

(b) (2), (b) (6) v. DEPARTMENT OF THE INTERIOR

Docket # CH-0752-13-0640-I-1

Agency File - Part 1

Summary Page

**Case Title :** (b) (2), (b) (6) v. DEPARTMENT OF THE INTERIOR

**Docket Number :** CH-0752-13-0640-I-1

**Pleading Title :** Agency File - Part 1

**Filer's Name :** Amy Duin, Esq.

**Filer's Pleading Role :** Agency Representative

**Details about the supporting documentation**

N/A

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(b) (2), (b) (6) v. DEPARTMENT OF THE INTERIOR

Docket # CH-0752-13-0640-I-1

Agency File - Part 1

Online Interview

1. Would you like to enter the text online or upload a file containing the pleading?

See attached pleading text document

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2. Does your pleading assert facts that you know from your personal knowledge?

Yes

---

3. Do you declare, under penalty of perjury, that the facts stated in this pleading are true and correct?

Yes

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UNITED STATES OF AMERICA  
MERIT SYSTEMS PROTECTION BOARD  
Central Regional Office

(b) (2), (b) (6) )  
Appellant, ) MSPB Docket No.: CH-0752-13-0640-I-1  
)  
)  
)  
v. )  
)  
SALLY JEWELL, SECRETARY, )  
DEPARTMENT OF THE INTERIOR, ) Date: July 29, 2013  
Agency. )

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AGENCY'S RESPONSE TO ACKNOWLEDGMENT ORDER

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The United States National Park Service (Agency or NPS) hereby files its response to the Acknowledgment Order. (b) (2), (b) (6) (Appellant) is appealing the Agency's decision to remove her from Effigy Mounds National Monument (EFMO), NPS, and the Federal service, effective June 26, 2013.

The Agency submits that Appellant was properly removed for (1) Lack of Candor and (2) Inappropriate Use of Government Computer, as upheld in the June 25, 2013 Decision on Proposed Removal. Appellant's removal promotes the efficiency of the service, and removal was an appropriate penalty under all the facts and circumstances of this case. Appellant asserts an affirmative defense of retaliation for whistleblowing. However, the Agency can prove by clear and convincing evidence that it would have removed Appellant in the absence of any alleged protected disclosure. Accordingly, Appellant's removal should be upheld.

**I. BACKGROUND**

1. The Appellant is an "employee" as defined by 5 U.S.C. § 7511(a)(1)(A), as a "an individual in the competitive service (i) who is not serving a probationary or trial



period under an initial appointment; or (ii) who has completed 1 year of current continuous service under other than a temporary appointment limited to 1 year or less;" with the NPS. *See Agency File, Tab 4(b).*

2. At the time of Appellant's removal, Appellant was an Administrative Technician (Museum Tech), GS 7, Step 8, at EFMO, located in Harpers Ferry, Iowa. *See Agency File, Tab 4(b).*

3. On April 18, 2013, Appellant was issued a Notice of Proposed Removal for (1) Lack of Candor and (2) Inappropriate Use of Government Computer. Appellant was notified that the action, if sustained, would be effective no earlier than 30 calendar days from her receipt of the Proposal. She was notified of her right to respond within fourteen (14) calendar days to Nancie Ames, the Deciding Official. Appellant was also notified of her right to review the material relied upon in the Proposal. A copy of the material relied upon was sent to Appellant on April 18, 2013. *See Agency File, Tab 4(h).*

4. On April 23, 2013, Appellant requested an extension of time of an additional thirty days to provide a response to Ms. Ames. *See Agency File, Tab 4(f).* Ms. Ames granted Appellant fourteen additional days to respond. *See Agency File, Tab 4(e).*

5. On May 16, 2013, Appellant submitted a written response to Nancie Ames. *See Agency File, Tab 4(d).*

6. On June 25, 2013, Nancie Ames issued the Decision on Proposed Removal. After giving full consideration to the charge; the evidence in record; the response provided by Appellant; and the Douglas Factors, Ms. Ames found the charges were fully supported, and Appellant's conduct warranted removal from the NPS. Appellant was notified that she would be removed effective June 26, 2013. Appellant was given notice

of her right to appeal this decision to the Merit Systems Protection Board within thirty (30) calendar days from the effective date of this action. *See* Agency File, Tab 4(c).

7. Appellant timely filed her Appeal in the above-captioned action appealing the Agency's decision to remove Appellant from the NPS.

## II. LEGAL ARGUMENT

### A. Appellant Was Properly Removed Based On Her (1) Lack of Candor and (2) Inappropriate Use of Government Computer.

The Agency asserts the Appellant was properly removed from her position due to her lack of candor and her inappropriate use of a government computer. *See* Agency File, Tab 4(h) & (c). The burden is on the Agency to prove the facts of the charge by a preponderance of the evidence. 5 U.S.C. § 7701(c)(1)(B); 5 C.F.R. § 1201.56(a)(1)(ii). If the Agency proves the charge, it must additionally demonstrate that disciplinary action is warranted for the charge and that the penalty of removal is within the tolerable limits of reasonableness. *Douglas v. Veterans Administration*, 5 M.S.P.R. 280, 305-306 (1981).

To prove a lack of candor charge, the Agency must show that (1) statements were made that were less than candid, truthful, accurate, or complete, involving deception, and (2) knowingly made or withheld. *See Ludlum v. Dept. of Justice*, 278 F.3d 1280 (Fed. Cir. 2002).

In 1990, now retired Superintendent Thomas Munson order Appellant to remove all Native American human remains that were stored in EFMO's museum collection, prior to the enactment of the Native American Graves Protection and Repatriation Act (NAGPRA). Appellant removed the human remains from the Monument's collection and placed them in two boxes. Appellant and Munson each carried a box of human remains and placed them in the trunk of Munson's vehicle. In addition, Appellant was involved in the creation of an inaccurate 1990 deaccession and Report of Survey. Over the years, Appellant shared with multiple

superintendents that human remains were missing. However, she routinely failed to share the information that Munson had ordered her to box up the human remains and that she had assisted Munson to place them in the truck of his vehicle.

Superintendent Nepstad, the Proposing Official, was new to EFMO in January 2011. He began his investigation into the missing human remains in approximately April 2011. In December 2011, a formal investigation into the missing human remains was initiated. Appellant was involved throughout the investigations, yet she failed to disclose the pertinent information relating her knowledge of, and her involvement in, the removal of the human remains from EFMO's museum collection in July 1990. In addition, she failed to disclose her knowledge of where the human remains were last seen. If Appellant had shared her complete knowledge of who was last seen with the missing human remains, lengthy investigations likely would not have occurred. Appellant also failed to provide the 1990 Report of Survey to Superintendent Nepstad.

"Lack of candor, however, is a broader and more flexible concept whose contours and elements depend upon the particular context and conduct involved. It may involve a failure to disclose something that, in the circumstances, should have been disclosed in order to make the given statement accurate and complete." *Ludlum v. Dept. of Justice*, 278 F.3d 1280, 1283 (Fed. Cir. 2002). It is clear that Appellant failed to disclose critical information that, under the circumstances of the multiple investigations, should have been disclosed in order to accurately and completely explain what occurred in 1990. *See also Swan Creek Communications, Inc. v. Federal Communications Commission*, 39 F.3d 1217, 1222 (D.C. Cir. 1994) (lack of candor exists when an applicant breaches the duty "to be fully forthcoming as to all facts and information relevant to a matter before the FCC, whether or not such information is particularly elicited.").



To prove a charge of inappropriate use of a government computer, the Agency must show Appellant used government property without authorization. *See Wolak v. Dept. of Army*, 53 MSPR 251 (1992). Appellant had a portable hard drive connected to her computer that contained sensitive, private data from her supervisor, Florencia Wiles' computer. Ms. Wiles' had no knowledge of Appellant having these documents, nor did she give Appellant permission to obtain and save them on the portable hard drive connected to Appellant's government computer. In addition, Appellant had used her work computer to access the email databases and archives of other employees. Appellant inappropriately used a government computer without authorization.

These facts establish by a preponderance of the evidence that the Appellant engaged in the conduct as charged in the Notice of Proposed Removal.

B. Appellant's Removal Promotes The Efficiency Of The Service

An Agency may take an adverse action against an employee, including removal, so long as the action "will promote the efficiency of the service." 5 U.S.C. § 7513(a). The burden is on the Agency to show, by a preponderance of the evidence, that the efficiency of the service will be promoted. *See* 5 C.F.R. 1201.56(a)(ii).

The Agency maintains it has, in fact, shown by a preponderance of the evidence that Appellant's removal will promote the efficiency of the service. Appellant cannot be trusted in her position of Administrative Technician. Her credibility is destroyed due to both her lack of candor and her misuse of a government computer, which are directly related to her duties at EFMO. The human remains at issue are considered primary or fundamental resources. Appellant failed to protect the national significant archeological resources within Effigy Mounds National Monument. The removal of Appellant allows the National Park Service to begin the

process of rebuilding the trust with the associated tribes to carry out the responsibilities of the Department of the Interior has assigned to Effigy Mounds National Monument.

Appellant's removal promotes the efficiency of the service and the Agency's action should be upheld.

C. Removal was an Appropriate Penalty.

The Board will not disturb an Agency's action if it is the maximum reasonable penalty that may be imposed after considering all the relevant factors. *Davis v. Dep't of the Treasury*, 8 M.S.P.R. 317 (1981). "It is well established that the selection of an appropriate penalty is a matter committed to the sound discretion of the Agency." *James v. USPS*, 35 M.S.P.R. 97 (1987). The Board's function is not to displace management's responsibility for discipline but to ensure that managerial judgment has been properly exercised within tolerable limits of reasonableness. *See id.* (citing *Douglas*, 5 M.S.P.R. at 302).

The Agency submits that, in this case, removal of Appellant was reasonable and in the best interests of the government. In arriving at its decision, the Agency took into consideration a number of factors in this case, including the Appellant's duties as an Administrative Technician, the extremely serious nature of the charges involving the most sensitive resources of EFMO (human remains), the effect Appellant's actions have had on the relationship with the tribes, the effect Appellant's actions had on the credibility and reputation of the National Park Service, and the interest of the press. Appellant's lack of candor and misuse of a government computer together warrant removal. Appellant's removal was an appropriate penalty, and the Agency's action should be upheld.

D. The Agency would have removed Appellant in the absence of any alleged protected disclosure.

Pursuant to 5 U.S.C. § 2302(b), to establish reprisal for whistleblowing, the employee must establish four elements: (1) the acting official has the authority to take, recommend, or approve any personnel action; (2) the aggrieved employee made a protected disclosure; (3) the acting official used his authority to take, or refuse to take, a personnel action against the aggrieved employee; and (4) the protected disclosure was a contributing factor in the agency's personnel action. *See Lachance*, 174 F.3d at 1380. If the employee makes this showing, there is still no violation of the WPA if the agency can prove by clear and convincing evidence that it would have taken the same personnel action(s) in the absence of the protected disclosure. 5 U.S.C. § 1221(e)(2).

It is clear that the Agency would have removed Appellant, whether or not she had made a protected disclosure.

### III. CONCLUSION

The Agency submits that the record in this case establishes the facts of the charge by a preponderance of the evidence. The Agency has demonstrated that removing Appellant was for the efficiency of the service, and her removal was an appropriate penalty under all the facts and circumstances of this case. Accordingly, the Agency requests that the removal of the Appellant be upheld.

Respectfully submitted this 29th day of July 2013.

For the U.S. Department of the Interior:

By: /s/ Amy Duin



Amy Duin, Esq.  
U.S. Department of the Interior  
Office of the Solicitor, Rocky Mountain Region  
755 Parfet Street, Suite 151  
Lakewood, CO 80215  
Phone: 303-231-5353, ext. 287  
Fax: 303-231-5363  
Email: amy.duin@sol.doi.gov

**CERTIFICATE OF SERVICE**

(b) (2), (b) (6) v. DOI-NPS

MSPB Docket No.: CH-0752-13-0640-I-1

I hereby certify that a true and correct copy of the foregoing document entitled Agency's Response to Acknowledgment Order was submitted via e-filing, unless otherwise indicated, this 29th day of July 2013 to:

**Administrative Judge**

Michele Schroeder  
Administrative Judge  
Merit Systems Protection Board  
Central Regional Office  
230 South Dearborn Street, Room 3100  
Chicago, IL 60604-1669

**Appellant**

(b) (2), (b) (6)  
(b) (2), (b) (6)

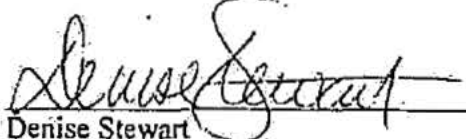
**Appellant's Representative**

William H. Roemerma, Esq.  
Crawford, Sullivan, Read, & Roemerma, P.C.  
1800 First Avenue, NE  
200 Wells Fargo Bank Building  
Cedar Rapids, IA 52402-5435

/s/ Amy Duin

**COLLECTIVE BARGAINING AGREEMENT STATEMENT**

The Appellant, (b) (2), (b) (6) was not covered by a collective bargaining agreement.

 07-26-2013

Denise Stewart  
Human Resources Specialist  
National Park Service, Midwest Region  
601 Riverfront Drive  
Omaha, Nebraska 68102  
402-661-1650





IN REPLY REFER TO:

## United States Department of the Interior

NATIONAL PARK SERVICE

Midwest Region  
601 Riverfront Drive  
Omaha, Nebraska 68102

July 26, 2013

To Whom It May Concern:

I declare that the Appellant, (b) (2), (b) (6) has not filed a formal complaint of EEO discrimination on the action being appealed.

Clara Wooden  
Associate Regional Director,  
Equal Employment Opportunity

CSRR  
LAWYERS

1800 First Avenue NE  
200 Wells Fargo Bank Building  
Cedar Rapids, Iowa 52402-5435  
Telephone: 319-364-0171  
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Gerald T. Sullivan  
Thomas H. Read  
William H. Roerman  
Peter B. Welch  
Sherry L. Schulte  
Stephanie A. Legislator  
Carol J. Kirkley  
Of Counsel  
Thomas J. Wilkinson Jr.

July 1, 2013

National Park Service  
Midwest Region  
ATTN: Denise Stewart  
601 Riverfront Drive  
Omaha, NE 68102

Re: (b) (2), (b) (6) Administrative Technician (Museum Technician)  
Effigy Mounds National Monument

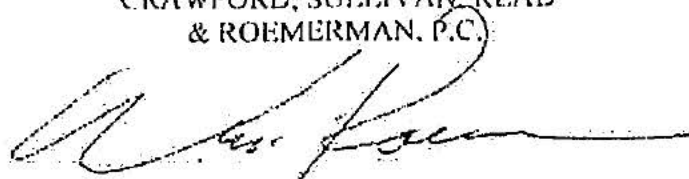
Dear Ms. Stewart:

Enclosed please find a sealed document addressed to Nancie Ames regarding the above referenced employee. Please forward the envelope to Ms. Ames as soon as possible.

Thank you for your attention to this matter.

Sincerely,

CRAWFORD, SULLIVAN, READ  
& ROEMERMAN, P.C.



WILLIAM H. ROEMERMAN

WHR/mgh  
Enclosure

personnel actions against you in retaliation for making protected whistleblowing disclosures. You will be forgoing the right to otherwise challenge this removal.

If you believe that you have been unlawfully discriminated against, you may contact an EEO counselor within 45 days of the effective date of this action to file a complaint of discrimination. Please note that in accordance with 29 C.F.R. §1614.302 you may not initially file both a mixed case EEO complaint and a MSPB appeal on the same matter; whichever is filed first shall be considered an election to proceed in that forum.

*Thomas J. Sullivan*

Cc: Crawford, Sullivan, Read \* Roemerman, P.C., Attention: William H. Roemerman, 1800 First Avenue NE, 200 Wells Fargo Bank Building, Cedar Rapids, Iowa 52402-5435 (Sent Email 06/25/2013, and Fedex)

**Receipt Acknowledgement**

You are requested to sign and date the acknowledgement copy of this memorandum as evidence that you have received it. Your signature does not mean that you agree or disagree with the contents of this memorandum and by signing you will not forfeit any of the rights mentioned. However, your failure to sign will not void the contents of this memorandum.

Receipt Acknowledged: (b) (2), (b) (6) Date: 6/26/2013

## NOTIFICATION OF PERSONNEL ACTION

1. Name (Last, First, Middle) (b) (2), (b) (6)				2. Social Security Number		3. Date of Birth		4. Effective Date 06/26/2013			
<b>FIRST ACTION</b>					<b>SECOND ACTION</b>						
-A. Code 330		5-B. Nature of Action REMOVAL			6-A. Code		6-B. Nature of Action				
5-C. Code V6J		5-D. Legal Authority 5 U.S.C. 75, POSTAPPT			6-C. Code		6-D. Legal Authority				
5-E. Code		5-F. Legal Authority			6-E. Code		6-F. Legal Authority				
7. FROM: Position Title and Number ADMIN TECHNICIAN (MUSEUM TECH) 6290 000025					15. TO: Position Title and Number						
8. Pay Plan GS	9. Occ. Code 0303	10. Grade or Level 07	11. Step or Rate 08	12. Total Salary 47844	13. Pay Basis PA	16. Pay Plan	17. Occ. Code	18. Grade or Level	19. Step or Rate	20. Total Salary/Aword	21. Pay Basis
12A. Basic Pay 41910	12B. Locality Adj. 5934	12C. Adj. Basic Pay 47844		12D. Other Pay 0		20A. Basic Pay	20B. Locality Adj.	20C. Adj. Basic Pay	20D. Other Pay		
14. Name and Location of Position's Organization MIDWEST REGION EFFIGY MOUNDS NATL MONUMENT  HARPERS FERRY, IOWA					22. Name and Location of Position's Organization						
<b>EMPLOYEE DATA</b>											
23. Veterans Preference 1 - None 2 - 5 Point 3 - 10-Point/Disability 4 - 10-Point/Comparable 5 - 10-Point/Other 6 - 10-Point/Comparable/50%					24. Tenure 1 - None 2 - Permanent 3 - Conditional 4 - Indefinite		25. Agency Use		26. Veterans Preference for RIF YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>		
27. REGLI (b) (2), (b) (6)					28. Annuitant Indicator 9 NOT APPLICABLE		29. Pay Rate Determinant 0				
30. Retirement Plan (b) (2), (b) (6)			31. Service Comp. Date (Leave) 11/23/1988		32. Work Schedule F FULL-TIME		33. Part-Time Hours Per Biweekly Pay Period				
<b>POSITION DATA</b>											
34. Position Occupied 1 - Competitive Service 2 - Excepted Service 3 - SES General 4 - SES Career Reserved			35. FLSA Category N E - Exempt N - Nonexempt		36. Appropriation Code			37. Bargaining Unit Status 7777			
38. Duty Station Code 19-3680-005			39. Duty Station (City - County - State or Overseas Location) HARPERS FERRY, ALLAMAKEE, IOWA								
40. Agency Data FUNC CLS 00	41. VET STAT N	42. EDUC LVL 14	43. SUPV STAT 8	44. POSITION SENSITIVITY NONSENSITIVE/LOW RI							
45. Remarks REASON(S) FOR REMOVAL: 1) LACK OF CANDOR; 2) INAPPROPRIATE USE OF A GOVERNMENT COMPUTER FORWARDING ADDRESS: (b) (2), (b) (6) SF 2819 WAS PROVIDED. LIFE INSURANCE COVERAGE IS EXTENDED FOR 31 DAYS DURING WHICH YOU ARE ELIGIBLE TO CONVERT TO AN INDIVIDUAL POLICY (NONGROUP CONTRACT). HEALTH BENEFITS COVERAGE IS EXTENDED FOR 31 DAYS DURING WHICH YOU ARE ELIGIBLE TO CONVERT TO AN INDIVIDUAL POLICY (NONGROUP CONTRACT). YOU ARE ALSO ELIGIBLE FOR TEMPORARY CONTINUATION OF YOUR FEHB COVERAGE FOR UP TO 18 MONTHS. LUMP-SUM PAYMENT TO BE MADE FOR ANY UNUSED ANNUAL LEAVE. SF-8 (NOTICE TO FEDERAL EMPLOYEE ABOUT UNEMPLOYMENT INSURANCE) ISSUED.											
46. Employing Department or Agency IN - NATIONAL PARK SERVICE					50. Signature/Authentication and Title of Approving Official 131057630 / ELECTRONICALLY SIGNED BY:  ANGELA R. HARGROVE CHIEF, NPS, OFFICE OF HUMAN RESOURCES						
47. Agency Code IN10	48. Personnel Office ID 1543	49. Approval Date 06/25/2013									





# United States Department of the Interior

NATIONAL PARK SERVICE  
National Capital Region  
1100 Ohio Drive, S.W.  
Washington, D.C. 20242

10.C (NCR-ADM)

June 25, 2013

## Memorandum

**To:** (b) (2), (b) (6) Administrative Technician (Museum Technician), Effigy Mounds National Monument

**From:** Nancie Ames, Associate Regional Director Administration, National Capital Region

**Subject:** Decision on Proposed Removal

On or about April 18, 2013, you received a letter notifying you of your proposed removal from the National Park Service, the U.S. Department of Interior, for (1) Lack of Candor and (2) Inappropriate Use of Government Computer. The proposal was made for the efficiency of the service and in accordance with 5 U.S.C., Chapter 75, Subchapter II; 5 C.F.R. Part 752, Subpart D; and the U.S. Department of the Interior Manual at 370 D.M. 752.

You were afforded 14 calendar days from the date you received the notice of proposed removal to respond to me orally and/or in writing. You requested an extension of 30 days and were granted an additional 14 days in which to respond. Through your attorney, you provided me with an 18-page written response, dated May 16, 2013. In your response, you again requested additional time to respond. I considered your additional request, but I determined that 28 calendar days was sufficient time for you to respond. Therefore, your second request for additional time is denied. In reaching my decision on your proposed removal, I have carefully considered the information contained in the proposal notice, the case file, and your written response.

