, 68-74, 76 (1.35, 36, 45, 46, and 47), 79, and 87 of Bill 31. Section 1 identifies a burial site as land containing human remains, in contrast to a cemetery which is land set aside for the interment of human remains. (A burial site may be designated a cemetery after investigation). "Human remains" under the Act means a dead human body or its cremated remains. My interpretation of these definitions is that an articulated human skeleton or bundle burial would be classified as a burial site, but that an isolated human bone or tooth found in a midden, for example, or an artifact made from human bone found in an archaeological site would not be classed as a burial site. These materials would, instead, be considered as other archaeological resources at the site. Under the current Cemeteries Act, a cemetery is defined as the interment of more than one individual. In practice, concern has centered on determining if the human remains constitute a cemetery, and therefore are governed by the Cemeteries Act. The proposed Act would resolve this issue: An articulated human skeleton or bundle burial discovered in a prehistoric Indian village site, for example, is easily recognized. Archaeological excavation would then require an order from a coroner, the Attorney General, Solicitor General, or a court; or notification of the proper medical officer of health and consent of the interment rights holder (defined in Section 1 as "a person with interment rights with respect to a lot"). More applicable to native burials, perhaps, are situations in which the interment rights holder is not easily located or is unknown and:

"In giving consent to a disinterment, the Registrar shall take into account the wishes of any person with an interest in the remains and make the consent subject to such conditions as the Registrar considers appropriate" (Section 52.5).

Alternatively, it may be that the First Nation people offer to act as interment rights holder for aboriginal interments and that the nearest Native band -- or the First Nations Council -- would act in this capacity. Clearly, this is an important area that needs to be resolved.

Sections 68-74 and Section 76 (1.35, 1.45-47) deal specifically with the discovery of burials and the subsequent procedures that must be followed. A burial site must be reported to the police or coroner. An investigation, that includes minimal disturbance to the site, may be ordered by the Registrar (a person appointed under the Cemeteries Act) to determine the origin of the burial site. The investigation is paid for by the site owner or by the Registrar if the investigation would place an undue financial hardship on the landowner. The Registrar then declares the site either (1) an unapproved aboriginal peoples cemetery -- in other words a Native cemetery; (2) an unapproved cemetery -- in other words, a non-Native cemetery that has not been registered, as in family graves on old farms; (3) an irregular burial site [defined as "a burial site that was not set aside with the apparent intention of interring therein human remains" (Section 71.2.a)], which, following the definition of human remains provided in Section 1 of the Act would include human bodies or their cremated remains, but not isolated human bones or teeth in a midden or human bone artifacts. The Act has been interpreted by others as including isolated human bone, teeth, or human bone artifacts in the category of irregular burial site, but this cannot be the case under the definitions provided in the Act. The landowner must ensure that the remains from an irregular burial site are interred at a cemetery. In the first two instances, the Registrar notifies people (prescribed in the Regulations to the Act, but not the Act itself) to negotiate a site disposition agreement. The site disposition agreement must be made within a prescribed length of time (prescribed in the Regulations) or else the Registrar defers the matter to binding Arbitration. In Section 76.1.35, 45-47 the details of the site disposition agreement are deferred to the Regulations of the Act. In particular:

"The Lieutenant Governor in Council may make regulations...governing the...disinterment, disposition and removal of human remains;...prescribing procedures to be followed in dealing with burial sites and requiring that they be followed;...prescribing the subject matters to be contained in a site disposition agreement or arbitration settlement

and requiring their inclusion" (Section 76.1.35,45,47).

The regulations are intended to provide for the implementation of the Cemeteries Act, which must itself contain a statement (in order to provide direction for the Regulations) requiring concern for the heritage value of human remains. This is especially important since Section 87 of the proposed Cemeteries Act states that "This Act prevails over the Ontario Heritage Act, being chapter 337 of the Revised Statutes of Ontario, 1980." This means that the Cemeteries Branch has complete jurisdiction over human remains. Although this same statement is in the current Cemeteries Act, the apparent resolution of the lengthy discussions of the Interministerial Committee on Unmarked Burials is Sections 68-74, stipulating procedures for dealing with unmarked burials and effectively shifting responsibility for an area once carried out by the Archaeology Branch of the Ministry of Culture to the Cemeteries Branch of the Ministry of Consumer and Commercial Relations. However, there is nothing in the Cemeteries Act that addresses concern for the heritage value of certain classes of human remains: There must be a statement in the Cemeteries Act itself that acknowledges concern for the heritage value of human remains buried over 100 years ago. Then, the Regulations must stipulate the procedures for archaeological disinterment, analysis, and reporting of human remains and suitable curation of associated artifacts.

