

Our Newest Democratic Institution:
**ACRA-L, PUBLIC ARCHAEOLOGY
 AND HISTORIC PRESERVATION**

by Lee Tippet Staff Archaeologist South Carolina State Historic Preservation Office

I'd like to begin with a few remarks about how the Internet can change one's professional life. Speaking up on an active list like ACRA-L is risky, but for those willing to accept the risks, participation can be professionally rewarding. For example, I strongly suspect that Tom Wheaton's invitation to attend the ACRA annual conference and a trip to the Society for American Archaeology (SAA) annual meeting in Seattle next spring is directly linked to my use of the ACRA-list as a bully pulpit. To put it bluntly, I have been invited to the SAA meetings because I am willing to say rude things to powerful people on the Internet.

The subject of how the ACRA-L can be used to gain professional recognition is worth expanding. The ACRA-L, egalitarian, anarchistic, and chaotic by nature, acts to level statuses and roles. It is a professional forum where traditional sources of archaeological legitimacy and authority may be freely challenged, subverted, and undermined.

Over the last two years, the ACRA-L has proven that even the great unwashed of public archaeology, the humble technician, the lowly consultant, and that most despised of all professionals, the SHPO archaeologist, may command the attention of the mighty. It should come as no surprise that the ACRA-L is not popular with those elites who insist that we should passively accept the preservation policies that come out of the Advisory Council and the Washington offices of the National Park Service.

Thanks to ACRA-L and Loretta Neumann's electronic newsletter, information about preservation policy is no longer held within a small closed circle of privileged Washington insiders. Consequently, some policies like those pertaining to TCPs, are being challenged on ACRA-L by rank and file members of the professional community. In this respect, our debates on ACRA-L function like glasnost for historic preservation.

Naturally, some are uncomfortable with a forum where almost anyone from the hinterlands of America can speak and be heard. They believe that it is harmful for us to question, challenge, or debate national policies. For example, it has been said more than once that ACRA-L will be the ruin of public archaeology. Allow me to speak plainly when I say that ACRA-L scares the @#%* out

of some important technocrats and academics. (Quite frankly, it's true that our list can be a very frightening place. Especially when my colleague, Carl Steen, and I get off the point and start talking about dogs and some of the peculiar things they do.)

Nevertheless, lists like ACRA-L are beneficial because they are agents of change in a system too long controlled by a centralized bureaucracy out of touch with the day-to-day realities of cultural resource management. ACRA-L penetrates the smooth uniform surface of the bureaucracy. It disturbs the featureless administrative plan preferred by most public officials. In other words, the archaeological status quo constructed with such care over the last three

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Soil Systems, Inc.
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Consultants, Inc.
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MESSAGE FROM THE EXECUTIVE DIRECTOR

Tom Wheaton

"ACRA's Errors and Omissions Insurance Policy Proposal Accepted by Underwriters"

ACRA has been informed by the Alvin Townley Insurance agency that the ACRA Errors and Omissions insurance policy proposal has been accepted by the underwriters. We would like to thank those of you who submitted applications and helped make this possible. Shortly, you will receive a request to pay the first year's premium. We are still a little short on the total premiums required, which has been lowered from \$20,000 to \$15,000. Please remember to send in your premium as we cannot afford for people not to follow up.

The application period is still open. The January 1, 1998, deadline was established to demonstrate to the underwriters that we are serious and to insure a minimum amount of premiums. If you would like to join up, please call Chris Butler or Alvin Townley at 1-800-633-1946.

The total pool has been raised to \$5 million from the initial \$2 million. We have not quite met the minimum premium amount, but are close enough for the underwriters to go with us. If more

companies sign up for this policy there is a distinct possibility of increasing the per company liability claim limit from \$250,000 to \$1 million. Raising the claim limit will make the policy much more attractive to larger firms who have clients requiring a \$1 million claim limit. Also, companies grossing between \$200,000 and \$700,000 may see a decrease in the originally quoted premiums from 1.5 percent (I think) to 1 percent. These changes would be the result of the underwriters' conclusion that we are less of a risk.