Through your attorney, in your May 16, 2013, written response, you stated, "In the summer of 1990, Effigy Mounds National Monument (EFMO) Superintendent Thomas Munson improperly removed ancient human remains from the Monument's collection. For the next 20 years, (b) (2), (b) (6) told nearly everyone in authority about that removal." You then provide information relating to the background leading up to the charges. Your response states you "fully informed" Superintendent Gustin of the removal of the human remains; however, the records indicate Superintendent Gustin believed the remains were returned to Iowa Office of the State Archaeologist and were interred in one of the state cemeteries. You also described your efforts

in providing the Superintendents who followed Ms. Gustin, in addition to Dr. Dale Henning, information related to the missing human remains. However, you provide almost no information in response to the actual charge of Lack of Candor. Although you informed Superintendent Nepstad that the remains were missing, you failed to provide him with complete information. You did not inform Superintendent Nepstad that you were in fact responsible for the physical removal of the items from the collection; that you helped place them in Superintendent Munson's vehicle; and that Munson was the last person you knew of that had physical control of the remains. In addition, you fail to address your less than candid responses during your interviews with Special Agent David Barland-Liles. Your lack of candor with Superintendent Nepstad and during the investigation conducted by Special Agent Barland-Liles is what led to the proposal of removal relating to Charge 1.

Your response to the charge of inappropriate use of a government computer is that you happened upon the external hard disk; you looked on the disk and determined there was information which was potentially relevant to (b) (2), (b) (6) EEO case; and instead of returning it to Ms. DeShazer you decided to put it in your drawer. Your response was that you were concerned Ms. DeShazer would get in trouble if it was known she left the disk at your work station. You acknowledged that you could have handled this situation in a better way. You also stated you did not have the ability to access any current emails, other than your own, and at no time did you attempt to do so.

I have also reviewed the Department of the Interior Table of Offenses and Penalties and considered what are commonly referred to as the "Douglas Factors" which are discussed below in more detail. Based upon my review of all of the aforementioned I find the following:

**Charge 1: Lack of Candor.**

This charge is supported by a preponderance of the evidence and the charge is sustained.

**Charge 2: Inappropriate Use of a Government Computer.**

This charge is supported by a preponderance of the evidence and the charge is sustained.

**Penalty Analysis**

The Merit Systems Protection Board, in its landmark decision, *Douglas v. Veterans Administration*, 5 M.S.P.R. 280 (1981), established criteria that supervisors should consider in determining an appropriate penalty to impose for the employee's misconduct. These twelve factors are commonly referred to as "*Douglas Factors*." The following relevant factors have been considered in determining the severity of discipline in this case, in addition to the Proposing Official's *Douglas Factor* analysis.

- (1) **Nature and Seriousness of Offense** – the nature and seriousness of the offense, and its relation to the employee's duties, position, and responsibilities, including whether the offense was intentional or technical or inadvertent, or was committed maliciously or for gain, or was frequently repeated.



**Charge 1: Lack of Candor:**

I have taken into consideration the nature and seriousness of the offense and its relation to your duties and responsibilities of your position. Your position of Administrative Technician (Museum Technician) required direct access to human remains in the Monument's museum collection. In 1990, when you were a seasonal Park Ranger employee, upon the direction of Mr. Thomas Munson, Superintendent 1971- 1994 (retired), you intentionally removed items from the collection. At the time of their removal, your action was not malicious in nature, and you were unaware of the ramifications of your action.

However, in June 2011, knowing human remains were still missing from the Park's collection, you allowed a 100% inventory of the collection to take place. At no time did you notify Superintendent Nepstad that you had removed the items at the request of Superintendent Munson, and that you were fully aware the items would not be found in the Park. You intentionally withheld this critical information and mislead Park management. You continued to withhold information until January 2012, when you were interviewed as part of the official investigation into the missing items. It was at this time that Superintendent Nepstad first learned that you knew what had taken place in 1990, when the items were removed from the collection.

**Charge 2: Inappropriate use of government computer:**

As an employee who provided IT support to Park staff, you were aware that it was inappropriate to maintain data from Florencia Wiles' computer. Upon learning of the contents of the portable hard drive connected to your computer, you intentionally withheld it rather than returning it to Ms. DeShazer or turning it in to Park management.

I agree with the proposing official that the offenses you are charged with are serious and warrant action.

- (2) Employee's Job – the employee's job level and type of employment, including supervisory or fiduciary role, contacts with the public, and prominence of the position.

**All Charges:**

Your position is not considered prominent in nature and you do not have any supervisory or fiduciary responsibilities.

However, during your tenure at Effigy Mounds National Monument you have participated numerous times in meetings with the twelve affiliated tribes and have been perceived as a staff member who can be trusted with information sensitive to the tribes.

- (3) Disciplinary Record – the employee's past disciplinary record.

You have no past disciplinary records.

- (4) **Work Record** – the employee's past work record, including length of service, performance on the job, ability to get along with fellow workers, and dependability.

You have approximately twenty-five (25) years of satisfactory service at Effigy Mounds National Monument, in which you have had mixed relationships with your fellow workers. Your seven years (1987-1993) of seasonal service was satisfactory and enabled you to be hired into a permanent position.

However, I agree with the proposing official that although your years of service serve as a mitigating factor as to the penalty proposed, your service does not offset the seriousness of your misconduct and the adverse impact your misconduct has had on the Agency.

- (5) **Effect on Future Performance** – the effect of the offense upon the employee's ability to perform at a satisfactory level and its effect upon the supervisor's confidence in the employee's ability to perform assigned duties.

Your actions have affected my confidence in your ability to perform your duties, as well as the proposing official's confidence in your ability to perform your duties.

Your actions have led to a total lack of trust by the proposing official, the National Park Service, and me. You have been placed in a position over the years to protect the curatorial items of Effigy Mounds National Monument, and your actions led me to seriously question if you are capable of protecting these resources.

The proposing official has also expressed a lack of trust in your ability to perform your network administrator duties to support the computer operations in the park. I agree with the proposing official's concerns.

- (6) **Consistency with Other Penalties** – consistency of the penalty with those imposed upon other employees for the same or similar offenses.

Charge 1: Lack of Candor.

I have not proposed or decided upon same or similar charges for which you are being charged with. Although past employees have been removed for egregious offenses, there has been no similar misconduct of this level that I am aware of in the past comparable to yours within the Monument or the Midwest Region.

Charge 2: Inappropriate use of a government computer.

I have not proposed or decided upon same or similar charges for which you are being charged with.

- (7) **Consistency with Table of Penalties** – consistency of the penalty with any applicable agency table of penalties.



I have also reviewed the Agency's Table of Offenses and Penalties. The penalty proposed is consistent with penalties for similar offenses as outlined in the Agency's Table of Offenses and Penalties as outlined in the Department of the Interior Manual on Discipline and Adverse Actions (370 DM 752), dated December 22, 2006).

**Charge 1: Lack of Candor.**

The Department of the Interior Table of Penalties, dated December 26, 2006, recommends a penalty range from a 14-day suspension to removal for a first offense for charges relating to "misrepresentation, falsification, exaggeration, concealment or withholding of material fact in connection with an official government investigation, inquiry or other administrative proceeding" (Item 18), which is similar to the Lack of Candor charge. I find that the penalty of proposed removal for this charge alone is consistent with the Table of Penalties.

**Charge 2: Inappropriate use of a government computer.**

The Department of the Interior Table of Penalties, dated December 26, 2006, recommends a penalty range from a Written Reprimand to 14-day suspension for a first offense, and up to 30 day suspension to removal for more serious misconduct, for Item 20, "prohibited/improper use of Government property (e.g., office equipment; supplies; facilities; credentials; records; communication resources; cellular phones; official time); misuse of the Internet/electronic mail; using the Internet/electronic mail for unauthorized purposes," which is similar to the Inappropriate Use of Government Computer charge. Looking at this charge standing alone, I find that a 14-day suspension is consistent with the Table of Penalties.

However, when considering both charges together, I find that removal is consistent with Table of Penalties.

- (8) Notoriety and Impact -- the notoriety of the offense or its impact upon the reputation of the Agency.

**Charge 1: Lack of Candor.**

The National Park Service is entrusted with the care of the artifacts, human remains and funerary objects of the peoples who lived on our park lands historically. Relationships with the affiliated tribes are critical to our ability to continue to care for these resources. The reputation of Effigy Mounds National Monument and the National Park Service has been damaged by your lack of candor and inaction on your part. An employee, who purposefully withholds specific information that impacts the direction of an investigation harms the ability to swiftly take action and negatively impacts the reputation of the Monument and the Service. It is unknown how long it will take to rebuild the level of trust with the twelve American Indian tribes affiliated with Effigy Mounds National Monument and to restore the reputation of the Service. It is also unknown how long it

will take the Iowa Office of the State Archaeologist to trust the Park in the care of our cultural resources.

**Charge 2: Inappropriate use of a government computer.**

The circumstances of your inappropriate use of a government computer will not have a direct impact on the reputation of the agency; however, it does have a very direct impact on your reputation within the monument relative to losing the trust of management and your fellow employees. It is unknown and unclear if management or any of your co-workers will trust you in the future.

- (9) Clarity of Notice – the clarity with which the employee was on notice of any rules that were violated in committing the offense, or had been warned about the conduct in question.

**Charge 1: Lack of Candor.**

You may have been unaware in 1990 of the rules associated with the care of our cultural resources, yet you indicated that over time you told nearly everyone in authority what happened to the human remains. However, when you had the opportunity to provide Superintendent Nepstad specific information as to what actually occurred in 1990 and what your role was relative to the human remains, you failed to do so, even prior to the official investigation that began in December 2011. In addition, during the investigation into the missing human remains, you shared that you failed to disclose what you knew, over the past 22 years, not in an attempt to violate any laws, but in the hope that someone would independently discover what happened and you would not need to be the source of that information.

**Charge 2: Inappropriate use of a government computer.**

Although not your official title, as a network administrator you are aware of the rules of computer usage in the National Park Service. In addition, annually you are required to complete Federal Information Systems Security Awareness (FISSA) training which provides clear notice of all the rules associated with use of a government computer and associated files/records.

- (10) Potential for Rehabilitation – potential for the employee's rehabilitation.

**Charge 1: Lack of Candor.**

You have expressed little remorse for your actions and continue to focus on the past. Although there is great concern for the initial removal of the human remains, the fact that you continued to mislead Superintendent Nepstad until the internal investigation took place leads me to believe there is no potential for rehabilitation. At no time did you proactively provide Superintendent Nepstad with the specific information as to what occurred in 1990. This information was critical and directly impacted the course of the

investigation. I believe we could still be looking for these remains had an investigation not occurred.

**Charge 2: Inappropriate use of a government computer.**

You fully understand the rules of computer use. When placed in a situation where you had access to files which were not yours, instead of turning the portable hard drive over to the proper owner, you again did nothing. You placed the drive in your desk instead of returning it, as would be required by any other employee.

Your actions described in both charges lead me to believe you are not able to discern the proper steps to be taken in situations where you feel your actions could be questioned.

- (11) Mitigating Circumstances – mitigating circumstances surrounding the offense, such as unusual job tensions, personality problems, mental impairment, harassment, or bad faith, malice or provocation on the part of others involved in the matter.

There appears to be no mitigating circumstance surrounding the offense. You did not indicate you were under any unusual job tensions, personality problems, mental impairment, harassment or bad faith. In addition, there was no malice or provocation on the part of others which lead you to withhold this information.

- (12) Availability of Alternative Sanctions – the adequacy and effectiveness of alternative sanctions to deter such conduct in the future by the employee or others.

**Charge 1: Lack of Candor.**

The Monument has no other alternative sanctions which can be offered to deter this type of conduct in the future.

**Charge 2: Inappropriate use of a government computer.**

The only alternative sanction appropriate for this charge, in addition to disciplinary action, is to remove all Network Administrator access and duties from your position.

### **Decision**

I find the proposed penalty of removal is reasonable under the circumstances, and consistent with the Table of Offenses and Penalties.

Specifically, the misconduct resulting in Charge 1: Lack of Candor, standing alone, is egregious enough to support the penalty of removal in this case. I do not find that Charge 2: Inappropriate use of a government computer, standing alone supports removal. It does however, support disciplinary action consistent with circumstances described in the Table of Offenses and Penalties (Item 20), for misconduct warranting a 14-day suspension. However, when considering both charges together, I find that removal is the appropriate penalty.

Accordingly, it is my decision to remove you from federal service effective Wednesday, June 26, 2013. This action will become a permanent record in your Official Personnel File, and the Official Notice of the Personnel Action, Standard Form 50 (SF 50), will be provided under separate cover once finalized. I find that this action will improve the efficiency of the Federal service for the reasons cited in the referenced Notice of Proposed Removal.

### **Employee Rights and Procedures**

You have the right to appeal this Decision to the Merit Systems Protection Board (MSPB). An appeal to the MSPB must be filed no later than the effective date of the action being appealed, or 30 days after the date of the appellant's receipt of the agency's decision, whichever is later. If a party does not submit an appeal within the time set by statute, regulation, or order of a judge, it will be dismissed as untimely filed unless a good reason for the delay is shown. The judge will provide the party an opportunity to show why the appeal should not be dismissed as untimely.

Your appeal must be in writing and give reasons for contesting the action, together with a copy of the notice of proposed action, the agency decision being appealed and, if available, the SF-50 or similar notice of personnel action. No other attachments should be included with the appeal. A copy of the appeal form may be found at <http://www.mspb.gov/appeals/forms.htm> or you may submit an appeal via the internet at <https://e-appeal.mspb.gov/>. A copy of the MSPB's regulations concerning appeals is available at <http://www.mspb.gov>. If you would like a paper copy of the MSPB's regulations concerning appeals, or if you have any questions, please contact Denise Stewart, Human Resources Specialist at: (402)661-1650.

Your appeal should be addressed to:

Merit Systems Protection Board  
Central Field Office  
230 South Dearborn Street  
31st Floor  
Chicago, IL 60604-1669

If you decide to file an appeal with the MSPB, you should notify the Board that the Agency contact official for the purpose of your appeal is:

Amy Duin, Attorney  
US Department of the Interior  
Office of the Solicitor, Rocky Mountain Region  
755 Parfet Street, Suite 151  
Denver, CO 80215  
Telephone: 303-231-5353  
Fax: 303-231-5363  
Email: [amy.duin@sol.doi.gov](mailto:amy.duin@sol.doi.gov)

You may seek corrective action before the Office of Special Counsel, [www.osc.gov](http://www.osc.gov). However, if you do so, your appeal will be limited to whether the Agency took one or more covered

personnel actions against you in retaliation for making protected whistleblowing disclosures. You will be forgoing the right to otherwise challenge this removal.

If you believe that you have been unlawfully discriminated against, you may contact an EEO counselor within 45 days of the effective date of this action to file a complaint of discrimination. Please note that in accordance with 29 C.F.R. §1614.302 you may not initially file both a mixed case EEO complaint and a MSPB appeal on the same matter; whichever is filed first shall be considered an election to proceed in that forum.

*Nancy Ames*

Cc: Crawford, Sullivan, Read \* Roerman, P.C., Attention: William H. Roerman, 1800 First Avenue NE, 200 Wells Fargo Bank Building, Cedar Rapids, Iowa 52402-5435 (Sent Email 06/25/2013, and Fedex)

**Receipt Acknowledgement**

You are requested to sign and date the acknowledgement copy of this memorandum as evidence that you have received it. Your signature does not mean that you agree or disagree with the contents of this memorandum and by signing you will not forfeit any of the rights mentioned. However, your failure to sign will not void the contents of this memorandum.

Receipt Acknowledged: \_\_\_\_\_ Date: \_\_\_\_\_

CRAWFORD, SULLIVAN, READ & ROEMERMAN, P.C.

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May 16, 2013

Nancie Ames  
Associate Regional Director, Administration  
National Capitol Region  
c/o National Park Service  
Midwest Region  
ATTN: Denise Stewart  
601 Riverfront Drive  
Omaha, NE 68102

Re: (b) (2), (b) (6) Administrative Technician (Museum Technician)  
Effigy Mounds National Monument

**I. REPLY TO "NOTICE OF PROPOSED REMOVAL"**

**PREAMBLE**

In the summer of 1990, Effigy Mounds National Monument (EFMO) Superintendent Thomas Munson improperly removed ancient human remains from the Monument's collection. For the next 20 years, (b) (2), (b) (6) told everyone in authority about that removal. No one cared enough to take meaningful action.

In year 21, a portion of the missing remains (b) (2), (b) (6) reported were recovered. Now (b) (2), (b) (6) could no longer be ignored. Stakeholders such as the Native American Tribes had to be told and, apparently, someone had to "take the fall". Therefore, (b) (2), (b) (6) became the victim of one of the most transparent attempts to create a scapegoat that one is likely ever to see.

Without the shadow of any doubt, the National Park Service, Department of the Interior is seeking to punish a whistle blower - (b) (2), (b) (6) - in retaliation for her forcing this embarrassing incident to light. **Unless corrected at the administrative level, this is exactly the type of situation that Congress meant to address with the Federal Whistle Blower legislation.**



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This response will begin by reciting the true facts of the missing human remains situation as shown by the Department's own investigation. It will then respond to some of the more outrageous statements contained in the James A. Nepstad charging memorandum as it relates to the missing remains. Finally, it will address the computer access issue.

### FACTS – MISSING HUMAN REMAINS ISSUE

In July of 1990, (b) (2), (b) (6) was a young, part-time, GS-04 seasonal interpretation park ranger. She occupied the lowest rung on the park's hierarchy and she, at that time, had no training or experience whatsoever related to archeology, museum accessions or museum deaccessions. Perhaps because she had neither the knowledge nor the experience nor the position to challenge him, then-Superintendent Thomas Munson ordered (b) (2), (b) (6) to box-up ancient human remains and deliver them to him.

Working from an inventory previously prepared by Shirley Schermer of the Iowa Office of State Archeologist, (b) (2), (b) (6) identified the remains, placed them into two boxes and delivered them to (b) (2), (b) (6). At the time the remains were taken and subsequently, (b) (2), (b) (6) has told nearly everyone in authority what happened.

The Nepstad charging memorandum essentially concedes some of these disclosures but then attempts to make much of (b) (2), (b) (6) alleged "failure" to disclose that she, at Munson's direction, carried one of the boxes to Munson's car. This is an obviously irrelevant detail and a detail that Nepstad already knew.

The first box of remains was discovered in 2011 in Munson's garage miles from the park. Obviously they were transported to his garage in some vehicle. It makes no possible difference whether they were transported in Munson's vehicle, or his wife's vehicle or a wheelbarrow. The obvious relevant point was that the remains had been delivered to Munson's care and while in Munson's care, he took them away. Beyond any rational dispute, for 20 years (b) (2), (b) (6) told almost anyone who would stand still long enough to listen that she boxed-up the remains and delivered them to Munson and that Munson then took them away.

1. Reports to Wollenhaupt and Sinclair. After Munson took the human remains away, he instructed (b) (2), (b) (6) to prepare a deaccession report<sup>1</sup> concerning the items he took. As previously

<sup>1</sup> The formal, correct title of this document is "Report of Survey". Throughout this response, we will use the term "deaccession report" because it is more descriptive and our goal is to make all of this clear.

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noted, (b)(2), (b)(6) had no training in these matters and had never before prepared such a report. However, at Munson's direction, she acted as scrivener. She wrote what Munson told her to write but she, on her own, did attach an accurate list of the items Munson took, using the same list she used when gathering the items at Munson's direction. As will be seen below, it is only through (b)(2), (b)(6)'s efforts that this document was preserved and brought to the attention of the proper authorities. Were it not for (b)(2), (b)(6)'s efforts in this regard, this sad matter would certainly have never come to light.

The deaccession report listing the remains that Munson took was signed by Munson (dated 7/16/90) and was countersigned by the chairman of the park's board and chief of maintenance (Tom Sinclair) and by the park's chief ranger (Don Wollenhaupt). Those individuals now conveniently say that they had no idea of what they were signing. This seems unlikely, but if it is true, they are culpable. They shouldn't have signed it if they didn't know what it was. Even if they didn't know, lowly, part-time (b)(2), (b)(6) had to assume that her superiors knew what they were doing.

At this point, (b)(2), (b)(6) had personal knowledge that the removal of the remains had been reported to the Park Superintendent (Munson), the chairman of the board (Sinclair) and the chief ranger (Wollenhaupt). (b)(2), (b)(6) also believes that others at the park were completely aware of what happened, but Munson, Sinclair, and Wollenhaupt are sufficient. The undisputed record shows that the entire top tier of the park hierarchy knew that Munson had removed the remains. (b)(2), (b)(6) lacked the position and the technical knowledge to further challenge all of her bosses on this matter. There was literally nothing more for her to do at that time.

**2. Report to Gustin.** (b)(2), (b)(6) next opportunity to address this matter came when Munson finally left his position and a new Superintendent, Karen Gustin, was appointed in October, 1994. (b)(2), (b)(6) testified that she told Gustin that she (b)(2), (b)(6) had packed up the remains at Munson's direction and Munson had removed human remains from the park. At the time of Gustin's first interview in 2012 (17+ years after the fact), Gustin professed to have very little memory of anything. She professed to be unable to confirm or dispute (b)(2), (b)(6) testimony.

Fortunately for (b)(2), (b)(6) she is not at the mercy of Gustin's leaky memory. There is documentary evidence that confirms that (b)(2), (b)(6) reported this matter to Gustin. The report of Dale Henning (discussed in more detail below) shows that shortly after her arrival at the park, Gustin was trying to locate the remains. Gustin's handwritten, dated, notes which appear at Appendix E to the Henning report show that Gustin was specifically seeking the remains as early as March 1996 – just a few months after her arrival. Those notes also reflect that Gustin contacted Munson and asked him what he did with the remains. Thus, we have proof positive



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that by March, 1996 Gustin knew about the missing remains and knew that Munson was the last known person to have the remains.

The investigator's theory of this case is that (b) (2), (b) (6) and Munson were the only ones who knew Munson took the articles away.<sup>2</sup> If this theory is accurate, then (b) (2), (b) (6)'s uncontested testimony that she was the one who informed Gustin of the relevant facts is necessarily true. If (b) (2), (b) (6) was the only one who knew of Munson's actions, then the only way Gustin could know to launch her investigation would be if (b) (2), (b) (6) told her about what happened. Likewise, the only possible way that Gustin could have known to ask Munson what he did with the missing articles would be if (b) (2), (b) (6) told Gustin that Munson took the items away.