Sections 8 and 9 stipulate the procedures for closing a cemetery and disintering human remains: The Registrar may order a cemetery to be closed if it is in the public interest and either specified public notice is given or the consent of affected interment rights holders (such as descendants of those buried at the cemetery) are notified. The Registrar:

"may require the owner to disinter all human remains therein and specify the manner of disinterment and the manner and place of reintering or dealing with the remains" (Section 9.1.a).

What needs to be added to this statement is that if the human remains were buried over 100 years ago then the manner of disintering and dealing with the remains must reflect the heritage value of those remains. It is unacceptable that they can be disinterred using a back-hoe or other machinery. Similarly, the remains

must be analyzed with concern for their heritage value. Interestingly, a case could be made under the Ontario Planning Act for archaeological recovery and analysis of heritage burial sites and cemeteries.

CHANGES TO THE CEMETERIES ACT AND ITS REGULATIONS: OAS/APA

Clearly, if the Minister of Consumer and Commercial Relations, the Honourable Mr. William Wyre, introduces an amendment to Bill 31, indicating the concern for the heritage value of burials, then much of the details and procedures of implementation can be placed in the Regulations. What follows is the contents of the brief submitted to the Cemeteries Branch by the OAS and supported by the APA executive.

1. Two categories of human remains excluded from the site disposition process include:

a) human remains modified into artifacts, which are considered in the artifact category (2);

b) incidental human remains in nonburial contexts, such as middens, at archaeological sites.

2. Burial goods are not to be reburied.

a) In the case of Native burials, it has been argued that the grave offerings have served their purpose for the deceased, whose spirit has travelled on.

b) It is not safe to have burial goods reburied, since they would be susceptible to looting.

c) Artifacts are needed for future study. Burial goods should go to a safe place for preservation (and conservation, if needed), where they are accessible to researchers and the interested public upon appropriate request. Documentary information on the burial goods is kept with the items.

3. Specific guidelines for archaeological fieldwork, analysis, and reporting of burials includes:

a) *the initial assessment* of the burial site, in which the size, date, and type of site is determined. After initial documentary searches, fieldwork includes mapping the site and shovel testing to locate interments.

b) *disinterment*, if conducted, must be carried out using acceptable archaeological techniques by individuals supervised by accredited/licenced archaeologists. Mechanical movement of the noncultural layer above the burials is acceptable if the burial depth is first determined by shovel testing. Fieldwork must include accurate mapping of the location, depth, and disposition of each interment, as well as field recording of all discovered remains.

c) *analysis* of the site and its remains must be done and a report produced, as is the case with any other archaeological site. Analysis includes detailed age, sex, health, and cultural affiliation of human remains and detailed analysis of associated artifacts and features. A reasonable time period for analysis is to be stipulated in the site disposition agreement. Analysis may require specialized, invasive techniques, such as X-rays. The site disposition agreement must include provision for future disinterment of any re-interred human remains for justifiable research.

4. The discovery, investigation, and/or disinterment of human remains of people of any cultural affiliation buried over 100 years ago must be conducted archaeologically, following the guidelines in part 3, because of the heritage value of the sites. This includes the disinterment of graves in a known cemetery as well as unmarked Native or other graves.