For those companies that sent in applications, you should shortly receive a letter from Alvin Townley Insurance with a request for the your premium. If you have any questions call Alvin Townley or Chris Butler at 1-800-633-1946.

Things are cooking! If you have any questions, let me know at tomwheaton@newsouthassoc.com or 770-498-5159.

"ACRA Membership Statistics"

ACRA has two classifications of membership, full corporate membership and associate membership. The main difference between the two is that corporate members can vote for officers, serve on committees, and receive the weekly online governmental affairs updates supplied by CEHP Incorporated. Both types of membership receive member discounts at conferences and receive this newsletter.

As of February 1998, there were 144 members, 11 more than last year. Of these, 112 are corporate members and 32 are associates. One of the issues among some of our corporate members is the fact that smaller firms have to pay dues of \$150. The argument goes that small firms find it impossible to pay such dues. As can be seen in the Size Category table, the smallest companies (grossing less than \$100,000 per year) are in fact the largest single category of membership. The group paying the most dues are those in the middle income category.

Membership is fairly evenly spread around the country. Some new states have been added this year, Idaho, New Mexico, and Nevada, and one has been dropped, Vermont. A few states have substantially increased their numbers, such as California (from 14 to 24), Arkansas (from 1 to 4), Arizona (from 2 to 6) and Wisconsin (from 1 to 4), while others have lost membership including Illinois, Kentucky, New Jersey, Oregon, and Texas. The *Membership by State* table shows the states represented in the ACRA membership and the number of members from each state.

Size Categories		
#	Gross	Total Dues
33	<\$100k	\$5,250
26	\$100k-\$250k	\$7,800
15	\$250k-\$500k	\$6,000
19	\$500k-\$1m	\$11,400
14	\$1m-\$3m	\$11,200
5	>\$3m	\$5,000

Only 55 corporate members have completed the questionnaire sent out when a firm first joins. The form was supplemented this year by a form on the back of your dues statement asking some of the same questions (specialties, regions, numbers of employees, etc.) Therefore, as a result the following totals are only an estimate, but they are the numbers we give out when people in the press or government want to know about the cultural resources industry. Please take the time this year to fill out the form on the back of your dues statement and send it in with your check.

As can be seen in the *Membership by Discipline* table, archaeologists make up the majority of employees in these firms (no doubt due to the labor intensive nature of archaeology). However, a substantial number of historians are also employed, and the number of anthropologists has gone from none to six. The number of anthropologists will probably continue to increase as TCPs and Native American consultations increase in frequency because of the new Section 106 regulations.

"ACRA Webpage Wins Award"

In the last ACRA Edition issue there was an article on the awards presented by ACRA to its members and clients of members for outstanding work in CRM in 1997. This month we can announce that the ACRA website (<http://www.mindspring.com/~wheaton/ACRA.html>) has also won an award. On December 26, 1997, we received the following message from Dr. Wayne Neighbors, chairman of the Four Star Committee, an international committee that searches out and awards websites that are exceptionally useful for anthropologists and people working in related fields.

We have always prided ourselves on having a useful, fast loading site that is continually updated with information about ACRA, our members and most importantly about current issues our members (and anyone in CRM) are interested in.

Visit our site, check out the award logo, and check your entry on our membership page. We also have a lot of links to other sites of interest to the CRM community.

"On behalf of the International Review Committee, I am pleased to inform you and all involved with ACRA that it has been selected for special recognition with "Web Site Excellence - Anthropology" selection. We invite you to download and display the appropriate GIF logo that accompanies the Announcement at this Internet location. Congratulations."