According to Gustin's contemporary notes, she contacted Munson and he told her of an earlier incident when the remains he took were sent on to the Office of the State Archeologist and/or to the Midwest Archeological Center (MWAC). Gustin then contacted the state archeologist. The archeologist said that the remains were cataloged, some were reinterred and the remaining items were returned to the park. (Records contained within the Henning report show that this actually happened in 1986, before (b) (2), (b) (6) worked at the park.) Gustin then contacted MWAC about the items returned to the park by the state archeologist. MWAC reported that they didn't have the remains.

At this point, all of the testimony and documentary evidence agrees: (b) (2), (b) (6) told Gustin that Munson removed human remains. Munson acknowledged to Gustin that he had had them. Gustin knew that Munson's story about a transfer to MWAC was, at best, contested. She knew that Munson was the last person known to have the remains.

The only mystery that remained as of 1996 was what Munson had done with the skeletal fragments. This was a mystery that (b) (2), (b) (6) couldn't help solve. (b) (2), (b) (6) has always maintained that after she delivered the boxes to Munson, their whereabouts passed from her knowledge.

Gustin was apparently unwilling to go head-to-head with Munson over this issue so she walked away from it.

(b) (2), (b) (6) statement that she fully informed Gustin is not contradicted anywhere in the record compiled by the Park Service.<sup>3</sup>

<sup>2</sup> If (b) (2), (b) (6) wasn't the only one who knew that Munson carried the artifacts away -- if everyone knew that, as (b) (2), (b) (6) -- then the whole theory of the complaint against (b) (2), (b) (6) necessarily evaporates.

<sup>3</sup> As will be discussed below, in a final contact in the summer of 2012, Gustin makes the self-serving statement that if she knew she probably would have done something. As we have already seen, she did "do something" as reflected by her own notes. This final contact does nothing to cast doubt on (b) (2), (b) (6) testimony.

**3. Report to Miller.** (b) (2), (b) (6) next opportunity to alert the National Park Service to the problem came in 1997 (seven years after Munson took the remains) when Kathleen Miller replaced Gustin as the Park Superintendent. In this instance, it may have been Miller who first raised the issue of the missing remains with (b) (2), (b) (6). Miller says she had Gustin's notes and knew of the missing remains. If Miller had Gustin's notes she knew, perhaps before talking to (b) (2), (b) (6) that Munson had removed remains. Regardless of whether Miller first learned that Munson removed the remains from Gustin's notes or from (b) (2), (b) (6) it is clear that (b) (2), (b) (6) and Miller did talk about the issue. (b) (2), (b) (6) recalls talking to Miller and specifically telling her that that Munson had deaccessioned the remains and that he was the last to have them. Miller recalls that she then met with Munson (who was retired but still living in the area), but that he was "colossally unhelpful".

Miller, unlike Gustin, was (at least initially) unwilling to let the matter lie dormant. Instead, she arranged for an outside investigator, Dr. Dale Henning. On the date of Dr. Henning's arrival, (presumably in Henning's presence) Miller contacted Munson again.<sup>4</sup> Munson again admitted that he deaccessioned the remains. When asked what had happened to them, he said they were stored in a box in the maintenance area and that the box had most likely been discarded.

At this point, Miller (who had Gustin's notes) knew that Munson had twice admitted that he was the last one to have the remains and also knew that Munson had told two different stories about what he did with them. (He told Gustin that the remains went to MWAC but he told Miller that he had put them in a locker in the maintenance area.)

Miller and Dr. Henning then apparently decided to limit Henning's mission to providing detailed documentation about exactly what was missing. Henning told the investigator that he didn't attempt any further contact with Munson because, "I didn't think it would be fruitful."

In Miller's December, 2011 interview, the 7/16/90 deaccession report was described (not shown) to her. Based upon whatever description the investigator gave to her, Miller opined that she had never seen the report. The truth is difficult to know for certain given passage of time. Miller admitted that her memory of these events is shaky and the investigator's decision to withhold the document from Miller and merely describe it is inexplicable. However, it is possible that Miller never saw the deaccession report. This would be due to Miller's decision to turn the entire matter over to Dr. Henning and her decision (according to her statement) to keep herself

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<sup>4</sup> Miller forgot about this contact the first time she was interviewed for this investigation. She remembered it when she was confronted with her notes. We have not been provided with the notes, presumably because they contradict the now-official theory of this case.



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"somewhat removed" from the investigation. Whether Miller saw the document or not, she certainly knew of the deaccession. Munson himself told her that the remains had been deaccessioned. If Miller never saw the 7/16/90 deaccession report, it is only because she elected to leave those "details" to Dr. Henning. As will be seen below, Henning's report and other documentary evidence proves beyond a shadow of a doubt that Henning had the deaccession report.

**4. Report to Henning.** Through Miller's efforts, Dr. Henning was contracted to conduct a "survey" of the missing remains. (b) (2), (b) (6) was assigned to assist Dr. Henning. (b) (2), (b) (6) testified that she told Henning that the missing remains had been boxed-up and that Munson was the last to have them. She also located the 7/16/90 deaccession report and showed it to Henning. Her testimony that she told Henning of these two things is confirmed by the details of the Henning report.<sup>5</sup> (1) At the top of page 2 of the report, Henning says he was specifically looking for two boxes. There is no way he could know that the remains had been packed into two boxes (as opposed to one, or three or four) except that (b) (2), (b) (6) told him, or told Miller, who then told him. (2) The photocopied inventory from the 1990 deaccession report appears at Exhibit G of Dr. Henning's report. The only way this document would have found its way to Dr. Henning is that (b) (2), (b) (6) located it and brought it to his attention. (3) The deaccession report now bears the inscription at the top, in (b) (2), (b) (6)'s hand "Keep 11-17-97". This date coincides with dates of Henning's investigation. The handwritten note shows when (b) (2), (b) (6) brought the record to Henning's attention and recognized its significance.<sup>6</sup>

(b) (2), (b) (6) acts of locating this document, taking steps to preserve it via her notation, and bringing it to Henning's attention are completely inconsistent with the bizarre theory that she was trying to hide what happened in July of 1990. Henning's report also affirmatively shows that (b) (2), (b) (6) was fully cooperative. At page 13 of this report, Dr. Henning writes, "One of the best pieces of work was not done by a professional archeologist but (b) (2), (b) (6) Administrative Clerk at EFMO . . . ."

Henning's report also says that in March, 1998, he asked Miller "to initiate just one more search" for the missing remains. (b) (2), (b) (6) recalls being asked to conduct that search. She remembers

<sup>5</sup> The formal title of the report is "Accession History and Status of Accessioned Materials and 1986 & 1990 Deaccessioned Items and Objects".

<sup>6</sup> Although the deaccession list was in the Henning report, the cover sheet was not. The charging memo implies that there is something sinister in this. The suggestion is silly. The deaccession report was never harmful to (b) (2), (b) (6). She didn't sign it. No one has ever suggested that she instigated the deaccession. If she wanted to hide the report, she certainly wouldn't have taken steps to protect it via her note. Henning probably omitted the cover sheet because his mission was to list what was missing and, if possible, say what happened to it. The cover sheet contained no list and shed no light on what happened to the items on the attachment.

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telling Henning that the search would do no good because she knew Munson took the remains away. She recalls that Henning replied that he understood that but that they had to do the search anyway for the sake of completeness.

Henning's report was completed in draft form in late August or early September 1998 and in its final form in September, 1998. Although Miller wrote to Henning that the report "will be at my right hand," in fact, she took no action whatsoever.

**5. Report to Ewing.** In December, 1999, another new superintendent arrived at the park, Phyllis Ewing. For reasons not disclosed in the investigation file, Ewing was never interviewed as part of the initial investigation.<sup>7</sup> This is especially surprising because Ewing is the longest serving park director since the departure of Munson. Sometime during Ewing's first year on the job, (b)(2), (b)(6) showed the Henning report to Ewing and told her that she (b)(2), (b)(6) packed the human remains that had been deaccessioned in 1990 and delivered them to Tom Munson. After (b)(2), (b)(6) gave the Henning report to Ewing, (b)(2), (b)(6) saw that it was on the shelf in Ewing's office. To the best of (b)(2), (b)(6) knowledge, Ewing never acted upon the report that (b)(2), (b)(6) provided. Perhaps this was because, as Jacquelin St. Clair says, the Park Service wanted this matter dropped or perhaps Ewing just never got around to the remains taken by Munson. During her tenure at the park, she worked with (b)(2), (b)(6) to repatriate other remaining human remains in the park's collection as well as to repatriate human remains that were brought to the park by third parties.

**6. Report to St. Clair.** In 1999, Jacquelin St. Clair began working at the park as the Cultural Resource Specialist. The museum collection was under her purview. After St. Clair began, (b)(2), (b)(6) went to her to report Munson's actions. St. Clair told the official investigators that (b)(2), (b)(6) disclosed to her that the remains had been packed up and taken away and that that she (b)(2), (b)(6) was somehow involved. She also remembers that she was told that Munson had the remains. Now, 10 plus years after the fact, St. Clair can't remember the details of her conversation with (b)(2), (b)(6) but she does remember that she was informed of the two crucial points: that Munson had the remains and that (b)(2), (b)(6) was involved in the process of him taking them. St. Clair, according to her statement, believed that the Park Service wanted this matter dropped. Because of that, she let the matter drop. Fortunately, (b)(2), (b)(6) didn't let the matter drop.

Thus, in the 21 year period between 1990 and 2011, (b)(2), (b)(6) told at least five top management officials that she had collected human remains at the direction of Munson and that Munson had

<sup>7</sup> The Nepstad memo shows that there was an attempt to contact her after the investigation was over. She didn't meaningfully respond.



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then removed human remains from the park. (1) She told park director Karen Gustin, who made inquiries and determined that Munson's story concerning the remains was inconsistent with MWAC's records, but then dropped the matter. (2) She told Kathleen Miller who then again made inquiries of Munson and found that he was then telling a different story from the one he told Gustin, whose notes she had: (3) (b)(2), (b)(6) then told Henning, who already knew that Munson was said to have the remains, and she told him that the remains had been in two boxes and provided an inventory of the missing items. (4) (b)(2), (b)(6) told Phyllis Ewing. (5) She told Cultural Resource Specialist St. Clair who avoided the issue because she had been made to understand that the Park Service didn't want it investigated. \*

The charging memo notes that (b)(2), (b)(6) felt bad about this removal. Of course she felt bad. Although she was "an innocent" at the time Munson took the remains, over the ensuing 21 years she learned the seriousness of the matter. She kept telling her superiors about it but despite her reports NO ONE IN AUTHORITY WAS WILLING TO TAKE EFFECTIVE ACTION. Any one in such a circumstance would feel bad.

6. Report to Nepstad. Effective January 2, 2011, EFMO received yet another new superintendent, James Nepstad. By that time, the Henning report was not in the superintendent's office. In April 2011, (b)(2), (b)(6) located a copy of the Henning report and presented it to Nepstad.

Nepstad admits that his investigation started because (b)(2), (b)(6) came to him and presented him with the report. Incredibly, even though (b)(2), (b)(6) started the investigation, Nepstad now claims that (b)(2), (b)(6) was trying to hide this incident!

Nepstad knew from (b)(2), (b)(6) and also from the attachments to the now-13-year-old Henning report that Munson was the last one to have the remains. Therefore, on April 27, 2011, he had the park's law enforcement official, Bob Palmer, call Munson and ask him what he did with the remains. Munson told Palmer on the phone that he didn't know where the remains were. If he had stopped there, it is likely that Nepstad would have dropped the matter like St. Clair, Gustin, Miller and Ewing before him.

However, the next day, after spending 21 years "in the closet," Munson miraculously decided to return one box of the materials. Now the issue couldn't be ignored.

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\* This list is not complete. (b)(2), (b)(6) knows that others, including Florencia Wiles and Law Enforcement Ranger Bob Palmer, and probably others had specific knowledge and did nothing to bring it to light. These other witnesses are not discussed here because our purpose is to respond to the investigation that was done, even though the investigation omitted obvious witnesses.

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Nepstad writes (at page 2 of his 4/18/13 memo) that he spent the next eight months examining the returned items, to determine if there were still more missing items. This is inaccurate. Upon receipt of the first box from Munson, it was immediately apparent that not all of the missing remains were there. Mr. Nepstad brought Shirley Schermer of the State Archeology Office to the park to examine and inventory what was returned. Working from the list that (b) (2), (b) (6) had so carefully preserved for over 20 years, Schermer determined that about half of the artifacts were returned. This process was officially completed for the first box in July, 2011 but substantially before that it was clear that not all of the missing remains had been returned. However, the investigation still didn't start until late December.

If the actual goal was to locate the balance of the missing remains, it would have been logical to immediately interview Munson again or, since the first box was found in his garage, get a warrant and search for the balance. This could have been done in a matter of days. Instead, Munson was not approached again until January 2012.

Since the inventory was done by mid-summer but the investigation wasn't started until late December, what was done in the intervening five months? The answer is that steps were taken to cover bureaucratic backsides, which was apparently a higher priority than recovering the remains. The "timeline" shows that on June 15, 2011, Nepstad informed (b) (2), (b) (6) he was doing a 100% inventory of the remains in the park collection. (b) (2), (b) (6) told him at that time that an inventory would not find the missing remains because Munson had taken them. Nepstad replied that he needed to do it anyway so that he could tell the tribes that the remains were not at EFMO. Thus, we see that in the summer of 2011, the point wasn't to find the remains. The point was to show management wasn't at fault.

#### RESPONSE TO MISINFORMATION IN CHARGING MEMO MISSING HUMAN REMAINS ISSUE

The charging memo (Nepstad memo of 4/18/13) is rife with errors and, when convenient to the charges, makes up facts out of thin air.

The most important "facts" to Nepstad - set out at bullet points on page 3 of the memo—seem to have simply been made up with no support at all in the investigation. These are:

- "Munson told you (b) (2), (b) (6) he was taking the remains to his home"; and
- "National Park Service officials were unaware that you and Munson had removed the remains from the monuments collection.



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With regard to Greener's "knowledge that Munson was "taking the remains to his home": The investigation affirmatively shows a lack of such knowledge. (b) (2), (b) (6) said, when interviewed on 1/18/12 that "Munson never told her what he was going to do" with the remains. (Interview memo, Page 2, Line 26). In the second interview, on 5/16/12, the memo records, "(b) (2), (b) (6) felt that he [Munson] was going either going to bury them [the remains] or throw them away but Munson never mentioned anything." (Second Interview memo, Page 2, Line 23) In the third interview, (b) (2), (b) (6) says at the outset, "Munson did not tell me that he was taking the remains to his house in Prairie du Chien." (Transcript of the 7/24/12 interview p. 3, line 126). There is no witness, including Munson himself, who contradicts or even casts doubt on (b) (2), (b) (6) three statements.

With regard to the statement "National Park Service officials were unaware that you and Munson had removed the remains from the monuments collection:" This again is obviously not true and everyone involved with the investigation knows it is not true. Board Chairman Tom Sinclair and the park's chief ranger, Don Wollenhaupt, each signed the deaccession report acknowledging knowledge of the items' removal. Next, (b) (2), (b) (6) testified that she told Superintendent Karen Gustin that she (b) (2), (b) (6) had gathered the remains up and Munson had taken them away. (e.g. Transcript of the 7/24/12 interview p. 14, line 615). Gustin doesn't deny this. At first, she had no memory of anything. (See interview of 1/3/12). Then, after being shown her own handwritten notes from 1996, she remembered that she did look into the missing remains and specifically interviewed Munson about it. (See interview of 1/4/12) This would seem to confirm that (b) (2), (b) (6) told her. Then, on 7/26/12, Gustin was interviewed a third time.<sup>9</sup> Based on the brief notes we have been provided, Gustin does not dispute that (b) (2), (b) (6) told her. Rather, she says that she doesn't remember one way or the other but says if she knew about it she would have acted. This acts as confirmation because we know she did act. Gustin contacted Munson and made and preserved notes about the contact. Gustin then told her successor (Kathleen Miller) that this was a pending issue. (See Miller interview notes, page 1)

(b) (2), (b) (6) next told Kathleen Miller as discussed above.

(b) (2), (b) (6) next told Dr. Henning that Munson had the remains. (e.g. Transcript of the 7/24/12 interview p. 32, line 1397) No statement of Henning contradicts (b) (2), (b) (6) testimony that she told him. As noted above Henning's report and its attachments show that he specifically knew that "two boxes" were missing and that Munson was the last one known to have them.

<sup>9</sup> Apparently, because it doesn't help the pre-determined conclusion, the investigator omits any detailed memo of this interview.

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(b) (2), (b) (6) next told the successor Superintendent, Phyllis Ewing, that she had gathered the objects and Munson had taken them away. (Transcript of the 7/24/12 interview p. 27, line 1179) There is no statement from Ewing contradicting this testimony.<sup>10</sup>

Next, Jacquelin St. Clair, who was the EFMO Cultural Resource Specialist, was told by (b) (2), (b) (6) that the artifacts were removed, that (b) (2), (b) (6) was involved and that Munson had the artifacts.<sup>11</sup>

Then, as the Nepstad memo itself discloses, (b) (2), (b) (6) brought this matter to his attention.

Then (b) (2), (b) (6) disclosed to Investigator David Barland-Liles (at the time of her first January 18, 2012 interview) the fact that she boxed up the remains and delivered them to Munson.

**Thus, when the report says, "National Park Service officials were unaware that you and Munson had removed the remains", it would have been more accurate to say "National Park Service officials were unaware except for Sinclair, Wollenhaupt, Gustin, Miller, Henning, Ewing, St. Clair, Nepstad and Barland-Liles."**

The Nepstad memo goes on to say, "you [(b) (2), (b) (6)] withheld [1] the fact that you personally packed up the human remains into two boxes and [2] assisted Munson in placing the human remains in the trunk of his personal vehicle. This enabled Munson to maintain an alibi that suggested the human remains had been given to the Midwest Archeological Center; had been placed in a locker in the Monument and had subsequently been thrown out . . . ."

As we have already seen the assertion following [1] is demonstrably false. (b) (2), (b) (6) never withheld that fact. She told many people.

With regard to the matter following [2], Nepstad's assertion is both demonstrably false and makes no logical sense. The evidence gathered specifically shows in great detail that Greener disclosed on multiple occasions that she packed the remains at Munson's direction and that she had delivered them to him. The detail that the boxes were delivered to Munson's car trunk does nothing at all to make Munson's "alibi" either more or less likely to be true. This detail is about as relevant as what the weather was like on the day Munson made off with the remains. From March of 1996 – the date of Gustin's notes – the record reflects that the trail of these remains went to Munson and stopped. Also from early 1996, according to Gustin's notes, the NPS knew

<sup>10</sup> Ewing apparently declined to participate in this witch hunt.

<sup>11</sup> After this first interview, all investigators have ignored St. Clair, who may be the most important witness. This is apparently because her testimony doesn't fit with the pre-determined official narrative.



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that Munson's "alibi" of the Midwest Archeological Center didn't check out. Also, as early as 1997, when Miller contacted Munson, the NPS knew that Munson was changing his story.

It is apparent that the Nepstad memo is arbitrarily seizing upon any trivial detail in a desperate attempt to claim "withholding information". The memo might as easily have claimed that (b) (2), (b) (6) withheld information because she didn't tell everyone what color the boxes were.

The Nepstad memo goes on [at p. 4] to point out that long after Munson made off with the remains, (b) (2), (b) (6) was given curatorial duties and then says, "You had full knowledge of the significance of the missing human remains . . ." Of course that's true. Knowledge of the importance of the issue is, no doubt, one of the reasons that (b) (2), (b) (6) informed Sinclair, Wollenhaupt, Gustin, Miller, Henning, Iwing, St. Clair, Nepstad and Barland-Liles of the issue.

The Nepstad memo [at p. 5] says that (b) (2), (b) (6) "misled" the investigation. The memo makes no attempt at any point to justify this outrageous statement. There is not one single instance cited (whether true or untrue) of (b) (2), (b) (6) making a false or deceptive statement.

Finally, the Nepstad memo [at p. 5] says that "probable cause" existed to charge (b) (2), (b) (6) criminally with violations of 16 U.S.C. §470ee (removal of an archaeological resource by an unauthorized person); 18 U.S.C. §3 (accessory after the fact) and 18 U.S.C. §4 (misprision of felony).<sup>12</sup> It is unlikely that Mr. Nepstad has a firm grasp of the legal meaning of the term "probable cause". However, he does know that the U.S. Attorney for the Northern District of Iowa declined to bring any prosecution in this matter. He may or may not know that the crime "misprision of felony" is committed when someone who knows of another federal felony fails to report it to a person in authority. He likely does know that U.S. Attorney for the Northern District of Iowa is particularly aggressive in prosecuting crimes of this nature and would certainly have filed charges if it believed that there was any good faith possibility of attaining a conviction. The fact that the U.S. Attorney promptly declined to prosecute this case is evidence that after an independent review, the Justice Department concluded that there was no way to convince a jury that (b) (2), (b) (6) withheld ANY relevant information.

After page 5, with regard to this issue, the Nepstad memo proceeds to a penalty analysis. This requires little response partly because, as demonstrated above, there is no offense to punish and partly because, to the extent that this portion of the memo references facts, it is just a rehash of what's already been covered above. However, there are a few small points from the "penalty" portion of the memo that need to be mentioned.

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<sup>12</sup> The Nepstad memo calls this "misrepresentation of felony", showing how little Nepstad understands the criminal law.

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At p. 14 of the Memo, Mr. Nepstad states, *"I long defended your actions relative to boxing up the remains and handing them over to former superintendent Munson. You were a seasonal employee in July 1990, responding to an order from a superintendent. I even defended you as recently as June 2012 at a meeting with tribal representatives. But a few days later after learning that for more than a year you had been withholding the one key fact that ultimately solved the whole mystery of the missing remains, my confidence in you was utterly shattered."* We are at a total loss to discern what the "mystery" existed immediately prior to June 2012 and are totally stumped to ascertain any "key fact" Mr. Nepstad knew after June 2012 that he didn't know before.