5. The Ministry of Consumer and Commercial Relations, through the Cemeteries Act, is now assuming responsibility for heritage resources relating to human remains, associated artifacts, and the context of the remains. This responsibility for heritage resources includes logistical support and funding for adequate investigation of burial sites and cemeteries on behalf of the people of Ontario. The responsibility also includes housing of reports and ensuring their accessibility to researchers and monitoring the quality of investigations and reporting. *There must be mention in the Cemeteries Act itself regarding the responsibility for heritage resources relating to human remains, associated artifacts, and the context of the remains for sites over 100 years old of age.*

6. It is unreasonable to expect landowners to financially support adequate archaeological assessment and disinterment of human remains. Among other

things, the perceived costs to landowners may encourage them to ignore and not report such remains which is unacceptable ethically or in terms of heritage value. A system, whether by levy on current interments or access to Wintario funds or some other, reliable, long-term source, must be devised to assist landowners.

7. In order to facilitate the future disinterment of human remains that have been reburied as a result of a site disposition agreement, there must be:

- a) an accurate instrument map of the site indicating the disposition, depth, and location of each interment;
- b) provision in the Cemeteries Act for speedy disinterment with permission of the interment rights holder.

The APA and OAS are continuing consultation with the Cemeteries Branch to successfully resolve the issues I have outlined in this paper, but at the same time, we urge APA members to contact the executive, write the Minister of Consumer and Commercial Relations, your M.P.P., participate in the public hearings in late September, and actively seek to make the new Cemeteries Act and its Regulations a workable document representing the interests of the archaeological community, the First Nations, and the people of Ontario in general.

Heather McKillop

REFERENCES CITED

Bothwell, Nora, et.al. (1989): "Cemeteries Act." Paper presented at the Ontario Chiefs Conference, June 5-7, Toronto.

Carropo, Christine and Heather McKillop (1989): "Revisions to the Cemeteries Act, Ontario." Brief presented to the Cemeteries Regulation Branch on Behalf of the Ontario Archaeological Society, August 21, 1989.

----- (1989): "Cemeteries Act, 1989: Draft Outline of Burial Site Process." Working Copy of part of Regulations to the Cemeteries Act prepared by the Cemeteries Regulation Branch.

----- (1989) "Bill 31: An Act to Revise the Cemeteries Act." Bill introduced by the Hon. W. Wrye into the Ontario Legislature, received first reading June 12/89 and second reading June 21, 1989.

USEFUL ADDRESSES

Honourable William Wrye,
Minister of Consumer and Commercial Relations
(MCCR),
555 Yonge Street,
Toronto, M7A 2H6

Mr. Robert Harper,
Research Analyst,
Business Regulation Branch, MCCR.

*Forum**

The following was presented to the December, 1987, Consultant's meeting by Lawrence Jackson at the request of Neal Ferris. It was accompanied by amusing slides which unfortunately cannot be duplicated here.

Our firm, Northeastern Archaeological Associates, is very new to consulting work and only began when we saw the drastic changes brought by development in our research area. I do not yet have the expertise to comment on methods and practices in the industry. However, I can offer what I hope is a useful outsider's view of potential ethical problems and suggest mechanisms for dealing with these.

PATRONAGE - Inevitably, in a small but growing industry which lacks certification procedures there is a tendency to recommend those whose work is known rather than risk the unknown. This will rapidly prove a self-defeating policy given projected growth estimates. We spent more than a few months, for instance, trying to have our firm's name added to the circulated list of consultants. In the intervening period, many major developments went ahead in our Northumberland-Durham consulting area. Native burials uncovered by one development were removed without the aid of archaeology and no contextual information was recovered.

What concerns me is that more effective co-ordination will need to be developed as the industry grows. There is no longer room for personal attitudes about who is good or even who is being good as determinants of who is given opportunity to work. We need clear, democratic procedures based on abilities and readiness to respond. I believe an impartial body such as the O.A.S. could play a valuable role in this process.

MINISTRY OF CULTURE AND COMMUNICATIONS - The MCC is doing an excellent job of persuading developers to carry out archaeological assessments. As consultants, however, we should not just wait to be fed contracts. We also have a responsibility to explain the importance of archaeology to developers and local municipalities. It is in our interest and that of the public to see that legislation is enacted which will make heritage assessment a prerequisite for all development. Even if MCC succeeded in persuading every developer in Ontario to carry out an assessment this would still only give spotty coverage - something like using a Table of Random Numbers to select a handful of 10 km square tests on a map of Ontario and expecting to come up with all significant archaeological information throughout prehistory.