Wayne Neighbors, Ph.D.,
J.D. For the Four Star Committee

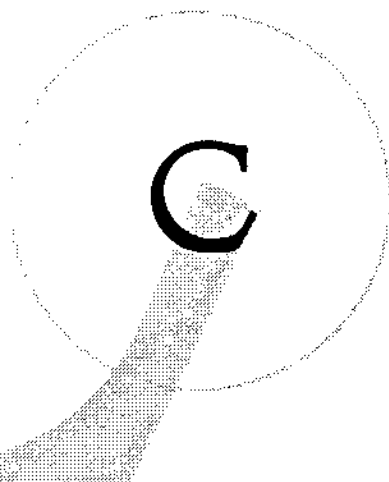
membership by state

State	#	State	#
AK	2	MO	1
AL	1	MT	2
AR	4	NC	4
AZ	6	NH	1
CA	24	NJ	2
CO	5	NM	3
CT	1	NV	1
DC	2	NY	5
DE	2	OH	3
FL	12	OR	2
GA	8	PA	11
HI	1	SC	2
IA	1	TN	1
ID	1	TX	8
IL	2	UT	1
KY	4	VA	3
LA	1	WA	2
MD	2	WI	4
MI	2	WV	1
MN	3	WY	1

membership by discipline

#	Discipline
51	Historians
40	Arch Historians
353	Archaeologists
6	Hist Architects
4	Landscape Architects
7	Planners
6	Anthropologists
0	Geoarchaeologists
3	Suppliers
39	Other Professionals (Biologists, Ethnobotanists, etc.)

In a future issue we will include a list of members, and in the meantime you can find all members on our website, along with their addresses, phone numbers, e-mail addresses, links to their websites, and their specialties.



ACRA Board of Directors

Thomas Lennon
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MESSAGE FROM THE PRESIDENT

Patrick O'Bannon

I'm always a bit amused when the various segments of the cultural resources world start behaving as if they alone hold the key to true knowledge of the vitality and significance of our work. Consultants, academics, and regulators all shake their heads at the ignorance, naivete, or cynicism of other segments of the field and expend enormous amounts of energy detailing how these others just don't get it.

I've always thought all of us - academics, consultants, regulators, archaeologists, historians, or architects - are fundamentally educators. Academics provide the basic intellectual foundation that allows us to practice our disciplines in a professional manner. Regulators educate the public about the value of the resources and the legislation and regulations that govern their preservation and protection. Consultants educate clients and agencies in the significance of specific resources and the intricacies of preserving and protecting those resources within a modern capitalist society. We're all educators, but we're not all particularly good at being educated.

Academics often resist calls to provide more practical, business-oriented training for students increasingly likely to find employment outside the academy. Such training is largely unaddressed by graduate schools and must be learned in the work place or on one's own. Consultants hesitate to change their methods and incorporate new insights from the academy or to acknowledge the evolutionary nature of the cultural resources business. If a methodology was acceptable once why shouldn't it always be acceptable? If a certain class of resource was never previously addressed why consider it now?

The public sector seems slow to recognize that they have a responsibility to the public as well as to the resources, and that their actions and policies have repercussions

in the real world. Intellectual curiosity and a strict interpretation of the regulations may not be sufficient justification to expend hundred of thousands or millions of dollars of the public's money.

To a certain extent all of us live in glass houses, and we've all pitched a stone or two. I think one of the best things ACRA can do is provide business practitioners of cultural resources management a forum within which to discuss the business aspects of their work. Since the organization of ACRA we've all been struck by the commonality of our experiences, regardless of whether we're architects, archaeologists, or historians, and regardless of the region in which we work. Some - I'm not so naïve as to say most or all - of the customary suspicion of competitors has

been replaced by a recognition that we all confront similar problems, dilemmas, aggravations, and opportunities.

As a result, ACRA adopted a fairly aggressive effort to sponsor and conduct workshops designed to educate our members, as well as other members of the cultural resources community, about topics we believe are important. ACRA has sponsored training sessions designed to help member firms comply with OSHA health and safety regulations, and is currently working hard to organize a series of workshops on this topic to be held in various states. Business as usual just won't cut it, and the OSHA training sponsored by ACRA reflects a new way of conducting business applicable to all segments of the cultural resources community:

... ACRA-L cont.

decades trembles slightly everytime an E-mail key is pressed. For example, I would like to contrast ACRA-L with two of the major outlets for information about public archaeology. The National Park Service publications *Common Ground* and *CRM* are used effectively to support the status quo through articles that are frequently self-congratulatory and unfailingly based on the positivist research agenda of mainstream processualism. Active reflection on the institutional basis, the morality, or the meaning of what it is to be a public archaeologist is practically nonexistent within the pages of these two journals. There is no official critique of the program, because criticism may lead to change, and change is inherently unpopular with those in positions of control.