This passage demonstrates that Nepstad "long" knew that (b)(2), (b)(6) boxed up the remains and "long knew" that she handed them over to Munson. In spite of that, he saw no misconduct. Presumably he knew these things in early 2011 when (b)(2), (b)(6) reported this matter to him. On April 28, 2011 Nepstad knew that a portion of the remains were found in Munson's garage. At this point, Nepstad must have known that the remains were transported in some car (it's unlikely that someone walked them across the Mississippi River bridge) and he must have known that the car was under Munson's control (it's unlikely that a burglar broke into Munson's garage to plant the remains). Thus, there is nothing that Nepstad knew "after June 2012" that he didn't know in April, 2011.

It's difficult to see any "mystery" at all after July, 2011. After April 2011, EVERYONE knew what remains were missing, that Munson was the last to have them, that they were stored in his garage and that they were necessarily transported there in some vehicle controlled by Munson. After April 2011, anyone who really wanted to get to the bottom of this would have gone back to Munson or would have gotten a search warrant for his garage.

On January 18, 2012, after (b)(2), (b)(6) first interview, Nepstad knew that Greener had again confirmed that she boxed up the remains at Munson's direction and delivered them to Munson. He still had confidence in her. After (b)(2), (b)(6)'s May 16, 2012 interview, Nepstad even knew of the totally trivial detail that the boxes were carried to Munson's car (as opposed to some other car under Munson's control). As previously noted, Nepstad must have already known that the remains were carried to Prairie du Chien in a Munson vehicle. He still had confidence in her. After May 17, he had personal knowledge that the balance of the remains were recovered within minutes after someone finally bothered to search Munson's garage. He still had confidence in (b)(2), (b)(6)



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We are at a total loss to discern the "key fact" that Nepsted learned sometime after he defended (b)(2), (b)(6) to the tribes in June of 2012. We are also at a total loss to ascertain what remaining mystery was unlocked by this undefined "key fact".<sup>13</sup>

Finally, the Nepsted memo says this is a discharge offense because (b)(2), (b)(6) has "blamed others" for the fact that the remains were not recovered earlier. We respectfully suggest that Mr. Nepsted presents (b)(2), (b)(6) with a Catch 22. He tells her that she is subject to discipline if she fails to fully disclose the facts. Then, when she does disclose the undisputed fact that she reported this problem to St. Clair, Gustin, Miller, Henning and Ewing, she is damned for "blaming others" even when the investigation shows that (b)(2), (b)(6) was the only one pushing this issue for 20 lonely years.

Before leaving this subject, we feel compelled to note a fact error in the investigative memo written by Mr. Barland-Liles. On page 2, line 46 of the report of the 1/19/12 (b)(2), (b)(6) interview, Barland-Liles writes (b)(2), (b)(6) stated she liked Munson and was protecting him, adding, "I didn't want to rat him out." This is empathically not true. (b)(2), (b)(6) never said anything of the sort. (b)(2), (b)(6) was never, at any time, personally close to Munson. As the record shows, she "ratted him out" at every reasonable opportunity including to St. Clair, Gustin, Miller, Henning, Ewing, Nepstad and Barland-Liles himself.

#### FACTS RELATED TO COMPUTER ACCESS ISSUE

In December 2011, office workers at EFMO were assigned new computers. Because EFMO is a relatively small operation, it has no on-site information technology specialist. For that reason, an IT person was brought in from another office to set-up the new computers and to transfer data from the old computers to the new ones. The IT person was Cheryl DeShazer from Brown vs Board National Historic Site who is a Midwest Region traveling IT specialist.

After (b)(2), (b)(6)'s new computer was set up and after she "took custody" of it, she discovered that an external hard drive was connected to it. She accessed the hard drive to see what it was. After

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<sup>13</sup> We considered the possibility that Nepstad's reference was to an alleged conversation between (b)(2), (b)(6) and her co-worker (b)(2), (b)(6). However, this can't be his reference. (b)(2), (b)(6) had already discussed putting the remains into Munson's car during her interview with Barland-Liles a month before Nepstad "lost confidence". While on the subject of (b)(2), (b)(6) do note that (b)(2), (b)(6) is mistaken about when that conversation took place. It took place in 2012, not 2011. In the conversation with (b)(2), (b)(6) (b)(2), (b)(6) merely expressed justified worry that the investigators were targeting her and that they would seize on any previously forgotten piece of trivia as a pretext to come after her. (b)(2), (b)(6)'s assessment that she was, by 2012, the target of a witch hunt and that the witch hunt would seize on trivia to get at her proved to be correct.

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a brief exploration, she found that the hard drive contained data that was apparently from Florencia Wiles' computer.

At this time, (b) (2), (b) (6) had a pending EEO claim against the park and (b) (2), (b) (6) discovered that the drive that had been "dropped in her lap" contained correspondence that was potentially relevant to that claim. She was thus presented with an ethical dilemma which was not of her own making. She could use the hard disk to aid (b) (2), (b) (6) or she could return it. If she returned it, it would certainly get (b) (2), (b) (6) in trouble. If she used it to aid her (b) (2), (b) (6) it could aid him (and indirectly her) but that unauthorized use could also cause trouble.

In the end, she did nothing. She disconnected the hard disk and put it in her drawer. She neither returned the hard disk nor did she use the information. (b) (2), (b) (6) EEO claim was ultimately settled and the ethical dilemma became moot.

Nepstad's report suggests that (b) (2), (b) (6) was accessing others' email. This is not true. She did not have the ability to access any current emails (except her own) and never tried to do it. Old email archives were left on the EFMO network public drive by the IT person, (b) (2), (b) (6) in connection with an earlier hardware installation (before December 2011). Those old email archives could be accessed by anyone in the park. At one point, (b) (2), (b) (6) opened this archive to see what was shared on the public drive and to see if it should be there. She determined that it was alright to leave it alone.

Contrary to the suggestion in Nepstad's report, (b) (2), (b) (6) never used her administrator password to connect remotely with anyone's computer.

Greener was never interviewed or questioned in any manner about this issue. If she had been, she would have readily related the facts above.

**Because, in hindsight, (b) (2), (b) (6) knows that she could have handled the matter of the hard disk better, we will briefly touch on the "penalty analysis".**

1. "Nature and Seriousness of the Offense": On this point, the complaint focuses on (b) (2), (b) (6) allegedly accessing the computers of co-workers and email archives to which she had no privileges. Neither of those things happened. She didn't access anyone else's computer. The only email archives she looked at were available to everyone and were located on the public drive. She accessed those only for a proper purpose - to see if they were matters that should have been left on the public drive.



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2. "Employee's Job": On this point, the complaint focuses on an alleged abuse of Greener's position as a network administrator. As demonstrated above, nothing that happened was related to the network administrator position. Cheryl DeShazer could have left her hard drive attached to anyone's computer. It just happened to be (b) (2), (b) (6). The email archives were left by DeShazer on a public drive. Anyone could see them. (b) (2), (b) (6) administrative privileges had nothing to do with either access.
3. "Disciplinary Record": The complaint acknowledges that (b) (2), (b) (6) has an unblemished record of 26 years of service.
4. "Work Record": The complaint lists no complaints whatsoever concerning (b) (2), (b) (6) performance on the job. As noted, she has worked for the National Park Service for 26 years and has advanced in rank and responsibility through that time.
5. "Effect on Future Performance": On this point, the complaint focuses on an alleged breach of trust. As previously noted, (b) (2), (b) (6) did not abuse her position and she made no use at all of the data that was dropped in her lap. DeShazer's error that led to the access is unlikely to be repeated. Therefore, there is no possibility of an effect on future performance. If an error like DeShazer's does occur in the future, (b) (2), (b) (6) will now know to immediately report it.
6. "Consistency With Other Penalties": The complaint identifies no comparable situations. We lack the information to identify any such comparable situations.
7. "Consistency with Table of Penalties": The complaint says that the table calls for a penalty range of reprimand up to a 14 day suspension. In hindsight, (b) (2), (b) (6) could have handled the abandoned hard drive better. She arguably should have turned it in as soon as she found it and discovered that it contained data. On the other hand, (b) (2), (b) (6) did not create this situation and did not use the accidental access in any improper way. Thus, in light of her long, spotless record, a reprimand would seem more than sufficient.
8. "Notoriety and Impact": The complaint concedes that this matter is not notorious. If the true facts are known, they should have no impact on trust.
9. "Clarity of Notice": There was no prior training on what an employee should do if handed a hard disk containing the data of others.
10. "Potential for Rehabilitation": There was no breach of trust. There was no dishonesty. This is a training issue. (b) (2), (b) (6) should be given appropriate instructions. Her long career with the National Park Service demonstrates that she will follow those instructions.

11. "Mitigating Circumstances": Mr. Nepstad writes, "To my knowledge there are no mitigating circumstances relative to this charge." If he had bothered to interview (b) (2), (b) (6) about these charges, he might have learned the mitigating circumstances described above.

12. "Availability of Alternative Sanctions": The available range of penalties is given at paragraph 7 above (from reprimand up to a 14 day suspension). This violation will never occur again regardless of the sanction imposed. No sanction is necessary to deter a repeat of this "offense".

### REQUESTED DISPOSITION

#### A. Missing Human Remains Issue

This complaint against (b) (2), (b) (6) was simply made up. She is accused of "covering up" her involvement in the removal of these remains when it is abundantly clear that she did the opposite of "covering up". It was she who kept raising the issue over the course of 21 years when no one else cared enough to pursue it. If it were not for (b) (2), (b) (6) continually raising this issue, the missing remains would never have been found and returned. Even the complaint against her tacitly acknowledges this. It was (b) (2), (b) (6) who preserved the crucial record and it was she who kept directing everyone to Munson.

Prior to the current park administration, the last person to whom (b) (2), (b) (6) made her report was Jacquelin St. Clair. St. Clair feared that the National Park Service wanted this matter dropped. We sincerely hope that St. Clair was mistaken, but this bizarre complaint seems to confirm St. Clair's worst fears.

Justice demands that this charge be dropped. In fact, if the National Park Service has an award for meritorious service, (b) (2), (b) (6) should get it for her actions related to the missing remains. It was primarily through her efforts that these significant artifacts were rescued and returned for proper disposition.

#### B. Computer Access Issue

This issue presents a more nuanced situation. The fact is that (b) (2), (b) (6) should never have had access to the materials from Ms. Wiles' computer. However, the access happened through the error of another. She never sought the access and once the access was "dropped in her lap", she made no improper use of the materials. In fact, she made no use of it at all.

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Because of these unique circumstances, no punishment should be imposed for this alleged offense.

**PART II – CONDITIONAL REQUEST FOR FURTHER EXTENSION OF TIME**

Reconstructing events that spanned over a 22-year history was a massive undertaking. The Parks Department, once it decided to investigate, took over a year to do its investigation. We were given only 30 days. A detailed review of the investigative file made it apparent that the official investigation failed to interview many former park employees who are still available and who probably have relevant knowledge of these ancient events. However, a review of the official investigation also demonstrated that the Nepstad charging memo drew blatantly erroneous conclusions from the facts that were contained in the investigation.

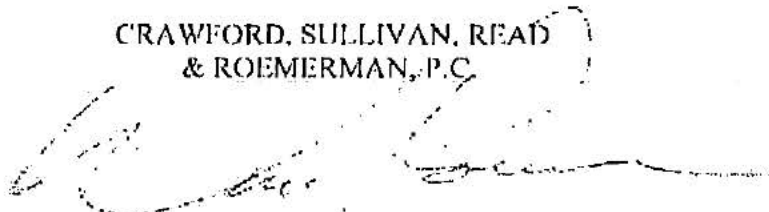
In spite of diligent efforts, we simply did not have sufficient time to understand the massive investigation file, understand the charges allegedly drawn from that file, write a response to the charges AND track down now-retired and scattered witnesses.

We are firmly convinced that the facts within the investigation demonstrate that the charges related to the missing remains are totally unfounded. Nothing further is actually needed for a dismissal.

**If you are inclined to dismiss the charge related to the relics on the basis of the existing investigation, we urge you to go ahead and do that. If you are inclined to any other result on this charge, fairness demands that we be given a sufficient opportunity to locate witnesses and obtain affidavits. Therefore, a further extension of time to respond should be granted.**

Sincerely,

CRAWFORD, SULLIVAN, READ  
& ROEMERMAN, P.C.



WILLIAM H. ROEMERMAN

WHR/mgh  
cc: (b) (2), (b) (6)





# United States Department of the Interior

NATIONAL PARK SERVICE  
National Capital Region  
1100 Ohio Drive, S.W.  
Washington, D.C. 20242

IN REPLY  
REFER TO:

(Hard copy sent via U.S. Postal Service Certified Return Receipt)

10.C (NCR-ADM)

May 1, 2013

William H. Roemerman  
Crawford, Sullivan, Rad, & Roemerman, P.C.  
1800 First Avenue NW  
200 Wells Fargo Bank Building  
Cedar Rapids, Iowa 52302-5435

Re: (b) (2), (b) (6)

Dear Mr. Roemerman,

I am in receipt of your April 23, 2013 letter requesting an extension of time to respond to the proposed removal of Ms. (b) (2), (b) (6) from her position of Administrative Technician (Museum Technician) at Effigy Mounds National Monument. I have taken your request into consideration and I am granting an extension of 14 days for a total of 28 days in which to respond. Therefore, the response is now due Monday, May 20, 2013.

Sincerely,

Nancie E. Ames  
Associate Regional Director, Administration

cc: Denise Stewart, MWR



CRAWFORD, SULLIVAN, READ & ROEMERMAN, P.C.

Writer's Direct E-mail:  
wroerman@crawfordsullivan.com

James W. Crawford (1911-1988)  
Gerald T. Sullivan  
Thomas B. Read  
William L. Roemerma  
Peter B. Welch  
Sherry J. Schulte  
Stephanie A. Legstador  
Carol J. Kirkley  
Of Counsel  
Thomas J. Wilkinson Jr.

April 23, 2013

Nancie Ames  
Associate Regional Director, Administration  
National Capitol Region  
c/o National Park Service  
Midwest Region  
ATTN: Denise Stewart  
601 Riverfront Drive  
Omaha, NE 68102

Re: (b) (2), (b) (6) Administrative Technician (Museum Technician)  
Effigy Mounds National Monument  
Notice of Proposed Removal

### REQUEST FOR EXTENSION OF TIME

Dear Ms. Ames:

I have been retained to represent (b) (2), (b) (6) and assist her with preparation of a response to the Proposed Removal Notice authored by James A. Nepstad, Effigy Mounds National Monument, dated April 18, 2013.

The notice states that a response must be received by you as the "deciding official" no later than 14 days from the date of the date of the letter unless an extension of time is requested and granted. We hereby request an extension of time for an additional 30 days so that the response will be due on the 44<sup>th</sup> day following the notice. This proposed extension, if granted, will make the response due Friday May 31, 2013.

The reason for the requested extension of time is as follows: The Proposed Removal (the "complaint") was accompanied by several hundred pages of documents, all of which must be reviewed and analyzed before we can begin formulating a response. The complaint itself is 16 pages long. We expect that the responsive narrative will be at least that long and merely drafting

CSR R  
LAWYERS

Nancie Ames  
April 23, 2013  
Page 2

it will take considerable time. Moreover, the notice and the attached documents are largely concerned with events that happened more than 20 years ago. To reconstruct these ancient events will be time consuming. An initial cursory review of the notice suggests that not all relevant witnesses were interviewed as part of the official investigation. It will take time to locate and interview the additional witnesses, especially since the events are so ancient and witnesses have retired from the Park Service or otherwise left employment at the Effigy Mounds Monument site.

The Parks Service took over 10 months investigating Ms. (b) (2), (b) (6) and compiling its report. It is simply not fair for the Service to have 10 months to prepare its case and then to only provide the employee with 14 days to formulate a response.

Please let me know as soon as possible if the extension will be granted.

Sincerely,

CRAWFORD, SULLIVAN, READ  
& ROEMERMAN, P.C.



WILLIAM H. ROEMERMAN

WHR/mgh

cc: (b) (2), (b) (6)



## United States Department of the Interior

NATIONAL PARK SERVICE  
Effigy Mounds National Monument  
151 HWY 76  
Harpers Ferry, Iowa 52146

IN REPLY REFER TO:

//Sent via US Postal Service Registered Return Receipt and via US Postal Service, Regular Mail//

April 19, 2013

CONFIDENTIAL - FOR OFFICIAL USE ONLY

### Memorandum

To: (b) (2), (b) (6) Effigy Mounds National Monument  
From: Superintendent, Effigy Mounds National Monument

I have been told there is a mistake on page 15 of the Notice of Proposed Removal I sent you yesterday.

The second sentence under the **Employee Rights and Procedures** heading should read: "Your reply must be presented to the Deciding Official, Associate Regional Director, Administration, Nancie Ames of the National Capitol Region."



## United States Department of the Interior

NATIONAL PARK SERVICE  
Effigy Mounds National Monument  
151 HWY 76  
Harpers Ferry, Iowa 52146

IN REPLY REFER TO:

//Sent via Postal Service regular mail//

April 18, 2013

CONFIDENTIAL - FOR OFFICIAL USE ONLY

### Memorandum

To: (b) (2), (b) (6) Effigy Mounds National Monument  
From: Superintendent, Effigy Mounds National Monument

Enclosed, you will find two original copies of a memorandum addressed to you. To acknowledge receipt, please sign one of these copies and mail it back to us in the enclosed self-addressed envelope (postage included).

Another package has been mailed today via registered mail, which USPS tells me may take slightly longer to arrive. This package will contain another copy of the enclosed memorandum, along with all the supporting documentation.





## United States Department of the Interior

NATIONAL PARK SERVICE  
Effigy Mounds National Monument  
151 HWY 76  
Harpers Ferry, Iowa 52146

IN REPLY REFER TO:

//Sent via US Postal Service Registered Return Receipt and via US Postal Service, Regular Mail//

April 18, 2013

CONFIDENTIAL – FOR OFFICIAL USE ONLY

Memorandum

To: (b) (2), (b) (6) Administrative Technician (Museum Technician), Effigy Mounds National Monument

From: Superintendent, Effigy Mounds National Monument

Subject: Notice of Proposed Removal

This notice is to advise you that I am proposing to remove you from your position of Administrative Technician (Museum Technician), GS-0303-07, and from the Federal Service for (1) Lack of Candor; and (2) Inappropriate Use of Government Computer. I am proposing this action to promote the efficiency of the Federal Service in accordance with 5 U.S.C. Chapter 75, Subchapter II, 5 C.F.R. Part 752, subpart D, and U.S. Department of the Interior Manual at 370 D.M. 752.

### Background:

In order to fully understand the egregiousness of the misconduct for which you are being charged, it is important to explain why Effigy Mounds National Monument came into existence and then to briefly outline the history associated with your actions regarding the investigation of missing human remains from the Effigy Mounds National Monument museum collection.

### *Effigy Mounds National Monument History:*

Effigy Mounds National Monument was authorized by Presidential Proclamation 2860 on October 25, 1949. The Monument preserves outstanding representative examples of significant phases of prehistoric Indian mound building cultures in the American Midwest; protects wildlife and natural values within the monument; and provides for scientific study and appreciation of its features for the benefit of this and future generations. The Monument contains nationally significant archeological resources comprising one of the largest concentrations of prehistoric earthen mounds in the United States, including some of the finest and best preserved examples of effigy mounds in their original forms, providing an insight into the social, spiritual, and, ceremonial life of pre-European contact peoples of this region.



The Monument's cultural resources and collections document the full breadth of archeological investigations in the Monument, from early mound documentation and exploration to modern methods of archeological investigation that incorporate a variety of techniques and native perspectives. National Park Service (NPS) cultural resource management involves research, evaluation, documentation, and registration of national monument resources, along with the establishment of priorities to ensure that these resources are appropriately preserved, protected, and interpreted to the public. The cultural resources of Effigy Mounds are finite and nonrenewable; as a result, national monument management activities and policies must reflect an awareness of their irreplaceable character.

In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), Monument officials consult with twelve culturally associated tribes to determine the cultural affiliation of human remains and funerary objects held in the museum collection at the monument. As the human remains and funerary objects are identified, they are removed from the collections and repatriated.

In summary, a large percentage of the mounds held, and continue to hold, the remains of deceased members of the American Indian communities who constructed them. The contents of the mounds are just as important as the mounds themselves, but in many ways, they are more important. The mounds were constructed to protect the deceased individuals who were laid to rest within them. The National Park Service has a profound obligation, articulated in the Archeological Resources Protection Act (ARPA), NAGPRA, and even the National Park Service Organic Act, to protect the contents of these mounds.

***Investigation History of Missing Human Remains:***

Effective January 2, 2011, I was assigned as the Superintendent of Effigy Mounds National Monument. In late April of 2011, you presented to me a copy of Dr. Dale Henning's report from 1998 which informed me that human remains from the Monument's museum collection had gone missing at some point in the past.

I and the Monument's law enforcement official, Bob Palmer, spent a few days trying to verify that the human remains were indeed missing. On April 27, 2011, former Superintendent Tom Munson informed Palmer that he did not know where the human remains might be. On April 28, 2011, Munson called Palmer and asked him to come to his personal residence in Prairie du Chien, Wisconsin. When Palmer arrived, Munson handed him a box that upon quick inspection contained obvious human remains. Palmer took the contents of the box back to the Monument.

With the assistance of staff from the Iowa Office of the State Archaeologist, I, along with law enforcement and curatorial staff from the National Park Service, spent the next several months looking into the issue, and ultimately verified that only a portion of the human remains had been returned. A substantial amount of the human remains that had gone missing were still missing and unaccounted for. During this time, you often assisted as we looked into this issue, yet you did not inform me or anyone else that you held information that cast serious doubt upon Munson's assertion that the remains had gotten to his house by accident.

In December 2011, a formal investigation into the missing human remains was initiated. During this formal investigation, evidence revealed that you had been withholding critical information

from me and investigators relating to your personal involvement in the removal of the human remains from the Monument's collection in 1990 and where you had last seen those human remains. This information later proved to be pivotal in the eventual retrieval of the rest of the missing human remains from Tom Munson's garage in May 2012.