It is up to us in the industry to lobby for legislation, whether federal, provincial, or municipal, and for its enforcement so that MCC no longer has to rely on intimidation tactics with developers.

LAWSUITS - Every person in this room has at least one enemy in the profession, perhaps only someone who disagrees with practices but more likely someone who outright condemns that individual as, to use the kindest euphemism, a "clown." At least four lawsuits, and probably more, have been threatened this year by Toronto based archaeologists naming other archaeologists. I see this as a misplaced revival of the California lawsuit syndrome which went out of fashion ten years ago. From a humanistic standpoint, lawsuits can be seen as anything from a measure of desperation to a flaunting of power. What I believe this unfortunate growing trend reflects is that we archaeologists lack the intelligence and organization to come up with viable alternatives such as binding arbitration, standards of research performance, or, "yes", even a voluntary code of ethics!

No one relishes the prospect of financial loss or notoriety arising from lawsuits, to say nothing of the

stress and injustice which the legal system can impose. Most lawyers will tell you that 99% of threatened lawsuits never come to trial - for good reason. The old adage that "The law is for lawyers" appears to hold true. What Ontario archaeologists are resorting to is use of a blunt and expensive legal instrument for somewhat frivolous purposes because we have no other system for dealing with professional complaints.

ETHICS - We should consider the question of ethics and the need for impartial mediation to resolve confrontations. Lawsuits do not enhance the public perception of archaeology or the happy professional image we try to project.

In the United States, a single national organization, the Society of Professional Archeologists has taken on the role of conscience and mediator. SOPA embraces a wide variety of professionals from independent consultants to PhD. research archaeologists from major institutions.

The fundamental premises of SOPA are embedded in a Code of Ethics and an appeal process which recognizes the professionalism of members. Any charges made are investigated and, if sustained, may lead to an individual accepting admonishment from the society. This is a far cry from the potentially reckless damage of lawsuits.

SOPA also serves as a crucial advocate for archaeology in various areas ranging from challenges to the Office of Surface Mining to formulation of policies on the reburial issue.

This spring (1987) a meeting of the SOPA board at the SAA meetings resulted in the decision to publish a column on ethical problems in the monthly newsletter. Editor Michael Roberts is soliciting contributions in the hope of broadening awareness of key issues. Among other notable achievements, he was once involved in awarding a Golden Coprolite to the state bureaucrat with most total disdain for cultural resources.

In a province like Ontario where some firms have begun years in advance of others, have the backing of major institutions, or are simply damned efficient, there is an inevitable tendency for regional empires to develop. This seems to be antithetical to the free-bidding and open competition which is supposed to characterize consulting. However, the firm based in

a region may have the clearest local mandate and knowledge to work effectively in that area.

Perhaps the best way to ensure that monster monopolies are not created is to simply ask ourselves what is it all for? Apart from the lure of financial independence and world domination, what is the end result of all this effort to be? Even the most crass and materialistic of us feel, deep down, an innate sense of owing something to "archaeology."

Perhaps the interaction of consulting firms to pool research data for some glowing cause could offer a positive direction to pay part of this debt. It might also satisfy the frustration of some who savour meatier fare than sterile shovel test pits.

SLEAZY DEVELOPERS AND SLIMY ARCHAEOLOGISTS - Confrontations among developers and archaeologists are inevitable for reasons ranging from non-compliance with terms of contracts to non-payment. I think that a united industry, backed by appropriate legislation, can ensure a healthy working atmosphere. Democratic mechanisms to ensure the compliance of both developers and archaeologists to the terms of contracts and appointment of a fair-minded individual to mediate disputes rather than resorting to lawsuits are critical.

In the United States, CRM legislation is structured around treating archaeological resources as a cultural heritage, not as a body of data for scientific research. Ontario seems to fit somewhere between the two extremes, with trained researchers turning to consulting work in a system which has managed to operate virtually without legislation yet treats archaeological resources as a public heritage. It seems to me that Ontario has the opportunity to become a North American leader in the consulting field with a reputation for both efficient contracting and outstanding research. It is the latter which will tend to be neglected in the normal course of business.