In contrast to ACRA-L, where all things are open to question, skepticism is an unwelcome stranger at the National Park Service's door. Ironically, our leadership rationalizes its peculiar brand of conservatism by constantly referring to the barbarians at the gates of public archaeology. Barbarians in the form of conservative congressional staffers and representatives like Steve Hodap, James Hansen, and Joel Hefley. In this political context, ACRA-L is seen as dangerous and divisive: A nest of heretics; a focal point of Apostasy. Defensive posturing exhibited by some leaders suggests to me that public archaeology, as presently constituted, may be too weak to survive hostile scrutiny. What do these fears tell us about the current state of this program?

consultants, academics, and regulatory agency personnel. All of us need to be aware of potential workplace hazards and strive to provide a safe working environment. The OSHA workshops can put your feet on the right path.

ACRA has also co-sponsored and conducted workshops designed to educate consultants and agency personnel in business basics. How does one calculate a fair overhead rate? What is a reasonable profit and why is profit important? What is the difference between a billing rate and a direct labor rate? How does one decipher a Request for Proposal? How can one prepare a responsive proposal? This is information generally not provided in graduate school, and, unless one has worked in the private sector, often not well understood within the agencies. ACRA

believes offering workshops on this topic helps assure that all of us are speaking the same language when it comes to preparing and reviewing proposals, negotiating contracts, and conducting business in a financially responsible manner.

ACRA's Education Committee has researched the development of internships for graduate students as a means of providing future cultural resources professionals with a taste of the world outside the university. The experience acquired during a successful internship will benefit the intern regardless of whether they choose a career in the private sector, the public sector, or the academy. Joe Schuldenrein is continuing to pursue this subject, while the new chair of the committee, Marcy Gray, pursues other topics.

ACRA is not alone in trying to further the education of the cultural resources community, and we applaud the efforts of universities, non profits, and federal and state agencies to provide post-graduate training and educational opportunities. Such training is essential to the development of well qualified professionals in every segment of the community. We're all pretty good at teaching what we know; now if we can all just try to learn some of what others know we can make the entire community stronger, more cohesive, and our industry more comprehensible to the ultimate clients, the American public.

One answer may be that public archaeology is in need of reform. I have advocated and continue to advocate that a fundamental reorientation of the program away from its preoccupation with data acquisition and towards more direct and defensible public benefits must be undertaken. Instead of critical reflection about what it is we are doing for the public as archaeologists, we get a "circle the wagons" attitude from our leadership. We get articles in defense of digging and conferences designed to promote the notion that what is good for archaeology is good for America.

What we have here, is a leadership with a vested interest in the maintenance of existing structures, processes, and products of this program. My point is that our leaders find it very difficult to think outside the box and the lack of support for alternative ways of doing business leaves public archaeology in a posture that is politically reactive and intellectually defensive. This is a dangerous place to be at a time when CRM is being inexorably drawn into the highly subjective and value laden world of politics by the bonding of federal agency officials.

I want to make it clear that the previous statement about special interest groups is not a covert attack on multiculturalism. It is simply a fact that in these United States there are many politically active ethnic, cultural, and religious constituencies with their own stories to tell. They are demanding a say, and rightly so, in the management of the cultural and historical properties important to them.

Finally, we should recognize that when tribes, scientists, and other groups clash over public archaeology, as they have in the Kennewick Man Case, then moral, political, and legal conflicts are inevitable. This challenge should be welcomed, because in a democracy, conflict is the father of compromise which is the mother of consensus. The quality of consensus is a necessary prerequisite for what Historian Willaim Freehling calls the Reintegration of American History.

I believe that debate on ACRA-L, sometimes calm and constructive, sometimes shrill and bitter, serves us well because it makes public archaeology a part of this socially significant historical process.