The investigation revealed the following:

- In July of 1990, while Congress was debating the enactment of the Native American Graves Protection and Repatriation Act (NAGPRA), Effigy Mounds National Monument Superintendent Thomas Munson (1971-1994), directed you to remove all Native American human remains that were stored in the Monument's museum collection. Most of the human remains that were in the collection had been removed from prehistoric burial sites within the boundaries of the Monument during mid-century archeological excavations. Superintendent Munson wanted the remains removed from the collection before the enactment of the NAGPRA. Munson believed that this would allow the National Park Service to keep the funerary objects on display in the Monument's Visitor Center, since the funerary objects would no longer be associated with any human remains. You removed the human remains from the Monument's collection and placed them in two boxes. You and Superintendent Munson each carried a box of the human remains and placed them in the trunk of Munson's vehicle. Munson told you he was taking the remains to his home.
- At the direction of Munson, on July 16, 1990, you prepared a Report of Survey for the human remains indicating the remains had been "deaccessioned" and "abandoned." A deaccession requires a transfer of the human remains from one legitimate owner to another, i.e. the National Park Service to an affiliated tribe or other Federal entity. National Park Service officials and subject matter experts were unaware that you and Munson removed the human remains from the Monument's collection, and placed them in the trunk of Munson's vehicle. You later prepared the Collections Management Report for 1990. Former Superintendent Munson signed this report, which contained inaccurate information showing no deaccessions for the year.

National Park Service experts on Effigy Mounds archeology and human remains within the Midwest Archeological Center, began asking questions about the status of the Monument's human remains in 1996, after noting that the Monument's November 1995 NAGPRA Inventory showed no human remains were housed at the Monument. Beginning at that time, National Park Service officials made numerous attempts to locate the missing human remains, which were ultimately retrieved from the residence of former Superintendent Munson in 2011 and 2012. At no point during those attempts of the 1990s did you share the fact that you had helped Munson place two boxes of human remains in the trunk of Munson's personal vehicle.

You did not share the information that you helped Munson place two boxes of human remains in the trunk of Munson's personal vehicle with current investigators until May 16, 2012, and then only tentatively. The information you shared in 2012 prompted the Federal investigator to question former Superintendent Munson again and perform a consent search of his garage, leading to the retrieval of the last of the missing human remains. It was later discovered that during the summer of 2011, you shared with another Monument employee, (b) (2), (b) (6), the fact that you had placed one of the boxes in Munson's personal vehicle.

Had you been candid with me in April 2011, or at the very least, at the beginning of the investigation about your role and participation in what occurred in 1990, it would have resulted in a more expedient and less costly investigation to the government. Rather, in your discussions with me and in your initial interview with the investigator, you were vague in regards to your knowledge of what occurred. Specifically, you withheld the fact that you personally packed up the human remains in two boxes and assisted Munson in placing the human remains in the trunk of his personal vehicle. This enabled Munson to maintain an alibi that suggested the human remains had either been given to the Midwest Archeological Center; had been placed in a locker in the Monument and subsequently thrown out when the locker was disposed of; or somehow accidentally moved to his personal residence when he moved out of Monument housing in 1990.

When you were selected and hired into your current position of Administrative Technician (Museum Technician), you were placed into a position of trust relative to the Monument's curatorial program and property, in addition to your administrative duties, which also required a higher level of trustworthiness due to the sensitive information you work with. During the entire investigation into the missing human remains, based on both your personal knowledge and experience, and the documentation contained within your application for your current position, you had full knowledge of the significance of the human remains; the National Park Service's role to protect and preserve these remains; the importance of the remains to the tribes; and your responsibilities for the protection of the remains under the Native American Graves Protection and Repatriation Act. The experience you documented in your application for employment for the period of March 1, 1989 through October 17, 1993, validates this. In your application, you stated:

- "In 1989, I assumed the curatorial duties of the monument's archeological, archival, historical and biological collection of approximately 20,000 objects."
- "...85% of my duties were curatorial in nature."
- "Serves as an advisor to park management on the park's cultural resources. Monitors cultural resources, identifies potential... management regarding status and mitigation of impacts (present and future)"
- "...maintaining effective working relations with Native Americans and other traditionally associated groups, agencies..."
- *"Conducts or coordinates the review of park projects to assure protection of cultural resources and compliance with applicable Preservation Act, the Archeological Resources Protection Act (ARPA), and the Native American Graves Protection and Repatriation Act..." (emphasis added)*
- "...matters relating to compliance, Section 106 of the NHPA, NAGPRA, ARPA, NPS Management Policies, and Director's Orders."
- "Evaluates all park records and archival and manuscript donations against applicable Director's Orders, park scope of collection criteria. Conducts research into collection origins and undertakes fact-checking without supervision."
- *"Is responsible for maintaining the park's collection which covers a combination of disciplines including archeology, ethnology, paleontology. Incumbent catalogues, accessions, deaccessions objects, verifying the accuracy of information in collection records, catalog databases, prepares all reports, inspects artifacts, monitors environmental conditions of collections storage and exhibits, and automated collections management system. Participates in an advisory capacity in all park discussions and decisions pertaining to inventories collections." (emphasis added)*



- “Organizes the collections and maintains minimum levels for proper preservation, security and fire protection, collection storage controls, and maintains the environment for collections, including light, temperature, and relative humidity. Provides authoritative technical direction for the management of the park’s archives including; but not limited to, maps, notes, plans, historic documents and resource management records. Researches identification, authentication, dates, provenance, historical and scientific data, and other information as required for individuals and organizations when requested. Conducts research necessary to identify and/or authenticate museum objects.”

Based on your own description of your prior work experience, shown above, you had knowledge of your obligations as a Museum Technician relating to the nationally significant archeological resources at Effigy Mounds National Monument. Even though you committed the original misconduct as a GS-4 seasonal employee and under the direction of the Superintendent at the time, you withheld this information for 18 years after the Superintendent retired. Additionally, the most egregious conduct is that you continued to mislead and withhold this information after multiple attempts by National Park Service and law enforcement officials to ascertain the whereabouts and disposition of the human remains. This is inexcusable. All this occurred while you were in a position of trust and responsibility relative to the museum collection, and you were privy to the purpose and seriousness of the investigation.

During the course of this investigation it was determined necessary to check your work computer to ascertain if there was any relevant information tied to the investigation of the missing human remains. During the forensics investigation, it was found that you had inappropriately accessed your supervisor, (b) (2), (b) (6), e-mails and personal documents in her work database. It was also found that you inappropriately accessed the e-mail database of other co-workers, including (b) (2), (b) (6). You did all these actions while you were a network system administrator, and you violated the trust placed in you.

Finally, your knowledge and involvement regarding the events of 1990 relating to the missing human remains, compared to your later interviews with investigators in January and May 2012, demonstrated probable cause existed for a violation of 18 U.S.C. § 1001 – *Statements or entries generally – ... knowing and willfully (1) falsifies, conceals, or covers up by any trick, scheme, or device a material fact; (2) makes any materially false, fictitious, or fraudulent statement or representation; or (3) makes or uses any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry* – a felony. Probable cause also existed for your acts to be a violation of the following: ARPA, 16 U.S.C. § 470(ee) – a felony; 18 U.S.C. § 371 – Conspiracy to commit offense or to defraud the United States – a felony; 18 U.S.C. § 3 – Accessory after the fact – a felony; and 18 U.S.C. § 4 – Misrepresentation of felony. However, the Department of Justice declined to prosecute you.

Although the Department of Justice declined to prosecute you, I have a responsibility to administratively move forward due to your misconduct. Based on the background information explained above, which clearly reflects your lack of candor in this current investigation, and that you abused your authority as a network system administrator, I propose to remove you from your current position and from the Federal service. To be clear, I am not basing this proposed removal on any of the above-referenced criminal statutes.



## **Charges and Specifications:**

### **Charge 1 – Lack of Candor**

This charge is based on information from a Federal investigation initiated December 2011. I initiated an official Federal investigation because of missing human remains from the Effigy Mounds National Monument museum collection. From April 2011, prior to the investigation having been initiated, through May 2012, you withheld relevant facts that affected the course of my inquiry and an official Federal investigation conducted by National Park Service Special Agent David Barland-Liles. Prior to and during the investigation, you did not disclose pertinent information relating to your knowledge of, and your involvement in, the removal of human remains from the Monument's museum collection in July 1990, nor did you disclose your knowledge of where the human remains were last seen. During the course of the investigation, evidence revealed that beginning in approximately 1996, there were multiple attempts through the years to locate the missing human remains. You had the opportunity to report and provide complete information as to what occurred and who had knowledge of where the human remains may be located, but you did not report everything you knew, especially where you had last seen them.

The following information provides specific details regarding the official investigation:

On April 25, 2011, you presented me with a copy of twin reports from 1998 that were prepared by Dr. Dale Henning. Both reports contained numerous mentions of missing human remains. I asked you if the tribes had ever received notice of this information, or if they received copies of the Henning reports. You replied that you did not think so. At this point, I began my inquiries with various NPS officials to try to find out if anyone had information about the missing remains or if the tribes had ever been notified. By April 28, 2011, I was able to determine that the remains were still missing, and the tribes had not been notified.

During this period, law enforcement official Bob Palmer had contacted former Superintendent Munson. Munson originally responded that the remains had been sent to the Midwest Archeological Center years ago. The next day, Munson contacted Palmer, stating that he may have found something. Palmer was able to retrieve a box from Munson. The box appeared old and deteriorated, and it contained plastic bags of human remains. Palmer transported the bags of human remains back to the Monument. On April 29, 2011, I began working with the Office of the State Archaeologist to have the Director of the State Burials Program, Shirley Schermer, come to the Monument to examine the returned remains and make a determination if they were all present. On May 4-6, 2011, Regional Curator Carolyn Wallingford (now retired), and Regional Registrar Keely Rennie-Tucker visited the Monument to examine the Monument's museum records. Although the records appeared to be in disarray, it was originally thought that all the human remains were present.

During this initial inquiry process it was found that the Park's records indicated numerous inconsistencies. I consulted with you for information relating to the inconsistencies in the record relating to the July 1990 event. I also asked you to research the Monument's records relating to the museum collection. On May 23, 2011, you emailed me a list of human remains that were "deaccessioned" in 1990 and repatriations/reburials that occurred from 2001-2008. You did not provide me with all of the critical details related to your personal involvement with the 1990

"deaccession." You failed to inform me that Mr. Munson directed you to box up the human remains, and that you helped place the boxes in the trunk of his vehicle. In addition, you did not provide the 1990 Report of Survey to me.

On June 10, 2011, Ms. Schermer confirmed that a great deal of human remains that were allegedly deaccessioned in 1990 were still missing. This prompted Palmer to again visit former Superintendent Munson. Munson provided no new information at this time, but suggested that Palmer check all the attics and crawlspaces at the Monument. Palmer asked Munson to check his home and garage, and on June 15, 2011, Munson reported that he had searched and found nothing else. I then began making arrangements for a 100% inventory of the Monument's collection to verify beyond a doubt that remains were still missing from the Monument.

From July 11-18, 2011, you assisted Steve Viet from Grand Portage, Tricia Miller from Keweenaw, and Ms. Schermer with a 100% inventory of the Monument's museum collection. This process was witnessed by Patt Murphy of the Iowa Tribe of Kansas and Nebraska. The results of the inventory concluded that human remains were still missing. On July 13, 2011, I finally located the Report of Survey used to supposedly "deaccession" the human remains in July of 1990. I had made multiple inquiries with you about how the Monument had "deaccessioned" the items, and you had never provided this to me.

On August 9, 2011, the Midwest Region agreed to form a team or "review board," led by Special Agent David Barland-Liles, to investigate the issue of the missing human remains. The team included tribal representatives, representatives from the Iowa Office of the State Archaeologist (OSA), and representatives from the Iowa State Historic Preservation Office (SHPO). On December 6-7, 2011, the review board held its first face-to-face meeting, and the formal investigation of the missing human remains commenced.

On January 18, 2012, you participated in a voluntary interview with Special Agent Barland-Liles. During this interview, you revealed for the first time to anyone investigating this matter that you were ordered by Munson to remove the human remains from the museum collection in 1990, and you placed the human remains in one or two boxes and handed them to Munson. You further stated, "I can't remember if it was one box or two boxes I gave to Tom." You then revealed that you never divulged your participation in the event, because you were never directly asked. You hoped the NPS and/or Dr. Henning would be able to independently discover what took place without you, since Munson was your friend. You wanted to protect Munson and not rat him out.

On May 16, 2012, you participated in another interview with Special Agent Barland-Liles. As he pressed you for details, you said you were remembering the events of 1990. Explaining the July date on the Report of Survey was helping you remember how hot the weather was when the events transpired which further jogged your memory. You revealed that you believed you and Munson *may* have both carried a box of remains to Munson's sedan in the Effigy Mounds parking lot and placed them in his trunk. The Special Agent walked with you to the parking lot of the Effigy Mounds Visitor Center hoping that the location where the event took place would help you remember additional details. You said that your level of certainty about placing the boxes in Munson's trunk remained low. You had a vague recollection of Munson saying he was taking the remains to his house, and you believed that he had already moved from the National Park Service housing to Prairie du Chien, Wisconsin, at the time you may have helped him place the boxes in his trunk. You said that if Munson was going to do something legitimate with the human remains,

that he would have told you, for instance, transferring them to the Midwest Archeological Center. It was these undisclosed details that dramatically changed the course and focus of the investigation and reduced the probability of involvement of any individuals other than you and former Superintendent Munson. It was not until this investigation interview that you finally disclosed specific details of what occurred; your involvement in regards to the missing human remains; and where the remains might be located.

The next day, May 17, 2012, Special Agent Barland-Liles interviewed both Munson and (b) (2), (b) (6). During the interview, (b) (2), (b) (6) realized that (b) (2), (b) (6) had not been truthful during a previous interview. She then gave Barland-Liles consent to search the Munson's garage. The second box of human remains was immediately located, and Munson admitted he knew the human remains were there the entire time.

On June 14, 2012, Special Agent Barland-Liles and I met with members of the review board to review the findings of the investigation. Administrative Technician (b) (2), (b) (6) was present to help facilitate this meeting. On June 18, 2012, (b) (2), (b) (6) informed me that you had confided to her during the summer of 2011, while on a lunchtime walk, that you were nervous about the investigation that was beginning to build at that time. When (b) (2), (b) (6) asked why you were nervous, you stated it was "because I boxed up the remains and helped Tom Munson put them in the trunk of his car." (b) (2), (b) (6) stated that you were worried about the potential consequences of your involvement. Your comments to her were unsolicited. (b) (2), (b) (6) noticed during the review board meeting on June 14, 2012, that your "full knowledge and memory of the event," as reported during your lunchtime walk in 2011, was different than what you told Special Agent Barland-Liles in January and May of 2012. I then notified Barland-Liles of this conversation with (b) (2), (b) (6). The revelation of the clarity of your knowledge regarding the events of 1990, as revealed to (b) (2), (b) (6) in the summer of 2011, compared to your interviews with investigators in January and May 2012, demonstrates your continued lack of candor.

Based on the information obtained through this investigation, I find that Charge 1- Lack of Candor, is appropriate and supportive of this proposed removal. Considering that part of your assigned duties involved management of the Effigy Mounds museum collection, I find that your conduct in the investigation of the missing human remains is inexcusable. You were entrusted with museum collection responsibilities at the time the remains disappeared, throughout the length of the current investigation, and for many years in between. The fact that you participated in the removal of the human remains 22 years ago is egregious. Your lack of candor during the course of the investigation and during your interviews, where you continued to withhold relevant facts that took over a year for the Government to investigate, is also egregious. These facts were so vital to the investigation, that once armed with the information, investigators were able to retrieve the rest of the missing human remains within one day. Had you been upfront and candid with me when you provided me with the Dr. Henning's reports on April 25, 2011, this issue would have been investigated and come to a conclusion in a far less costly and more expedient timeframe. You wasted government time and money through your lack of candor.

#### **Charge 2 -- Inappropriate Use of Government Computer**

During the course of the investigation into the missing human remains, and your eventual placement on Administrative Leave, it was determined that it was appropriate to perform a forensic search of your work computer and portable drives. The portable hard drive connected to



your computer was found to contain sensitive, private data from your supervisor, Florencia Wiles', computer. Ms. Wiles' personal documents were tucked away in a misleadingly named folder labeled \Collections\Save. Ms. Wiles had no knowledge of you having these documents, nor did she give you permission to obtain and save them on the portable drive connected to your work computer, in the \Collections\Save folder. It was also found that you used your computer to access the email databases and archives of other employees.

As a Network Administrator for Effigy Mounds, I find that your actions were an egregious abuse of the authority that you had been entrusted with to assist with such a critical part of the Monument's day-to-day information technology requirements. The mandatory computer use training you took year after year informed you that the unauthorized use of another employee's computer or email is not allowed. Each time you log into your work computer and onto the National Park Service network, you acknowledge your responsibility regarding computer usage. You also complete an annual training requirement by taking the Federal Information Systems Security Awareness + Privacy and Records Management (FISSA) training. In addition, during the FISSA training, you are required to read and acknowledge the NPS Rules of Behavior (RoB) document, which contains Section 2.2, specifically designated for anyone with Administrative privileges.

As a System administrator for Effigy Mounds, you were provided special access to the NPS Network, email program, and the administration of computer access for other employees. This special access was granted in order for you to perform duties related to the administrative work you were assigned. You had no valid reason or the authority to access the content of your supervisor or other employee email accounts or documents, because you were not assigned duties to monitor other employees' computer usage.

#### Penalty Analysis

This proposed action will improve the efficiency of the Federal service by impressing upon you the severity of your misconduct and will demonstrate that such behavior is not tolerated. It will further improve the efficiency of the service so that we may rebuild the trust with the associated tribes to carry out the responsibilities the Department of the Interior has assigned to us.

The Merit Systems Protection Board, in its landmark decision, *Douglas v. Veterans Administration*, 5 M.S.P.R. 280 (1981), established criteria that supervisors should consider in determining an appropriate penalty to impose for the employee's misconduct. These twelve factors are commonly referred to as "*Douglas Factors*." The following relevant factors have been considered in determining the severity of discipline in this case.

1. ***Nature and Seriousness of Offense*** – the nature and seriousness of the offense, and its relation to the employee's duties, position, and responsibilities, including whether the offense was intentional or technical or inadvertent, or was committed maliciously or for gain, or was frequently repeated.

### **Charge 1 - Lack of Candor**

You have been the primary employee of Effigy Mounds National Monument who has museum collection duties and has been responsible for all issues involving the Monument's collection for multiple years. The Monument's museum collection contains artifacts of extraordinary value and/or high sensitivity, so a great deal of trust is placed in any employee who works with the collection. The offense of which you are accused directly relates to your museum duties, and this offense destroys your credibility and renders you unfit to carry out those duties. Your primary administrative duties (maintaining personnel files, timekeeping, etc.) also require trust, and that trust has been destroyed by your actions.

This is an extremely serious matter involving the most sensitive resources of this National Park Service unit. The remains of more than 40 people were illegally removed from the park in July 1990, and for all intents and purposes, "disappeared." All of these 40+ people lived and died in what is now Effigy Mounds National Monument. The Monument was set aside to protect the mounds and their contents, including these remains. Thus, the remains of these people transcend what we normally think of as "primary" or "fundamental" resources in the National Park Service.

You withheld vital information from an active investigation into a serious and sensitive issue (the disappearance of human remains) for more than a year, and you provided conflicting, misleading, and/or incomplete information to investigators, thereby impeding an investigation which has cost the Federal government tens of thousands of dollars.

### **Charge 2 - Inappropriate Use of Government Computer.**

You also seriously abused your computer privileges. A portable hard drive connected to your work computer was found to have sensitive, private data from your supervisor's computer, and was saved in a misleadingly named "Collection\Save" folder. You also used your computer access to access the email databases and archives of other employees in an unauthorized fashion. You were assigned duties as a network administrator for the Monument, and with these actions you once again violated a position of trust.

2. *Employee's Job* - the employee's job level and type of employment, including supervisory or fiduciary role, contacts with the public, and prominence of the position.

### **Charge 1-Lack of Candor.**

You are in a GS-7 position that has both administrative and museum-related duties. Although you have no supervisory role, you nonetheless were in a position of trust. You work with sensitive personnel files, maintain timekeeping, and work with priceless artifacts in the museum collection. Since the fall of 2011, you were the only employee in the Monument entrusted with a key to the museum collection.

The duties assigned to you in your position require you to be very involved with matters relating to the twelve American Indian tribes the Monument consults with. This includes

following the regulations and guidelines that are in place to properly accession and deaccession objects and artifacts in the Effigy Mounds museum collection. The tribes are understandably very upset about the human remains issue, and it is unlikely you will ever have credibility with them again.

**Charge 2 – Inappropriate Use of Government Computer.**

As a network administrator for the Monument's computer network, you were entrusted with enhanced privileges to enable you to help other Monument employees with their computer problems. You violated this trust by inappropriately –and without authorization – accessing and copying information that was stored on the computers of your coworkers and supervisor, despite the annual mandatory training informing you that such activity was not allowed.

3. **Disciplinary Record** – the employee's past disciplinary record.

**All Charges:**

I am not aware of any past disciplinary action against you.

4. **Work Record** – the employee's past work record, including length of service, performance on the job, ability to get along with fellow workers, and dependability.

**All Charges:**

You served as a seasonal employee from 1987 through 1993, when you were then hired into a permanent position. You have worked at Effigy Mounds National Monument since that time.

My knowledge of you has been that you get along reasonably well with some employees, and very poorly with others.

5. **Effect on Future Performance** – the effect of the offense upon the employee's ability to perform at a satisfactory level and its effect upon the supervisor's confidence in the employee's ability to perform assigned duties.

**All charges:**

Your actions have rendered you unfit to serve in any capacity in any position that involves trust. You have proven yourself to be misleading, and have repeatedly demonstrated a capacity to withhold information if it serves your purposes. These actions were directly related to your role as the sole employee with museum collection duties in the Monument. In addition, by inappropriately accessing and copying sensitive information from the computers and email databases of your fellow employees and your supervisor, you also demonstrated that you cannot be trusted with any sort of access to the Monument's computer network or any other sensitive data such as personnel files. A very large percentage of your job entails working with computers, personnel files, and the



Monument's museum collection. I would consider it extremely irresponsible to have you continue to serve in any of your current roles. If you were to stay, I would have to establish an entirely new position for you, and would need to hire another individual to replace your current position, which is vital to the Monument.