Editor: Since Laurie presented this thought provoking slide paper this association has been formed. In fact, several of us came together to discuss starting it at that meeting. Issues such as non-payment for work are very real in the consulting field. Avenues for redress are available but these can be time-consuming for an individual. The ethical considerations are thorny indeed but the more input we have from the archaeological community the better can these be resolved.

* This section is intended to provide a forum for individuals to discuss issues of interest to archaeologists working in the province. The views expressed do not necessarily reflect the opinion of the APA.

Editorial Comment

The pleasure and pain(!) of putting this first newsletter together has been given to me perhaps because I suggested a need for an association as far back as the first consultants conference held in London in 1985. We have come a long way since then and we owe a vote of 'thanks' to Bill Fox and his staff for bringing us all together not only for that first meeting but for subsequent ones. The archaeological community is still small though growing and if we are to continue working towards making archaeology a part of the overall planning process through responsible consulting and research, we must work together in friendly competition if not always in friendly collaboration.

Laurie Jackson is right about consulting in Ontario being in a position to set standards. We have been fortunate in that we have had the opportunity of working together with government archaeologists to try to balance the objectives of the development community with those of archaeology.

Letters with comments and suggestions as well as newsworthy items are encouraged. Please send these to Neal Ferris, Staff Archaeologist, M.C.C., 55 Centre St. London, Ontario. N6J 1T4. Neal will be assuming the editorial duties with the next newsletter.

Please consider membership in A.P.A. A membership pledge will provide you with the opportunity to help set and direct policy. Send your pledge with a cheque for fifty dollars to Ann Balmer, Treasurer. Please include a statement of your archaeological qualifications such as a Curriculum Vitae.

Rita Michael

News

CONFERENCE - DRAFT TECHNICAL GUIDELINES FOR ARCHAEOLOGICAL MITIGATIONS

On the weekend of September 23 and 24, 1989, a conference to develop DRAFT TECHNICAL GUIDELINES FOR ARCHAEOLOGICAL MITIGATIONS will be held in the BIRKBECK ROOM, ONTARIO HERITAGE CENTRE, 10 Adelaide St. E. Toronto. Hosting this event is the Association of Heritage Consultants with the generous support of the Ministry of Culture and Communications, and the Ontario Heritage Foundation.

Two workshops will be held on the 23rd. The morning session will focus on "Assessing the significance of Historic Archaeological Sites", with Richard Unterman, as moderator. Mark Leone of University of Maryland, College Park, will provide the keynote address to stimulate discussion. Four guest panelists representing different sector viewpoints of the archaeological community, along with workshop participants, will have a chance to discuss this topic. During the afternoon, after a catered lunch, Robert MacDonald will moderate the second workshop. The subject will be "Determining Mitigative Options for Lithic Scatters, and the same format of keynote address, response, and discussion will be followed.

A banquet at the Kind Edward Hotel in Toronto has been planned for Saturday night, with a cash bar and sit-down dinner to begin at 6:30 pm. The highlight of the evening will be the address by Mark Leone, who is tentatively speaking on the issues associated with self-regulation and archaeology in the 1990's.

On Sunday the 24th, a moderator will lead a day long discussion of draft technical guidelines for the second phase mitigation of archaeological sites. Lunch will be catered. The conference will close at 4:00 pm.

Registration fee is Sixty Dollars. Contact Ms Eva MacDonald at 416- 531-6396 for further information.

SOPA

At the 1988 SAA meetings in Phoenix, Arizona, Laurie Jackson and Heather McKillop attended the Society of Professional Archaeologists business meeting chaired by President, J. Ned Woodall. Jackson spoke with Woodall regarding liaison with A.P.A. and also announced the establishment of our organization during the meeting. SOPA members present actually applauded! Ed Jelks, Grievance Co-ordinator, wants us to keep in touch and would like to see formal ties established.

ANNUAL MEETING

The Annual Meeting of the APA will be held at the Radisson Hotel in London, Ontario on Sunday October 29, 1989 in conjunction with the Annual Meeting of the Ontario Archaeological Society. Exact details of time and place will be announced later. Members are urged to please try and attend.

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