A C R A B o a r d o f D i r e c t o r s

Duane Peter
 Geo-Marine, Inc
 Plano, Texas

Michael R. Polk
 Sagebrush Archaeological
 Consultants L.L.C.
 Ogden, Utah

Dan Roberts
 John Milner Associates, Inc.
 West Chester, Pennsylvania

L E G I S L A T I V E U P D A T E

Battles Continue over 106 Regulations

The battles over the Advisory Council on Historic Preservation's revised Section 106 regulations continued as the action moved to the Office of Management and Budget (OMB) in January. OMB's role is to provide an opportunity for other federal agencies to express their views on the draft that the Council approved in October. OMB's review period is generally 90 days, which in this case will expire February 20, 1998.

Meanwhile, outside groups are also joining the fray — in particular, several Indian tribes and Native American organizations are taking their concerns to very high levels of the Administration. The tribes are essentially want to include the language that was offered but rejected by the Advisory Council to give them effectively the same signatory status as SHPOs for Memoranda of Agreement and No Adverse Effect determinations for undertakings that affect properties of religious and cultural significance off tribal lands. (The Council approved language to urge but not require agencies to provide this opportunity.)

In contrast to the tribes, most of the Federal agencies feel that the consultation requirements with tribes are "excessive," and appear to expand the statutory intent of 1992 amendments to the National Historic Preservation Act, especially with regard to the requirements for more consultation off tribal land. A canvas of a number of agencies revealed other concerns about the draft regulations. These are noted below without attribution or endorsement and not in any particular order. (Several similar comments have been combined.)

(1) The draft regulations have a lot of open-ended time frames, some inflated, that need to be more tightly defined.

(2) Although the regulations provide an opportunity to coordinate with NEPA, they provide little guidance on how to do it and don't even refer to the NEPA regulations that are already in place.

(3) The regulations require excessive and repeated public reviews that might violate FACA (the Federal Advisory Committee Act). The level of consultation, not just with tribes but with others at all stages, could slow things down unnecessarily.

(4) Section 800.14, which allows Federal agencies to develop alternative procedures in place of Section 106, contains new language which requires these to be "consistent" not only with 106 but also with the Secretary of Interior's guidelines for Federal agencies, despite the fact that the guidelines are still in draft and are not full-fledged regulations.

(5) There's confusion about roles and responsibilities in the way terms are defined and used. For example, "consulting parties" can mean just about everybody: Indian tribes, applicants for licenses, local governments, associations, and anyone else who feels they have a stake in the undertaking. Formerly, the "consultation process" was the agency official, SHPO, and council. Now the SHPO role is diluted by making others structurally equivalent.

(6) Some other key terms lack definitions. For example, the word "interest." Who has an interest in an undertaking? A property owner? A tribe through a treaty?

(7) The regulations allow for excessive and unpredictable Council involvement, as the Council has reserved the right to intervene at any point in the process.

As one person concluded, "Some of these comments may seem picky. But this is important stuff to those of us who do these things on the ground."

R

Homeowner Tax Credits Still Alive

Although the Historic Homeownership Assistance Act (H.R. 1134 in the House and S. 496 in the Senate) did not make it into the tax bill this year, there's "more than a glimmer of hope" that it might get resurrected. The major stumbling block in the House and Senate is "the score," which is the estimate of revenue lost to the Federal treasury as determined by the Congressional Joint Committee on Taxation. In 1995, the Joint Committee's estimate was \$239 million over a five year period. In 1997, the same committee's estimates for the same bill was a revenue loss "in the billions." This led to the downfall of the legislation last summer when Congress voted on the comprehensive tax reform bill. Reports now indicate some willingness to look into changes that could reduce the projected revenue loss.

For further information, contact Preservation Action, 1350 Connecticut Ave. NW, Suite 401, Washington DC 20036; Phone: 202-659-0189, E-mail: Preservationaction@worldnet.att.net.