6. **Consistency with Other Penalties** – consistency of the penalty with those imposed upon other employees for the same or similar offenses.

**Charge 1- Lack of Candor.**

I have never dealt with an issue even approaching the level of seriousness for the offense you are accused of. I am not aware of any data existing to measure consistency against the specifics of this charge.

**Charge 2— Inappropriate Use of Government Computer.**

Likewise, no other park employee that I am aware of has been accused of inappropriately accessing and acquiring sensitive personal information from a coworker's computer, or of inappropriately accessing another employee's email database or archives. Again, I have no existing data to measure consistency against related to this charge.

7. **Consistency with Table of Penalties** – consistency of the penalty with any applicable agency table of penalties.

**Charge 1-Lack of Candor.**

The Department of the Interior Table of Penalties, Item 18, "misrepresentation, falsification, concealment or withholding of material fact in connection with an official government investigation" is similar to the Lack of Candor charge, and it carries with it a suggested penalty range of 14-day suspension to removal for a first offense. I believe the offense of which you are accused is serious enough to warrant going to the far side of that spectrum. Removal is certainly consistent with the Table of Penalties for serious offenses, and in my opinion, is warranted in this case.

**Charge 2— Inappropriate Use of Government Computer.**

The Department of the Interior Table of Penalties, Item 20, "improper use of government property" most closely applies to this charge of Inappropriate Use of Government Computer, with a suggested penalty range of Written Reprimand to 14-day suspension. However, more severe discipline (including removal) may be appropriate for a first/second offense. You were provided administrator rights and accesses to the Park's network and abused the authority of that access by accessing your supervisor's computer database and retrieving and saving personal documents; and, accessing the email and archives of other Monument employees. Combined with the other serious offenses and violations of trust that have come to my attention relative to you, I find it even more appropriate to recommend the more serious penalty. Proposed removal for this charge is appropriate considering the position of trust you are in as a Monument network administrator.

8. **Notoriety and Impact** – the notoriety of the offense or its impact upon the reputation of the Agency.

**Charge 1- Lack of Candor.**

This incident has, and will continue to cause, profound damage to the credibility and reputation of the National Park Service, particularly with the twelve American Indian tribes with whom we consult on Effigy Mounds National Monument matters. The term “cover up” has been used in many conversations on this matter that have arisen with the associated tribes. Understandably, there is a great deal of interest in this issue with the press, and most details have not been shared as of yet due to the fact that the matter is still under investigation as it relates to other individuals. But there will eventually come a day when this story likely sees the light of day, and at that time the National Park Service will be confronted with the difficult task of defending itself against the shameful actions of some of its employees.

The notoriety of this issue relative to the mission and reputation of the National Park Service is on the extreme end of the spectrum. I and my successors – and the Agency itself - will be dealing with fallout from this debacle for years to come. The offense of improperly removing the remains of more than 40 people is serious enough, but the consequences of covering up the offense and protecting the primary offender has made a very bad situation far worse. Rebuilding the trust with the associated tribes will potentially take years. Having you remain in this position and employed by the National Park Service, regardless of the position you may hold, will permanently damage our credibility with tribal nations.

**Charge 2— Inappropriate Use of Government Computer.**

The notoriety of the offenses related to the inappropriate and unauthorized access to other employees’ email and the computer records of your supervisor is not as serious as the other issues described in Charge 1; however, in light of your position of trust, they are certainly notorious on a Monument-wide scale, and will impact the ability of Monument employees to trust you.

9. **Clarity of Notice** – the clarity with which the employee was on notice of any rules that were violated in committing the offense, or had been warned about the conduct in question.

**Charge 1 –Lack of Candor**

You were very aware of the fact that I was taking the issue of missing human remains very seriously, as we are charged to preserve and protect them under the Organic Act of 1916 establishing the National Park Service, the 1949 Presidential Proclamation establishing Effigy Mounds National Monument, the Archeological Resource Protection Act, the Native American Graves Protection and Repatriation Act, and various laws and treaties related to the government to government relationship with tribes and their sacred lands, objects and especially, the remains of their ancestors. I had many conversations with you about where the investigation was going, what I planned to do, and my frustrations with Tom Munson’s alibis. You did nothing and said nothing to me of what actually occurred

and your involvement. Your information was critical and could have taken the investigation on a completely different path. In February 2012, I had a conversation with you in which I told you that I needed everyone in the Monument – you included – to immediately check through their files and immediately hand over any documents that even might be relevant to the investigation. In June 2012, I found documents in your workspace that were highly relevant to the investigation. You did nothing to dissuade me from performing a 100% inventory of the museum collection (costing thousands of dollars) in the summer of 2011, despite knowing full well that the remains I was looking for were most definitely not in the Monument's collection.

#### **Charge 2 Inappropriate Use of Government Computer**

Relative to the computer-related offense that you are accused of, there is no mistaking the fact that clear and repeated notice was provided that access to or possession of computer data for which you were not authorized violates Department of the Interior and National Park Service policies related to computer use. All NPS employees with computer access, including you, take annual training that covers these topics in detail.

#### **10. *Potential for Rehabilitation* – potential for the employee's rehabilitation.**

##### **All Charges:**

From what I know, you are unremorseful and feel that you have done nothing wrong. From the reports of your interviews with investigators, you come across as an innocent victim, and tried to blame others. You continued to be less than candid to investigators, and I have no reason to believe this will change. As far as I am concerned, you cannot serve in any position that involves any level of trust, especially relative to the museum collection, the Monument's computer network, or personnel records. I believe this renders you completely unfit for the duties that are assigned to you.

#### **11. *Mitigating Circumstances* – mitigating circumstances surrounding the offense, such as unusual job tensions, personality problems, mental impairment, harassment, or bad faith, malice or provocation on the part of others involved in the matter.**

##### **Charge 1-Lack of Candor.**

I long defended your actions relative to boxing up the remains and handing them over to former superintendent Munson. You were a seasonal employee in July 1990, responding to an order from a superintendent. I even defended you as recently as June 2012 at a meeting with tribal representatives. But a few days later, after learning that for more than a year, you had been withholding the one key fact that ultimately solved the whole mystery of the missing remains, my confidence in you was utterly shattered. There are no reasonable mitigating circumstances that I am aware of.

##### **Charge 2 Inappropriate Use of Government Computer**

To my knowledge, there are no mitigating circumstances relative to this charge.

12. *Availability of Alternative Sanctions* – the adequacy and effectiveness of alternative sanctions to deter such conduct in the future by the employee or others.

**Charge 1- Lack of Candor**

If an employee of a preservation agency violates the remains of the ancestors of modern-day American Indian tribes who work closely with the Monument – or if that employee protects someone who has done this – it represents a violation of trust that is truly extraordinary. The only possible way for you to continue employment with Effigy Mounds National Monument is if I establish an entirely new (and currently unneeded and unfunded) position for you. In light of the seriousness of your offenses, it is very difficult for me to imagine why I might dedicate badly needed funds to a position the Monument doesn't need – especially a position that would be occupied by an employee that I, the Monument's staff, and the American Indian tribes we work with, can no longer trust. I honestly believe there are no viable alternatives to removal.

**Charge 2- Inappropriate Use of Government Computer**

You were entrusted with enhanced network accesses. The violations that you committed regarding computer access are serious, and I do not believe there are viable alternatives to the proposed removal on this second charge.

**Employee Rights and Procedures**

You have the right to reply to this Proposal orally and/or in writing (and furnish affidavits and other documentary evidence), no later than fourteen (14) calendar days after you receive it. Your reply must be presented to the Deciding Official, Associate Regional Director, Administration, Nancie Ames of the Northeast Regional Office. For tracking purposes, your reply should be sent in a sealed envelope addressed to Ms. Ames, and forwarded to Human Resources Specialist Denise Stewart at the address indicated below. Ms. Stewart will forward your response to Ms. Ames.

National Park Service  
Midwest Region  
Attention: Denise Stewart  
601 Riverfront Drive  
Omaha, Nebraska 68102  
Fax: (402) 661-1650  
Email: denise\_stewart@nps.gov

If you would like to provide an oral reply, please contact Ms. Stewart and she will arrange the appointment for you to talk with Ms. Ames.

Your reply should include any information or evidence you want the Deciding Official to consider in making the Decision. If you need to request an extension of time to reply, your request must be in writing and must be received by the Deciding Official no later than close of business at the end

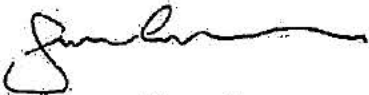


of the current fourteen (14) calendar day response date. It must state the reason for your request and the amount of additional time needed. The Deciding Official will respond to you, in writing, either granting or denying (fully or partially) the time extension request.

You have a right to review the material relied upon to support this proposal. A copy of the materials are enclosed.

During the reply process, you can represent yourself or be represented by an attorney or other representative. However, management has the right to disallow as your representative an individual whose activities as representative would cause a conflict of interest or position, or an employee whose release from his or her official position would result in unreasonable costs or whose priority work assignments preclude his or her release. If you elect a representative, you must designate the individual, in writing, to the Deciding Official prior to any oral and/or written reply.

Since you are on administrative leave, a change of hours to use official time will not be granted. Full consideration will be given to any reply you make and you will receive a written decision on the proposal at the earliest practicable date after receipt of your reply. If you choose not to reply, a decision will be made as soon as practicable after expiration of the time allowed for your reply. The proposed action, if sustained by the deciding official, will not be effective earlier than thirty (30) calendar days from the date on which you receive this notice. You will remain on administrative leave status during the thirty (30) day notice period, unless you request and receive approval from your supervisory chain for any type of leave.



James A. Nepstad  
Superintendent

#### Receipt Acknowledgement

You are requested to sign and date one of the original copies of this memorandum that we have sent you as evidence that you have received it, and return it in the enclosed self-addressed, stamped envelope. Your signature does not mean that you agree or disagree with the contents of this memorandum and by signing you will not forfeit any of the rights mentioned. However, your failure to sign will not void the contents of this memorandum.

Receipt Acknowledged

(b) (2), (b) (6)

Date: 4-22-2013

A large, dark, and heavily distorted grid table with illegible content. The table consists of approximately 10 columns and 15 rows. The content within the cells is completely unreadable due to extreme contrast and noise. There are two circular punch holes visible at the top of the page, and a white circular mark is present on the left side of the table area.

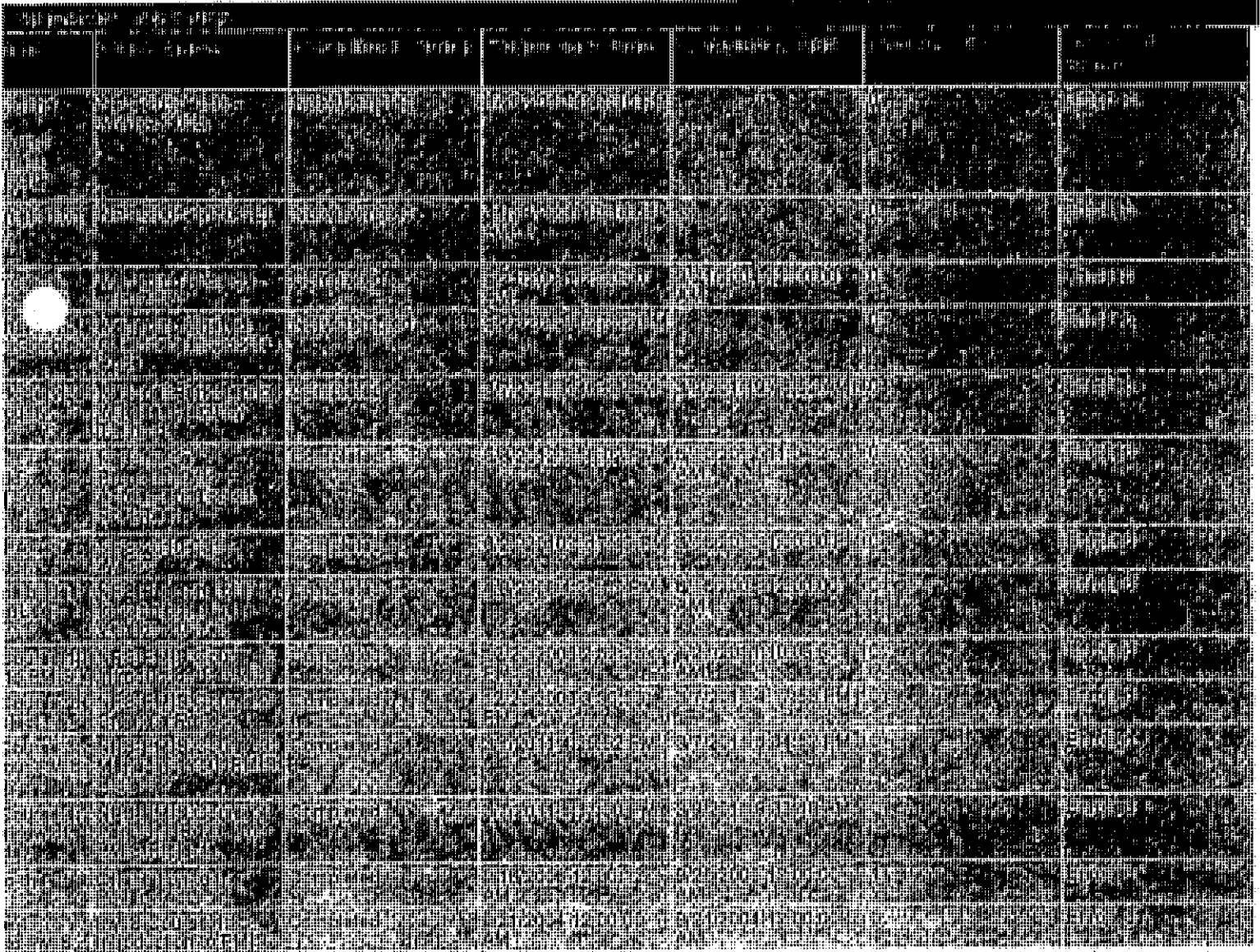
-1/1-

TABLE WITH 6 COLUMNS AND 10 ROWS. CONTENT IS HEAVILY DISTORTED AND UNREADABLE.



-3/1-





-4/1-



November 8, 2012

To: Denise Stewart, Employee Relations Specialist, Midwest Region

From: (b) (2), (b) (6) Administrative Officer, Effigy Mounds National Monument (EFMO)

Subject: EFMO Unauthorized Computer Use

On August 3, 2012, EFMO Superintendent Jim Nepstad showed me the contents of a portable hard drive he advised was connected to Ms. (b) (2), (b) (6) work computer. Mr. Nepstad showed me several of my personal files on the hard drive that I had saved on my work computer. Mr. Nepstad sent the portable hard drive to NPS Special Agent Beth Schott to be imaged and forensically examined. This process appears to show (b) (2), (b) (6) accessed my government email archive files. One example of this is an email communication between me and MWAC archeologist Anne Vawser.

I am writing to you today to advise Ms. (b) (2), (b) (6) served as a network administrator at EFMO. I have never given Ms. (b) (2), (b) (6) approval to access my work computer either directly or remotely. Furthermore, I did not give Ms. (b) (2), (b) (6) approval or authorization to access my work email account. Lastly, as the supervisor for Ms. (b) (2), (b) (6) I am aware that she successfully completed the required annual Federal Information Systems Security Awareness (FISSA) training in 2011 and 2012.

(b) (2), (b) (6)

11/8/12





Jim Nepstad/EFMO/NPS  
10/31/2012 11:07 AM

To Gregory Monahan/Omaha/NPS@NPS  
cc  
bcc  
Subject EFMO unauthorized computer use issues

Hi Greg,

Below is a summary of what we know, and how we know it. Let me know if you need additional information. I'll be out of the office (b) (2), (b) (6) and Friday, but will be back next week.

Also, I'll send some data we got from Beth Shott in a separate message.

Jim Nepstad, Superintendent  
Effigy Mounds National Monument  
151 HWY 76  
Harpers Ferry, IA 52146  
(563) 873-3491, x 101 Phone  
jim\_nepstad@nps.gov Email

-----  
(b) (2), (b) (6) worked in the park's museum collection area - an area that only she and a single law enforcement professional had a key to. After she was placed on administrative leave on June 21, 2012, her computer was secured in place, and remained off until the hard drives were sent to NPS Special Agent Beth Shott in Denver on August 7. While performing a check on the collections areas on August 3 (using (b) (2), (b) (6) keys), Nepstad noticed that a portable hard drive was connected to (b) (2), (b) (6)'s computer. Thinking it was a backup of the computer's internal hard drive, Nepstad reasoned that it could provide a way to see what might be on the computer without disturbing the computer itself, so he disconnected it from (b) (2), (b) (6)'s computer and brought it to his own work computer to examine. In addition to a few backup files, Nepstad noted a folder named "Collections" on the portable hard drive. Within the Collections folder was a single folder named "Save" (i.e. F:\Collections\Save). And after opening that folder, Nepstad encountered a large number of files and sub-folders. None of these files or folders appeared to relate to the park's museum collection, and after examining several of them, it became apparent that they were personal files (some with highly sensitive data) belonging to (b) (2), (b) (6) supervisor, Administrative Officer Friday Wiles. Nepstad called Wiles to his computer and showed him the contents of the portable hard drive. Wiles immediately recognized them as hers, and stated they were the contents of a folder labelled PRIVATE on her computer. Wiles was mortified that they were on (b) (2), (b) (6) portable hard drive, concealed in a folder that appeared to be related to museum collection issues. When Nepstad inquired into how this could have happened, Wiles stated that (b) (2), (b) (6) was a network administrator, and network administrators could, in theory, get onto anyone else's computer, either directly or remotely. Wiles was extremely upset that one of her employees had concealed private data from her computer on a portable hard drive without authorization.

The hard drives were removed from (b) (2), (b) (6) computer on August 7 and sent via FedEx to NPS Special Agent Beth Shott to be imaged and forensically examined. Once the hard drives had been imaged to preserve the state they were in when (b) (2), (b) (6) last turned the computer off on June 21, Shott began to sieve through the enormous amount of information stored on them. She began by searching for deleted files or unallocated clusters containing certain keywords associated with the human remains investigation, and in doing so, quickly came across evidence of an email communication between Wiles and MWAC archeologist Anne Vawser. When Nepstad asked Wiles to retrieve this message from her archives, it was noted that (b) (2), (b) (6) was not a party to the communication. Further evidence left behind on the computer suggested that (b) (2), (b) (6) had accessed the email message from a file called "a\_fwiles.nsf," which is the name of Wiles' archive file. Again, Wiles was furious that a subordinate employee (b) (2), (b) (6) had been getting into her email archives without authorization. Further evidence that this had occurred was found



when Nepstad turned (b) (2), (b) (6) computer on for the first time after the hard drives were returned by Shott following imaging. The "Recent Places" folder on (b) (2), (b) (6) computer (which again, had been turned off since June 21), clearly showed a\_fwiles.nsf had been accessed. In addition, another email archive belonging to lead Interpretive ranger (b) (2), (b) (6) had also been accessed. And finally, when permission was secured to go through (b) (2), (b) (6) email and archives, evidence that (b) (2), (b) (6) had accessed her (b) (2), (b) (6) (b) (2), (b) (6) email account as well, and had apparently even sent messages from his account in his name.

(b) (2), (b) (6) violated the trust that had been placed in her as a network administrator at Effigy Mounds National Monument by inappropriately accessing the computer of her supervisor without authorization. Further, (b) (2), (b) (6) accessed her supervisor's private files, copied them onto a portable hard drive, and concealed them in a deceptively named folder in a manner that would allow her to view them with minimal risk of detection. (b) (2), (b) (6) also accessed her supervisor's email archives without authorization. Forensic examination of the hard drives from (b) (2), (b) (6) computer demonstrates that this happened with a certainty far beyond the "preponderance of the evidence" level.

- NPS IT rules of behavior
- section @ back
- admin resp.
- Annual FISSA training
- Melissa Harter IT @ MNRG

Jim Nepstad/EFMO/NPS  
10/31/2012 11:17 AM

To: Gregory Monahan/Omaha/NPS@NPS  
cc  
bcc  
Subject: Fw: docs so far

Greg,

Most of the data below is of no interest. But the document titled "email artifact.rtf" is what clued us into the fact that (b) (2), (b) (6) had been getting into the email archives of both (b) (2), (b) (6) (her supervisor) and (b) (2), (b) (6). It can be pretty cryptic stuff, but if you know what Lotus Notes archives files look like, it's pretty clear she got into them. She had the means to do it available to her, too. Give me a call if you need me to elaborate on this.

Also, here's a screen shot I grabbed from (b) (2), (b) (6) computer very soon after I fired it up the first time. If you look closely, you'll see the archive files for both (b) (2), (b) (6) (a\_ (b) (2), (b) (6).nsf) and (b) (2), (b) (6) (a\_ (b) (2), (b) (6).nsf) in the "Recent Places" folder.



(b) (2), (b) (6) Recent Items View.docx

Jim Nepstad, Superintendent  
Effigy Mounds National Monument  
151 HWY 76  
Harpers Ferry, IA 52146  
(563) 873-3491, x 101 Phone  
jim\_nepstad@nps.gov Email

----- Forwarded by Jim Nepstad/EFMO/NPS on 10/31/2012 11:07 AM -----



Beth Shot/WASO/NPS  
09/11/2012 05:12 PM

To: Jim Nepstad/EFMO/NPS@NPS, Bob  
Palmer/EFMO/NPS@NPS  
cc

Subject: docs so far

Hello, I am sending you some recovered data in .rtf format. I also have some recovered files I will send in a separate email. It may be a bit confusing since I have not written an explanation of the data, but wanted you to see what I have to date. It looks like she was able to "link" to fromm and wiles .nsf files somehow. I will try to get clarification on what I am seeing tomorrow. Also it looks like she accessed an external hard drive that had a ton of files from wiles. Looks like it was a computer hard drive (maybe a backup?) not sure how she would have accessed it or if it was a network drive, although this looks like a drive with Windows on it the way the file path is. There is a computer name on one of the files so you can see what computer that belonged to. Please call me if you have questions.



1986 and 1990 deaccession list.rtf accession 8 info.rtf deaccession catalog numbers.rtf email artifact.rtf misc.rtf

**From:** Beth Shott  
**To:** Jim Neplad; Bob Palmer  
**Subject:** docs so far  
**Date:** 09/11/2012 05:12 PM  
**Attachments:** 1986 and 1990 deaccession list.rtf  
acession 8 info.rtf  
deaccession catalog numbers.rtf  
email artifact.rtf  
misc.rtf

Hello, I am sending you some recovered data in .rtf format. I also have some recovered files I will send in a separate email. It may be a bit confusing since I have not written an explanation of the data, but wanted you to see what I have to date. It looks like she was able to "link" to (b) (2), (b) (6) and (b) (7)(C), (b) (7)(D) .nsf files somehow. I will try to get clarification on what I am seeing tomorrow. Also it looks like she accessed an external hard drive that had a ton of files from wiles. Looks like it was a computer hard drive (maybe a backup?) not sure how she would have accessed it or if it was a network drive, although this looks like a drive with Windows on it the way the file path is. There is a computer name on one of the files so you can see what computer that belonged to. Please call me if you have questions.



1986 and 1990 deaccession list.rtf acession 8 info.rtf deaccession catalog numbers.rtf email artifact.rtf misc.rtf

Beth Shott  
Special Agent  
National Park Service  
Investigative Services Branch  
Intermountain Region  
(303)969-2217



**CONFIDENTIALITY NOTICE:**

This message (including any attachments) is intended exclusively for the individual or entity to which it is addressed. This communication may contain information that is proprietary, privileged or confidential or otherwise legally exempt from disclosure. If you are not the named addressee, you are not authorized to read, print, retain copy or disseminate this message or any part of it. If you have received this message in error, please notify the sender immediately by E-mail and delete all copies of the message.

Name	Date modified
go=13;a=;sb]=stateinfo;kw=;chan=sport...	4/20/2012 11:11
00.incident req.1.READs.pdf	9/12/2012 10:27
02-16-3.gif	4/12/2012 8:29 AM
5-6-2008	5/19/2012 2:32 PM
100% Inventory EFMO final.xls	3/28/2012 11:03
2003-09-12	5/18/2012 2:26 PM
2006-08-23-1416-13	5/18/2012 2:27 PM
2011	6/6/2012 2:35 PM
2012 06.htm	4/13/2012 11:01
2012 09.htm	5/1/2012 2:25 PM
2012 10.htm	6/19/2012 11:40
2012 11.htm	6/19/2012 11:40
2012 12.htm	6/19/2012 11:39
2012 Calendar.doc	6/19/2012 1:44 PM
2012 MASTERCARD Certification.docx	5/25/2012 2:49 PM
2012	6/20/2012 2:37 PM
6993.htm	5/3/2012 3:15 PM
10490A (2).JPG	5/18/2012 1:56 PM
(1).nsf	3/9/2012 2:18 PM
(2).nsf	3/9/2012 2:19 PM
(2).nsf	6/21/2012 10:09
accredited-hbcus.xls	4/5/2012 11:05 AM
admin.conf	5/30/2012 4:50 PM
Administration	6/14/2012 10:59
Administrative Claim for back pay for Su...	5/24/2012 12:04
adp1.adp	3/7/2012 4:40 PM
archive	6/21/2012 10:17
Archives Basics PowerPoint.pptx	3/23/2012 1:56 PM
attendance register.docx	6/6/2012 2:35 PM
azw699e.tmp	5/2/2012 10:01 AM
BG	6/19/2012 11:40
Block FBMS.xlsx	6/20/2012 1:03 PM
blnw07708173.zip	4/11/2012 11:29
blnw16508211.zip	4/11/2012 11:48
Calendar Year 2001 FTE Usage(1).xls	3/15/2012 11:33
Calendar Year 2010 FTE(1).xls	3/15/2012 11:33

Select a file to preview

.49 items



# 1986 and 1990 deaccession list.doc

File Created 08/21/11 09:00:19AM

Last Written 08/21/11 09:00:33AM

try Modified 08/21/11 10:05:20AM

., ISB-MW-11-404\_EFMO\EFMO HDD1\CINAGPRA info\NAGPRA\Nagra working\1986 and 1990 deaccession list.doc

Page 1

deaccessioned catalog numbers - 10/07/86

Acc. 70

4093	4161	4268	4315	4350	4379	4494
4109	4162	4279	4316	4351	4382	4495
4110	4170	4290	4318	4352	4383	4497
4111	4171	4291	4319	4353	4390	4499
4112	4172	4292	4320	4354	4393	4501
4113	4173	4293	4322	4355	4398	4506
4114	4187	4294	4323	4356	4399	4526
4115	4188	4295	4325	4357	4444	4527
4116	4190	4296	4326	4358	4445	4531
4117	4191	4298	4327	4359	4446	4532
4118	4210	4299	4328	4360	4448	4533
4119	4212	4300	4329	4361	4455	4538
4120	4213	4301	4331	4362	4457	4540
4121	4215	4302	4334	4363	4464	4543
4122	4218	4303	4335	4364	4468	4547
4123	4219	4304	4338	4365	4472	4550
4124	4221	4305	4339	4366	4473	
4125	4223	4306	4340	4367	4474	
4130	4224	4307	4341	4368	4475	
4132	4227	4308	4342	4369	4478	
4134	4230	4309	4343	4370	4479	
4139	4234	4310	4344	4371	4480	
4137	4242	4311	4345	4372	4483	
4138	4246	4312	4346	4373	4489	
4140	4249	4313	4347	4376	4490	
4147	4252	4314	4348	4377	4493	

Acc. 33 - 341, 342

Acc. 72 - 591

Acc. 82 - 515-577, 581

Acc. 49 - 2996, 2997, 3026, 3087, 3132, 3021, 3115"

Acc. 48

5817	5855	5866
5818	5857	5868
5821	5858	5869
5827	5859	5871
5848	5860	5872
5849	5861	
5850	5863	
5851	5864	
5852	5865	

Acc. 2  
514

Also deaccessioned are uncataloged portions of Accession numbers 14, 44, 48, 50, 51, and 77.

# Accession 8 info

Accession 8 info

Page 1

File Created 11/30/11 01:02:55PM  
Last Written 09/29/08 12:38:14PM  
try Modified 06/21/12 10:05:21AM  
./ ISB-MW-11-404\_EFMO\EFMO HDD1\C\NAGPRA Info\NAGPRA\EFMO\REPORT2\FINALW~1.WPD

NAGPRA

File Created 11/30/11 11:06:13AM  
Last Written 06/05/12 10:16:30AM  
Entry Modified 06/21/12 10:32:08AM  
2) ISB-MW-11-404\_EFMO\EFMO HDD1\C\Users\ (b) (2), (b) (6) \AppData\Local\Microsoft\Media Player\Current\Database\_372.wmdb

Accession 8

# Deaccessioned catalog numbers.docx

File Created 09/21/11 10:12:42AM

Last Written 09/22/11 03:13:37PM

Entry Modified 06/21/12 10:05:20AM

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Page 1

## Deaccessioned catalog numbers -10/07/88

### Page 70

4083	4161	4268	4315	4350	4379	4494
4109	4162	4279	4316	4351	4382	4495
4110	4170	4290	4318	4352	4383	4497
4111	4171	4291	4319	4353	4390	4499
4112	4172	4292	4320	4354	4393	4501
4113	4173	4293	4322	4355	4394	4506
4114	4187	4284	4323	4356	4399	4528
4115	4188	4295	4325	4357	4444	4527
4116	4190	4296	4326	4358	4445	4531
4117	4191	4298	4327	4359	4446	4532
4118	4210	4299	4328	4360	4448	4533
4119	4212	4300	4329	4361	4453	4538
4120	4213	4301	4333	4362	4457	4540
4121	4215	4302	4334	4363	4464	4543
4122	4218	4303	4335	4364	4468	4547
4123	4219	4304	4338	4365	4472	4550
4126	4221	4305	4339	4366	4473	
4129	4223	4306	4340	4367	4474	
4130	4224	4307	4341	4368	4475	
4132	4227	4308	4342	4369	4478	
4134	4230	4309	4343	4370	4479	
4135	4286	4310	4344	4371	4480	
4137	4242	4311	4345	4372	4483	

File Created 09/21/11 10:12:42AM

Last Written 09/22/11 03:13:37PM

Entry Modified 06/21/12 10:05:20AM

2) ISB-MW-11-404\_EFMO\EFMO HDD1\C\NAGPRA Info\NAGPRA\Nagpra working\Deaccessioned catalog numbers.docx

Page 2

# Deaccessioned catalog numbers.docx

4138 4246 4312 4345 4373 4489  
4140 4248 4313 4347 4375 4490  
4147 4252 4314 4348 4377 4493

Acc. 33 -341, 342

Acc. 73 -591

Acc. 87 -515-577, 581

Acc. 42 -2996, 2997, 3026, 3087, 3132, 3021, 3115

Acc. 48

5817 5855 5865                    Acc. 2  
5818 5857 5868                    514  
5821 5858 5869  
5827 5859 5871  
5848 5860 5872  
5849 5861  
5850 5862  
5851 5864  
5852 5865

Also deaccessioned are uncataloged portions of Accession numbers 14, 44, 48, 50, 51, and 77.

File Created 09/21/11 10:12:42AM

Last Written 09/22/11 03:13:37PM

Entry Modified 06/21/12 10:05:20AM

3) ISB-MW-11-404\_EFMO\EFMO HDD1\C\NAGPRA Info\NAGPRA\Nagpra working\Deaccessioned catalog numbers.docx

Page 3



# Deaccessioned catalog numbers.docx

## Deaccessioned catalog numbers -7/30/90

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4846	5586	5239	4949	4861	5013	5118
5481	5096	5695	4947	5017	5012	5122
4820	4966	5430	4948	5221	4619	5119
5589	5225	4885	4945	5081	5123	4965
4929	5206	4998	5105	4692	5480	4867
4924	4940	5594	5106	5000	5098	4964
4950	5425	5520	5179	5099	5051	4778
4980	4789	5026	4659	5041	5056	4773
4879	5042	4869	5101	5090	5394	4776
4593	4920	4696	5379	5088	5516	5378
5028	5047	5484	5102	5555	5479	4848
5474	5099	5108	5018	4606	4927	4847
5475	5434	5427	5582	5341	4954	4845
5473	5072	5426	5187	4658	5180	5636
5476	4939	4962	5180	4592	4600	4863
5482	4925	4961	5181	4859	4870	5393
5484	4713	4955	5182	5025	5112	4960
5483	5189	4956	5219	5034	5113	5100
5478	5188	4953	5107	5033	5114	4594
5471	5707	4951	5103	5020	5115	5256
5486	5362	4952	4775	5019	5116	4889
5121	5220	4950	4769	5016	5117	4822

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Page 4

# Deaccessioned catalog numbers.docx

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Page 4

4817	4958	5104	5358	5212	5076	4849
4806	5014	5109	3706	5144	5001	4816
4801	4878	5148	3694	5111	4959	4800
4884	5002	5215	5317	5077	4928	4790

Acc. 16

642	1658	652
641	645	653
640	646	654
639	647	655
638	648	656
637	649	657
643	650	
644	651	

Acc. 95

1940 1941

Acc. 132 -7249 7331

Acc. 5 -3929

Acc. 70 - 4551

Also deaccessioned are uncataloged portions of Accession numbers 1, 3, 8, 16, 53, 70, 78, 95, 106, 107, 109, 110, 111, and 132.

# email artifact

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 1) ISB-MW-11-404\_EFMO\EFMO HDD1\C\Unallocated Clusters

.....CN=NP003DENVER/OU=MTA/O=NPS;CN=NP002BDENVER/OU=MAIL/O=NPS.....Hb..w\*+..Mb..w\*+!Mb..w\*+Pmb..w\*+  
 ...Z...\*(...r\*2..s\A..eQ..Ex\*+...T6T..Ex\*+ UT..Ex\*+Z.....y{... "Small Fonts.....  
 .....yZ.....  
 .....f.....y\*.....  
 Thanks Friday. Very interesting. If Munson knew they were in his garage then why would he sugges  
 t that we had them here an MWAC? □.f.....y.....  
 □.f.....y.....  
 Anne Vawser Archeological Information Management Team Leader Midwest Region ASMIS Coordinator Mi  
 dwest Archeological Center National Park Service Federal Building Room 474 100 Centennial Mall N  
 orth Lincoln, NE 68508 (402) 437-5392 ext. 109 (402) 437-5098 (fax) □.yZ.....8...8.....  
 .....B.....f.....y.....  
 Y...-y-y.....Y...-y-y\$.....

Friday Wiles/EFMO/NPS  
 File Created 06/21/12 09:17:02AM  
 Last Written 06/21/12 09:17:02AM  
 Entry Modified 06/21/12 10:34:35AM  
 2) ISB-MW-11-404\_EFMO\EFMO HDD1\C\Users (b) (2), (b) (6) \AppData\Roaming\Microsoft\Windows\Recent\ \_MFromm.nsf.lnk

\\inpefmombrs2\public\P: mfrom data\archive\l\_MFromm.nsf...P: \m.f.r.o.m. d.a.t.a \a.r.c.h.  
 i.v.e  
 File Created 06/21/12 09:09:12AM  
 Last Written 06/21/12 09:09:12AM  
 Entry Modified 06/21/12 10:34:36AM  
 3) ISB-MW-11-404\_EFMO\EFMO HDD1\C\Users (b) (2), (b) (6) \AppData\Roaming\Microsoft\Windows\Recent\l\_MFromm.nsf.lnk

MFromm  
 File Created  
 Last Written  
 Entry Modified  
 4) ISB-MW-11-404\_EFMO\EFMO HDD1\C\Unallocated Clusters

Sorry, (b) (2), (b) (6) I did not follow up on this after I originally told= you about it on July 15th (I found a note in the folder). It was after  
 tha= t period that I asked for more access passes, and totally forgot about it u= ntil I discovered this past week we were about out  
 of annual passes. In fac= t, I think when you ordered the access passes you even asked me, Need anyth= ing else? And I said,  
 Nope! (b) (2), (b) (6)

(b) (2), (b) (6) i/EFMO/NPS wrote: ----

To: (b) (2), (b) (6);EFMO/NP= S@NPS  
 From: (b) (2), (b) (6) EFMO/NPS  
 Date: 09/12/2010 02:03PM  
 cc: m= ary=5Ftechau@nps.gov  
 Subject: Re: annual passes

(b) (2), (b) (6)  
 Under the circumstances, lets not order any = more annual passes, we are just out when  
 people co= me in for one ---- they can get it at the next stop. We have one (1) left a= nd  
 when that one is gone -- we are out.  
 = I see no need at this point in the season to order more sinc= e we have to have new  
 ones for 2011.

IMG [Inactive hide details for (b) (2), (b) (6) /EFMO/NPS (b) (2), (b) (6) /EFMO/NPS

# email artifact

email artifact

Page 2

(b) (2), (b) (6) /EFMO/NPS

Y12/2010 01:43 PM=

.o

(b) (2), (b) (6) /EFMO/NPS@NPS

cc

Subject

Re: a= nnuual passes IMG (b) (2), (b) (6) ] [https://np002bdenver.nps.gov/MAIL/MFrommel.nsf=  
f/38d46bf5e8...] Merle

I ordered access passes and hangtags. =&

nbspNo annual passes. I cleared the order with Mary before placing i= t and annual passes was not on the list.  
(misunderstanding???)=

If you need annual passes that will have to placed o= n another order for only how many you think we can sell between now and  
Dec= ember 31st. New passes will be have to be ordered in 2011.

=  
Docs this mean we went through all 80 annual passes duri= ng this year? Wow - we must be up.

ida= y

(b) (2), (b) (6)

Administrative Officer

E= ffigy Mounds National Monument

151 HWY 76

Harpers Ferry, IA 52146

=(b) (2), (b) (6) @nps.gov

Voice: 563-873-3491 FAX: 563-873-3743 &nbsp;nbsp;=

IMG [Inactive hide details f=

or (b) (2), (b) (6) /EFMO/NPS (b) (2), (b) (6) /EFMO/NPS

(b) (2), (b) (6) /EFMO/NPS

= 09/10/2010 10:59 AM

To

(b) (2), (b) (6) @nps.gov

cc

(b) (2), (b) (6) u@nps.gov

Subject

annual passesFriday3

Mary had contacted you on July 15th that we were almost out= of annual passes (\$80.00)  
and have not received a= ny as of today September 10, 2010. Did they not send them ???  
We have only one annual pass left.

File Created 03/09/12 01:18:19PM

Last Written 03/09/12 01:18:19PM

Entry Modified 06/21/12 10:34:34AM

5) ISB-MW-11-404\_EFMO\EFMO HDD1\CUsers (b) (2), (b) (6) AppData\Roaming\Microsoft\Windows\Recent\ (b) (2), (b) (6), 1).nsf.lnk

fwiles

File Created 03/09/12 01:18:19PM





File Created 11/30/11 12:50:02PM  
 Last Written 08/18/00 11:58:54AM  
 Entry Modified 06/21/12 10:05:26AM  
 1) ISB-MW-11-404\_EFMO\EFMO HDD2\ID\NAGPRA info\NAGPRA.doc

Indian remains

File Created 11/28/07 08:19:59AM  
 Last Written 07/06/06 11:57:19AM  
 Entry Modified 06/21/12 10:40:28AM  
 2) ISB-MW-11-404\_EFMO\EFMO  
 HDD1\C\Users (b) (2), (b) (6) \Documents\DataFromOldLibrary\VREDISCOV.old.server\EFMO\OBJECTS.FPT

K SITE BONE HUMAN REMAINS FOUND IN THE 1991 LOOTING OF SNY MAGILL MOUND NO. 43. These remains were previously housed at the Midwest Archeological Center (MWAC), Lincoln, NE. EFMO Cultural Resource Specialist Jacqueline St. Clair signed for and, it is believed, picked them up for return to EFMO on May 11, 2001. These remains were unable to be located in the collection shortly before the repatriation and reburial that took place in Aug. 2001. It is believed that these remains were inadvertently mixed in with the bundle burial (EMFO #9916) and reburied during the 2001 reburial. There is no evidence of them being in the collection at this time. BONE

File Created 11/30/11 01:00:39PM  
 Last Written 11/01/01 01:04:12PM  
 Entry Modified 06/21/12 10:43:46AM  
 3) ISB-MW-11-404\_EFMO\EFMO HDD1\C\Users (b) (2), (b) (6) \Documents\word\NAGPRA\Notes.doc

human remains

File Created 11/30/11 01:00:44PM  
 Last Written 06/14/07 04:55:11PM  
 Entry Modified 06/21/12 10:43:43AM  
 4) ISB-MW-11-404\_EFMO\EFMO HDD1\C (b) (2), (b) (6) \Documents\word\NAGPRA\2007\H22final01.doc

Summary

Accession #--Site 13CT231, MWY 76 Rockshelter  
 Archeological excavations were conducted by Wilfred Logan and described by him under the site name Hwy 13 Rockshelter (Logan, Wilfred D., 1976, Woodland Complexes in Northeastern Iowa. Publications in Archeology 15, National Park Service, Washington, D. C.; U.S. Government Printing Office). Logan described the material removed from the rockshelter as representing a single cultural complex. Pottery fragments were of the Madison Cord-Impressed type, and the Spring Hollow Cord marked type. Logan described the inventory of material from the rockshelter as being small but significant, and representing a partial village complex of people who used effigy mounds for burial purposes. Madison Cord Impressed pottery is categorized as a Late Woodland Period pottery style. At the nearby Mill Pond site near Prairie du Chien, Madison Cord Impressed pottery was found in relation to carbonized corn with a radiocarbon date of A.D. 920 (Theler, James L. and Boszhardt, Robert F., 2003, Twelve Millennia, Archeology of the Upper Mississippi River Valley, Iowa City, IA: University of Iowa Press). The remaining human remains in Accession 8 comprise three adults and at least four subadults.

File Created 10/19/11 08:18:35AM  
 Last Written 10/19/11 08:19:14AM  
 Entry Modified 06/21/12 10:05:20AM  
 5) ISB-MW-11-404\_EFMO\EFMO HDD1\C\NAGPRA info\NAGPRA\Nagpra working\Accession 8.xls

human remains

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 6) ISB-MW-11-404\_EFMO\EFMO HDD1\C\Unallocated Clusters

Appendix A

## MAGPRA Summary - EPHO

Item: Human remains  
 Accession #: 60  
 Catalogue #: 3741  
 Description: One subadult between 1 and 2 years of age is represented by an incomplete thoracic vertebra.  
 Geographical Location: 13CT55, Mound 66, Clayton County, Iowa.

Item: Human remains  
 Accession #: 8  
 Catalogue #: 4605, 4610, 4615, 4647, 4652, 4666, 4669, 4670, 4677, 4693, 4713, 4723, 4777, 4781, 4783-4786, 4792, 4793, 4799, 4803, 4815, 4830, 4831, 4852, 4872, 4893, 4938, 4944, 4976, 4982, 4985, 4996, 5015, 5022, 5030, 5120, 5125, 5133, 5134, 5142, 5159, 5237, 5240, 5257, 5259, 5274, 5276, 5278, 5293, 5381, 5391, 5399-5401, 5413, 5437, 5444, 5470, 5492, 5491, 5518, 5521, 5529, 5530, 5535, 5537, 5541, 5556, 5560, 5563, 5583, 5595, 5610, 5611, 5677  
 Description: Loose teeth, cranial and postcranial elements and fragments represent possibly two adults individuals, one young adult and one middle-aged to slightly older adult, and at least four subadults. Age estimates for the subadults are newborn to 1.5 years, 2.5 to 4.0 years, 4.6 to 5.2 years, and older child to juvenile.  
 Geographical Location: 13CT231, Clayton County, Iowa.