Heritage Rivers - 125 Nominations, 1 Law Suit

When the 1997, deadline closed December 10, for nominations for the President's American Heritage Rivers Initiative, 125 nomination had shown up at the doors of the Council on Environmental Quality (CEQ), which had expected between 50 and 75. "It's thrilling," said one of the CEQ staff. "Really incredible. This program struck a chord all over the country." CEQ would not officially announce which rivers had been nominated, since they are giving members of Congress an opportunity first to approve or veto a river nominated in their district. But the rivers represent all types, urban and rural, big and small, and historical and cultural issues and concerns are well represented, depending on the location of the river and the nature of the resources surrounding it.

While all of this is going on, Rep. Helen Chenoweth (R-Idaho), who authored a bill to terminate the program, has announced a law suit that she says she filed along with three other Members of Congress — Reps. Don Young (R-Alaska), Richard Pombo (R-Calif.) And Bob Schaffer (R-Colo.) The complaint, which she says was filed in U.S. District Court for the District of Columbia, alleges that Clinton's plan violates

provisions of the Constitution: the Property Clause, the Commerce Clause, the Spending Clause, the Tenth Amendment (which reserves to the states all powers not specified in the Constitution); and several federal statutes.

"President Clinton is attempting to do what he has absolutely no authority to do: place federal officials in charge of the future of the nation's rivers and communities," Chenoweth said. "The Clinton Administration is using every means possible to undermine private property rights," said co-plaintiff Pombo.

Meanwhile, the Administration is in the process of selecting an 11-member, blue ribbon panel, which should be announced soon. They will make recommendations to the President on the 10 rivers that will be designated this year. The hope is that the selections will be made in February in time for Presidential visits this spring. Plans are also being made for a national symposium for participants representing all the nominated rivers, with workshops led by the communities themselves and with representation by Federal agencies who will share information about their programs.

Taken from: ACRA/SOPA
Weekly On-Line News
A service of CEHP, Inc.,
by Loretta Neuman



Historic Preservation Commission 1997 Commercial Rehabilitation Award Given to Charles and Garland Niquette

Turn-of-the-century residential buildings line both sides of Walton Avenue in the neighborhood just east of Bell Court in Lexington. Like other streets in the neighborhood, Walton Avenue has diverse architectural styles and one can gain a sense of the widespread development of this neighborhood just prior to the twentieth century. Unlike other streets in the neighborhood, Walton Avenue properties are now almost exclusively used as headquarters for a variety of businesses, with some residential use as well.

The property at 139 Walton Avenue is certainly no exception. This Richardsonian style house with Colonial Revival detailing is very typical of the two-and-one-half story late nineteenth century houses in this part of Lexington. With a porch to the right, a projecting parlor bay and a large decorative window to the left of the first floor facade, this building is a good example of this type of residence. Built in 1891, the house had fallen into disrepair until it was adopted by Charles Niquette and his archaeology company, Cultural Resource Analysts.

Extensive rehabilitation completed within the last eighteen months included structural repairs to the exterior masonry, complete mechanical and electrical updates, a new roof and box gutters, cornice repair and renovation, and the



renovation of one of the upstairs apartments. Most visible of all the repairs to this historic house was the reconstruction of the parlor (decorative) window, which had previously been removed from the house and the construction of the front porch. The window reconstruction included extensive masonry repair and the creation of an ornate mullion for the center of this two-part window.



Because no documentation existed concerning what the original porch might have looked like, Mr. Niquette made the decision to copy substantially the form and detailing of the porch on the house at 129 Clay

Avenue. Interestingly, Mr. Niquette may have been repeating history - this loose borrowing of details in porch designs, and the like, was very common in the last several decades of the nineteenth century. It is likely that the original owner may have shopped around for a design for a porch in 1891 when the original porch would have been completed. The result of the efforts is a very well scaled and appropriate entrance porch that greatly enhances the house.

One additional major renovation item was the restoration of the interior front entry hall. Much of the original woodwork and the baluster had survived within this space and the decision was made to return the stair hall to its late nineteenth century appearance.

The building is currently used for expanded office space for the Cultural Resource Analysts firm, whose offices are just next door in another well rehabilitated historic building. The residential dwelling units have been retained on the second floor.

For the sensitive rehabilitation of the historic structure at 139 Walton Avenue, for going the extra mile to recreate missing building elements during the extensive renovation, and for continued work in giving old buildings new life, a 1997 Commercial Rehabilitation Award is presented to Charles and Garland Niquette.

SLAPP and the Historic Preservationist

John Stephen Alexandrowicz

Professional and avocational historic preservationists should be aware of the possibility of being sued for exercising their First Amendment Constitutional rights to freedom of speech and freedom to petition the government while advocating historic preservation projects. Several months ago, a friend of mine asked me to assist him and a local historical society in their efforts to preserve historic and prehistoric archaeological sites that were in jeopardy of destruction through government agency inactivity, general negligence, environmental erosion, and a developer's new plan, despite previous legal agreements, such as a Memorandum of Agreement (e.g., MOA) with federal, state, and local (i.e., city) government agencies and the project developer.

We wrote letters to the federal, state, and local government agencies regarding the project, asking for their assistance and support. Our petitions regarding the project started to get the attention of federal and state agencies and their review process impinged upon the developer's construction schedule, as well as other matters relating to the city. The developer served separate lawsuits upon my friend and me for our efforts to preserve historic properties that were previously evaluated as eligible to the National Register of Historic Places and protected by an MOA. In my particular case, the developer accused me of "Trespass," which allegedly caused "Damages" to the development. It didn't matter that the County of San Bernardino Fire Department had an earlier arson report regarding the complete destruction of an early twentieth century Craftsman style residence within the development, which was supposed to be the planned interpretive Center. Why didn't the developer go after the arsonist(s) and sue them for damages to this significant building?

The developer's trespass lawsuit was really a thinly disguised SLAPP (i.e., Strategic Lawsuit Against Public Participation) against me and 10 unnamed DOES (i.e., John Does). For more information see the New York Times article (Pring and Canan, Friday, March 29, 1996), which provides a detailed account of the SLAPP. A SLAPP is intended to provide the Plaintiff's (e.g., developers; cities, particularly their economic development departments, etc.) a strong mechanism to quiet the opposition, or to quote Pring and Canan, "[lawsuits that muzzle citizens who complain," while also draining the energy and resources, particularly financial, of the defendant.

However, SLAPP lawsuits and attendant allegations can be dismissed successfully prior to any court trial. For example, California laws include a provision for a "Special Motion to Strike" against such SLAPP actions, which you should seriously consider in preparing your case. If the Special Motion to Strike is successful, then the plaintiff is responsible for paying for the defendant's legal fees and court costs. The bottom line is that you can win against SLAPP actions, while preserving our nation's cultural heritage. For more information contact:

Mark Galdswitz, Director California Anti-SLAPP Project
 1611 Telegraph Avenue
 Suite 1200
 Oakland, California 94612
 510-835-0850
 FAX 510-465-1964
 E-mail: casp@sirius.com

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 California Anti-SLAPP Project
 254 Wall Street
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 E-mail: Sternberg@wco.com

I survived the SLAPP and beat the opposition by filing a Special Motion To Strike, which forced the plaintiff into settlement of the lawsuit. Here are a few personal suggestions in the event that you are confronted with a SLAPP:

To Avoid Being SLAPP'ed

1. All of your knowledge of three particular projects or subjects must be accurate and verifiable. Keep records of all pertinent communications (i.e., letters/fares, telephone calls, E-mail, etc.).
2. All of your correspondence should be addressed and/or copied to a government agency (i.e., federal, state, and/or local).
3. To avoid libel or slander complaints, do not accuse any person or entity of any crime, instead, gather facts.

What To Do If You Are SLAPP'ed:

1. If you are SLAPP'ed, discuss the situation with family, respected colleagues, and potential legal counsel.
2. Contact the local Bar Association Referral Service, as well as the local historic preservation organizations (e.g., preservation groups/foundations) and/or agencies in order to locate a lawyer to represent your case.
3. Retain the services of a reputable attorney. The attorney should be proficient in constitutional law, as well as SLAPPs. There are several California attorneys that spearheaded the passage of Anti-SLAPP legislation in California. In addition, information on SLAPPs may be obtained from the California Anti-SLAPP Project (see Contacts, above). Cooperate fully and provide all necessary documentation. Note that review of your files, preparations of declarations, and background paperwork will consume a great deal of time.

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Announcements:

Robert Polsgrove Joins Staff of Cultural Resource Analysts

I am pleased to announce that Robert M. Polsgrove has joined my staff. Bob completed his B.A. in History at Vanderbilt in 1964. Two years later, he graduated from the University of Kentucky with a M.A. in International Relations.

From 1966 to 1974 he continued his graduate studies at the University of Florida, Tuebingen University in Germany, and at the University of Kentucky. He taught history for two years at the Lincoln School, a University of Kentucky program for gifted high school students, and for one year in the Louisville Public Schools.

From 1974 to 1997 he was employed by the Kentucky Heritage Council (Kentucky's State Historic Preservation Office). There he supervised

the Survey, National Register, Planning, Civil War, and Rural Preservation Programs; he prepared Annual Preservation Plans; developed new program areas such as the Kentucky Heritage Farms Program and the Civil War Preservation Program; and developed program concepts and Manuals for the Kentucky Main Street Program, the Kentucky Archeological Task Force and Kentucky's Certified Local Government Program.

Between 1974 and 1997 Bob was employed by the Kentucky Transportation Cabinet where he served as Historic Preservation Program Administrator. In this capacity, he carried out Cultural-Historic Studies for transportation projects; reviewed and commented upon private

consultant's studies prepared for transportation projects; oversaw planning studies related to cultural resources; prepared report specifications for cultural resource projects; and, coordinated environmental review efforts with the Transportation Enhancements program.

Bob Polsgrove has 24 years experience in all aspects of public historic preservation efforts. He developed the Kentucky Cultural Landscape framework which has served as the contextual framework for preservation planning and evaluation in Kentucky. In addition, he has also served on the Frankfort Architectural Review Board; the City of Frankfort's Main Street Board; the Commonwealth Preservation Council Board; and, the Survey and Registration

... SLAPP cont.

4. Ask the attorney to represent you for the entire case. Inquire to see if the attorney can be paid through your homeowners insurance policy, especially if you do not have several thousands of dollars to commit to your legal defense fund. Make sure that your insurance company will not cancel your policy as a result of this action, prior to committing to this action.
5. If depositions take place, appear in proper attire. Be well prepared in all factual matters regarding your activities that relate to the case. Answer all questions honestly. Take your time in answering all questions. If appropriate, while you are testifying, question the plaintiff's attorney(s) on important points.
6. Maintain professionalism during all facets of the legal proceedings.
7. Be reasonable in your expectations in settling the case, prior to additional hearings and trial. Settlements do not always equate with "a get rich quick scheme."
8. Make sure that all parties (i.e., plaintiff, defendant, and their respective attorneys) sign and date any settlement agreement(s).
9. Your attorney should insure that the plaintiff's attorney file a Request for Dismissal regarding your case with the appropriate court and county clerk.

I am not an attorney, but I am a dedicated historic preservationist who has worked closely with attorneys and their professional staffs. This information is being shared with the historic preservation community that we may accomplish our mutual mission of historic preservation, while being aware of and prepared for malicious SLAPPs.

Acknowledgments: The author would like to express his sincere appreciation to the following individuals who provided legal counsel, information, and/or support during his SLAPP: Mark Goldowitz, Attorney, Director CASP; Anna Marie Sternberg, Paralegal, Organizer - CAPS; Jason Walsh, Attorney; Susan Brant Hawley, Attorney; Jeff Eichenfield, Past -President, California Preservation Foundation; and John Anicic, Jr., Historic Preservationist. In addition, Anna Marie Stenberg provided continuous support and thoughtful comments during preparation of this article.

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Committee of the National Conference of SHPOs. Finally, Bob also served on the Frankfort School Board for twelve years including three years as Chairman.

In his position at Cultural Resource Analysts, Inc., Bob will be working on contracts specific to history, historic bridges, architectural history and related content areas. His expertise will also allow us to expand into the realm of heritage tourism, consulting services to local communities, grant proposal writing, and preservation planning projects.

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