Item: Human remains  
 Accession #: 49  
 Catalogue #:  
 Description: Four postcranial fragments and a foot phalanx represent an adult or a near adult-sized individual.  
 Geographical Location: 13AM47, Allamakee County, Iowa.

Item: Human remains  
 Accession #: 48  
 Catalogue #: 5770, 5771, 5822  
 Description: A rib represents a child or young juvenile. A carpal bone and incomplete rib represent an adult or near adult-sized individual.  
 Geographical Location: 13AM268, Allamakee County, Iowa.

Item: Human remains  
 Accession #: 12  
 Catalogue #:  
 Description: A single long bone shaft fragment is possibly human and, if so, is from an adult or near adult-sized individual.  
 Geographical Location: 13CT50, Clayton County, Iowa.

Item: Human remains  
 Accession #: 70  
 Catalogue #: 4131, 4151, 4169, 4177, 4268, 4331, 4349, 4447, 4451, 4454, 4458, 4535, 4546  
 Description: A possible scapula fragment, rib fragments, humerus or femur head fragment, carpal bone, innominate fragment, metatarsal, tarsal bone, and two phalanges represent a minimum of one adult or near adult-sized individual, possibly female. Two subadults are represented by a metacarpal and two phalanges. Age estimates for the subadults are 1.5 to 2.5 years and 6 to 10 years.

Geographical Location: Marquette Rock Shelter, Clayton County, Iowa.  
 Inventory of Human Skeletal Remains, 13CT55.

BOM Catalog #  
 Subadult-thoracic vertebra - arches only 3741  
 Inventory of Human Skeletal Remains, 13CT231.

BOM Catalog #-Adult Remains-Individual 1-maxillary second or third molar, right 5259-maxillary molar, probably second, left 5610-Individual 2-radius, unisided, incomplete - middle third of shaft, 10.5 cm long 4777-Miscellaneous Adult-maxilla, right, incomplete - fragment containing inferior nasal margin and partial sockets for I1-C 4976-occipital fragment - posterior half of left condyle 5134-cranial vault fragment - 2.5 x 4.0 x 0.5 cm thick 4799-5 hand phalanges, proximal row - 1 from 1st digit; 1 possibly pathological 4605, 4647, 4785, 4938, 4982-2 hand phalanges, middle row 4669, 4670-hand phalanx, distal row 5611-2 probable scapula fragments 5677(2)-2 ribs, 12th, left and right, complete 4666, 5274-3 ribs, 1 left, 1 right, 1 unisided, 3rd-10th, incomplete - body portions; left 7 cm long; right 14 cm long unisided 17.5 cm long 5015, 5125, 5470-9 rib fragments - 8 body, 1 vertebral end from larger rib 4713, 5030, 5399, 5400, 5401, 5413, 5518, 5537, 5583-cervical vertebra, incomplete - body 4996-thoracic vertebra - arches only; anomalous adult-sized but not fused to body 5381-thoracic vertebra, incomplete - spine 5133-vertebra fragment - superior articular process 5257-possible vertebra fragment - possibly from larger vertebra

al spine 5240-sacrum fragment - from posterior surface 4852-possible scapula or ilium fragment - flat bone fragment, 4.6 x 2.0 x 0.3 cm thick 4723-fibula, unisided, incomplete - 8.2 cm long shaft portion 5120-long bone shaft fragment - ca. 1/4 of circumference, 4.8 cm long possibly femur or humerus 4610-foot phalanx, proximal row, complete 4652-Subadult Remains-Individual 3-radius diaphysis, incomplete 5437-ulna diaphysis, left, incomplete - distal 2/3s 4784-tibia diaphysis, left, incomplete - proximal end 5278-fibula diaphysis, unisided 4872-rib, right, nearly complete - if human, from newborn to 6 month old 4783-4 rib fragments 5293(2), 5492(2)-metatarsal, unisided 4793-Individual 4 deciduous maxillary first molar, left 4815-2 hand phalanges - probably middle row 4693, 5391-6 hand phalanges, proximal row - including 2 from 1st digit 4792 (3 of 4), 5491, 5541, 5563-2 metacarpal or metatarsal shafts, incomplete - ends missing 4803, 5159-radius diaphysis, right, incomplete - proximal third with proximal end damaged 5142-rib, first, left, complete 4677-2 ribs, right - 1 vertebral end, 1 nearly complete 4781, 5556-5 rib fragments, unisided - 5 body: 1 5.1 cm long; 1 2.9 cm long; 1 sternal end 3.4 cm long 4786 (1 of 2), 4944, 5237, 5530, 5535(2)-Individual 5-maxillary central incisor, right, unerupted 4615-Individual 6-rib, 12th, right 5022-rib fragment - body portion 5.5 cm long 4786 (1 of 2)-fibula shaft fragment - 2.8 cm long 5444-fibula shaft portion, unisided - 10 cm long 5276-Possibly Individual 4 or 5 or 6-parietal fragment - includes portion of coronal suture 4985-epiphyseal surface fragment - possibly from long bone 4893  
Inventory of Human Skeletal Remains, 13CT231. continued.

2 epiphyseal surface fragments - possibly metacarpal or metatarsal 5560(2)-possible sacrum or sternal body fragment with unfused surface 5595-epiphyseal fragment - burned 4830 (1 of 7)-shaft fragment - possibly subadult; 3.8 cm long, 1.6 cm wide, maximum 0.2 cm thick 5521-Miscellaneous-m axilla fragment, unisided - burned; contains 2 partial and 2 complete root sockets 4830 (1 of 7)-frontal bone fragment - burned 4830 (1 of 7)-2 parietal fragments - burned 4830 (2 of 7)-2 small possible long bone shaft fragment - burned 4830 (2 of 7)-unidentified bone fragment - 2.5 x 2.1 cm, possibly scapula 5529-unidentified bone fragment - burned; 1.2 x 1.5 x 0.3-0.5 cm thick - possibly cranial 4831-Nonhuman Bone-hand or foot bone - unidentified mammal, possibly fox or dog 4792 (1 of 4)-2 calcanea, left and right - fox or small dog, MNI = 1 4824, 4832

Inventory of Human Skeletal Remains, 13AH47.  
innominate fragment - portion of acetabulum, stained or burned-femur, unisided, incomplete - shaft portion, stained or burned-radius, right, incomplete - styloid process-possible long bone shaft fragment-foot phalanx, proximal row, first digit, left, nearly complete-trabecular bone - embedded in soil matrix, either mineralized or soaked with preservative-unidentified bone fragments in soil and limestone matrix - coated with preservative

Inventory of Human Skeletal Remains, 13AH268.  
EMNH Catalog #-Subadult-rib fragment, possibly left 5822-Adult-hand navicular, left, complete 5770-rib fragment, body 5771

Inventory of Human Skeletal Remains, 13CT50.

long bone shaft fragment, possibly human

Inventory of Human Skeletal Remains, 13CT0b (Marquette Rockshelter).

EMNH Catalog #-Adult Remains-Individual 1-possible scapula fragment 4546-rib fragment 4454-possible rib fragment, possibly human 4268-humerus or femur head fragment 4447-triquetral, right 433-possible ilium fragment 4169-metatarsal, first, left, proximal two-thirds 4131-calcaneus, right, incomplete-posterior one-fourth to one-third, gracile 4349-phalanx, probably first row - proximal end 4535-articular surface fragment - probably from 1st digit foot phalanx or possibly proximal radius 4458-Subadult Remains-Individual 2-metacarpal diaphysis 4151-Individual 3-2 phalanges 4177-Individual 2 or 3-sacral body fragment containing portion of unfused body surface 4451

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Last Written

Entry Modified

7) ISB-MW-11-404\_EFMOIEFMO HDD1\C\Unallocated Clusters

1 a Report of Survey completed in July 1990, the park deaccessioned 238 cataloged objects and 2 d \fs22 uncataloged portions of 14 accessions (5). These items, which are principally archaeological, are  
\fs22 e \fs27\fs0 I \fs22\fs1 described as: "Miscellaneous material that does not fit the Scope of Collection Statement of \fs22 r \unnone\strike0\par\pard\fs44\l1462\sl240\slmult0\fs22 artifact/museum storage at Effigy Mounds NM." It is known that some of this material contained \unnone\strike0\par\pard\fs39\l180\fs56\fs0\super\up7{\sl586\slmult0 I }\up0\nosupersub\fs22\fs1\fs22 human remains and it is possible that a significant portion of the items listed on the Report of \unnone\strike0\par\pard\fs1390\l177\fs35\fs0{\sl388\slmult0 I }\fs22\fs1 Survey may have fallen within the terms of reference of the Native American Graves Protection and Repatriation Act of 1990. The park is not currently working with an archeologist at the Midwest Archeological Center to resolve issues relating to the 1990 deaccessioned human remains. At this time, there appear



\fs21 to \fs22 be two such unresolved issues, as discussed below. \ulnone\strike0\par\pard\fs129  
 \f0 I \ulnone\strike0\par\pard\sa44\sl2\sa232\li462\sl240\slmult0\fs22\fi I. \fs22 A study of the  
 human remains in the park collection was conducted in 1986 by the Office of the State Archeolog  
 y, University of Iowa, under purchase order PX 6115-6-0166 (Fisher and Schermer n.d.). Some of  
 the remains in the study had been collected from sites within the park, while other remains came  
 from sites outside the park. Upon completion of the study, the report indicates that the remain  
 s from outside the park were to be reinterred in a state cemetery, while the remains from sites  
 inside the park would be returned to the National Park Service. It is unclear whether any of th  
 e latter human remains are still included in the park collection.

\ulnone\strike0\par\pard\sa44\sl2\sa232\li462\sl240\slmult0\fs22 2. \fs22 While the actual human  
 remains were apparently deaccessioned in 1990, it is not clear whether there are any associated  
 grave goods still included in those accessions. Any such items would now be defined as "unassoci  
 ated funerary objects" in terms of NAGPRA, if the human remains are no longer at the park.

\ulnone\strike0\par\pard\sa48\sl2\sa232\li407\sl240\slmult0\fs22 To resolve these issues, it is r  
 ecommended that the park develop a project statement to \fs22 fund a study which should be condu  
 cted by a professionally qualified archeologist per the requirements of 36 CFR 61. The study als  
 o should involve a review of

\fs23 all \fs22 primary field documentation relating to these objects, relevant accessions and d  
 eaccession records, and park correspondence files, together with the objects remaining in those  
 accessions. The project should be coordinated with the Regional Ethnographer-Cultural Anthropol  
 ogist.

\ulnone\strike0\par\pard\sa45\ri92\li412\sl240\slmult0\fs22 Revised procedures for deaccessioning  
 have been developed and recently distributed as Chapter 6, Deaccessioning, for insertion into t  
 he Museum Handbook, Part II. The chapter should be consulted for formulation of a deaccessioning  
 policy, as well as for guidance during the course of the forthcoming museum records reconciliat  
 ion. Advice also can be sought from the Great Plains System Office Curator.

\ulnone\strike0\par\pard\sa47\sl18\pagebb\sa177\li495\bf23\fi2 RECOMMENDATIONS \b0\ulnone\strike  
 0\par\pard\sa42\sl2\sa219\li495\bf23 Scope of Collection Statement \b0\ulnone\strike0\par\pard\  
 \sa232\ri257\li502\sl238\slmult0\fs22\fi 1. \fs22 Revise/update the Scope of Collection State  
 ment as outlined above within the next two-three years, preferably sooner.

File Created 06/20/12 10:03:44AM

Last Written 06/21/12 10:30:33AM

Entry Modified 06/21/12 11:08:35AM

8) ISB-MW-11-404\_EFMO\FMO HDD1\C\Windows\Prefetch\SDCLT.EXE-E10B972A.pf

DEVICE\HARDDISKVOLUME2\NAGPRA INFO\NAGPRA\NAGPRA WORKING\1986 AND 1990 DEACCESSION LIST.DOC

File Created 11/30/11 11:06:12AM

Last Written 06/21/12 01:26:43PM

Entry Modified 06/21/12 01:26:43PM

9) ISB-MW-11-404\_EFMO\FMO HDD1\C\Users\ (b) (2), (b) (6) \AppData\Local\Microsoft\Windows\UsrClass.dat

C:\Users\ (b) (2), (b) (6) \Documents\2nd hard drive\INPEFMO52928\NAGPRA info

File Created 11/30/11 03:45:20PM

Last Written 06/21/12 08:20:03AM

Entry Modified 06/21/12 11:08:34AM

10) ISB-MW-11-404\_EFMO\FMO HDD1\C\Windows\Prefetch\Layout.ini

C:\NAGPRA INFO\NAGPRA\NAGPRA WORKING\1986 AND 1990 DEACCESSION LIST.DOC

1986 and 1990 deaccession list.doc

Deaccessioned catalog numbers.docx

File Created 11/30/11 01:00:39PM

Last Written 11/01/01 01:04:12PM

Entry Modified 06/21/12 10:43:46AM

11) ISB-MW-11-404\_EFMO\FMO HDD1\C\Users\ (b) (2), (b) (6) \Documents\word\NAGPRA\Notes.doc

Notes from NAGPRA discussion with Phyllis, November 1, 2001

The following items are located within the gray locker immediately to your right as you enter th  
 e collection storage area (cage):

1 Human bone fragment, catalog #????, obviously missed during the 1986 Deaccession.

A white box containing 18 human bones. Upon comparing these remains to a photo of the bundle of human remains (catalog #9916) originating from Devil's Den Mound group and reburied in the South Unit, it appears that these bones should have been included in the reburial process that took place at the monument in August, 2001.

One small box containing 9 human bones. The larger pieces are labeled with the state designation for archeological sites. The number is AM47 which corresponds to the Spike Hollow Rockshelter located near Waukon Junction and Paint Creek (listed in Archeological sites index as part of the Gavin Sampson collection). It is possible these items were missed in the 1986 Deaccession also. The 1986 Deaccession was to the Office of the State Archeologist and included those human remains whose provenience is not Effigy Mounds National Monument. A later Deaccession (1990) was undertaken concerning the human remains whose provenience was EFMO.

Human remains missing from the collection are fifteen fragments (2 vertebra and 13 rib fragments - catalog #9917) documented by Dale Henning during his excavation and rehabilitation of Mound 43. Mound 43 is located in Sny Magill and was looted in 1991. These fragments were collected by Mr. Henning and park employee Tim Mason and sent to the Midwest Archeological Center (MWAC). MWAC documentation shows the fragments were picked up and signed for by then EFMO Cultural Resource Specialist Jacquelin St. Clair. Ms. St. Clair has since transferred to Grand Tetons NP. Communication with her indicates that everything was intact when she returned the items to the monument.

(b) (2), (b) (6)

File Created 11/29/11 03:38:34PM  
 Last Written 06/19/12 05:33:18AM  
 Entry Modified 06/19/12 05:33:18AM  
 12) ISB-MW-11-404\_EFMO\EFMO HDD11C\pagefile.sys  
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 Last Written 06/19/12 05:33:18AM  
 Entry Modified 06/19/12 05:33:18AM  
 13) ISB-MW-11-404\_EFMO\EFMO HDD11C\pagefile.sys  
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 Last Written 06/19/12 05:33:18AM  
 Entry Modified 06/19/12 05:33:18AM  
 14) ISB-MW-11-404\_EFMO\EFMO HDD11C\pagefile.sys  
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.\USER\S\SGREENER\DOCUMENTS\DATAFROMOLDLIBRARY\VERE  
 DISCOV\OLD\SERVER\EFMO\NAGPRA.FPT.O.TXT  
 File Created 11/29/11 03:38:34PM  
 Last Written 06/19/12 05:33:18AM  
 Entry Modified 06/19/12 05:33:18AM  
 15) ISB-MW-11-404\_EFMO\EFMO HDD11C\pagefile.sys

C:\Users\ (b) (2), (b) (6) \Pictures\Digital Photos--Canon EOS\DataFromOldLibrary\Repatriation\2004-11-12  
 \Accession 8 13CT231\2004-11-12\IMG\_7940retake.JPG  
 File Created 11/30/11 01:00:44PM  
 Last Written 06/20/07 02:05:45PM  
 Entry Modified 08/21/12 10:43:43AM  
 16) ISB-MW-11-404\_EFMO\EFMO HDD11C\Users\ (b) (2), (b) (6) \Documents\word\NAGPRA\2007\EFMO\_NAGPRA\_2007consultation  
 letter.doc



Accession 8--Site 13CT211, HWY 76 Rockshelter

Archeological excavations were conducted by Wilfred Logan and described by him under the site name Hwy 13 Rockshelter (Logan, Wilfred D., 1976, Woodland Complexes in Northeastern Iowa, Publications in Archeology 15, National Park Service, Washington, D. C.; U.S. Government Printing Office). Logan described the material removed from the rockshelter as representing a single cultural complex. Pottery fragments were of the Madison Cord-Imprinted type, and the Spring Hollow Cord marked type. Logan described the inventory of material from the rockshelter as being small but significant, and representing a partial village complex of people who used effigy mounds for burial purposes. Madison Cord Imprinted pottery is categorized as a Late Woodland Period pottery style. At the nearby Mill Pond site near Prairie du Chien, Madison Cord Imprinted pottery was found in relation to carbonized corn with a radiocarbon date of A.D. 920 (Thaler, James L. and Boszhardt, Robert F., 2003, Twelve Millennia, Archeology of the Upper Mississippi River Valley, Iowa City, IA: University of Iowa Press). The remaining human remains in Accession 8 comprise three adults and at least four subadults.

File Created 11/30/11 01:02:55PM

Last Written 11/30/98 08:42:16AM

Entry Modified 06/21/12 10:05:21AM

17) ISB-MW-11-404\_EFMO\EFMO HDD1\C\NAGPRA Info\NAGPRA\EFMO\REPORT2\merged.doc

The 1990 deaccessioned items have been "tracked" from the time of their accession to the present. Most of these remains (Appendix H) have been studied and reported upon (Fisher and Schermer 1987) by the Iowa Office of the State Archaeologist (OSA). Some, those that were recovered off the Effigy Mounds tracts, have been reburied or sent to the state of origin for subsequent reburial. Reburial of Native American remains is conducted periodically by the Office of the State Archaeologist, Iowa City, with appropriate ceremony. The time and place of these reburial ceremonies is not public. I am assured by OSA representatives, however, that reburied remains discussed in the following have indeed been reinterred, but am not privy to the time or place of burial.

The remainder (remains recovered on EFMO) were returned to the Monument. It is clear in the letter from Calabrese to Schermer dated April 7, 1987 (Appendix B) that the invoice for the work was to be submitted after the collections (of human remains studied and reported upon) were returned to EFMO. With the exception of eight skull fragments from Accession 8 (Highway 76 Rockshelter), all human remains from Park property were returned to the Monument by the Office of the State Archaeologist and were apparently received May 1, 1987 (Appendix H). The 8 skull fragments from Accession 8 were analyzed by OSA, then returned to EFMO (letter, Schermer to David, 2/28/90; Appendix C). All of the remains analyzed by OSA were eventually returned to EFMO, but are now unaccountably missing.

In 1995, the Superintendent at EFMO, Karen Gustin, was asked to search the museum collections for human remains. Following much correspondence, her letter dated 10/20/95 (Appendix E) states that a bundle burial, the Devil's Den burial, and remains retrieved from Mound 43, Sny Magill Group, during vandalism repair were curated at MNAC.

The disappearance of the skeletal remains became apparent at EFMO and resulted in a series of correspondences early in 1996, the general conclusions of which was that the remains were

unaccountably missing (Appendix E). I asked Superintendent Miller to initiate just one more search early in March, 1998, to look for two or more boxes, perhaps unopened, that could contain those human remains analyzed (a box 12x12x16 inches could accommodate a number of human femora and skulls). That search was performed, but no such boxes were found.

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18) ISB-MW-11-404\_EFMO\EFMO HDD1\C\Unallocated Clusters

\\inpe\mombros2\groups-R\Oral History\2010 Oral History\Tom & Munson\Tom & Munson 1  
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19) ISB-MW-11-404\_EFMO\EFMO HDD1\C\Unallocated Clusters

Thanks Friday. Very interesting. If Munson knew they were in his garage then why would he suggest that we had them here an MWAC?

Be Vawser Archeological Information Management Team Leader Midwest Region ASMIS Coordinator Midwest Archeological Center National Park Service Federal Building Room 474-100 Centennial Mall North Lincoln, NE 68508 (402) 437-5392 ext. 109 (402) 437-5098 (fax) 92

Friday Wiles/EFMO/NPS
File Created
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20) ISB-MW-11-404\_EFMO\EFMO HDD1\C\Unallocated Clusters

Thought I'd give you a heads before the conference call. The ASMIS list is out and the first comment is that names must be changed (i.e. Jim David Mound Group, Tom Munson Rockshelter, etc....)

Friday Wiles Administrative Officer Effigy Mounds National Monument 151 HWY 76 Harpers Ferry, IA 52146 friday\_wiles@nps.gov Voice: 563-873-3492 FAX: 563-873-3743



## Timeline of EFMO Human Remains Issue

### A Key to Names/Positions

#### Midwest Region (MWR) Employees

Regional Director Don Castleberry (February 1987-May 1994)  
Regional Director Bill Schenk (May 1994-May 1995)  
Field Director, Midwest Field Office Bill Schenk (May 1995-September 1997) [Reorganization]  
Regional Director Bill Schenk (October 1997-January 2003)  
Regional Director Ernie Quintana (March 2003-January 2011)  
Regional Director Mike Reynolds (April 2011-present)  
Associate Regional Director, Cultural Resources F.A. "Cal" Calabrese (April 1995-about 2007?)  
Cultural Anthropologist Michelle Watson (Late 1995-abt 2006??)  
Regional Ethnographer Mike Evans (Early 1996??-present)  
Curator, Great Plains Systems Support Office (SSO) Abby Sue Fisher (May 1995-Dec 1997)  
Curator, Great Plains SSO Carolyn Wallingford (May 1995??-December 1997??)  
Regional Curator Carolyn Wallingford (December 1997??-December 2011)

#### Midwest Archeological Center (MWAC) Employees

Manager F.A. "Cal" Calabrese (1973-April 1995)  
Acting Manager Mark Lynott and Douglas C. Scott (April 1995-April 1996)  
Manager Mark Lynott (April 1996-present)  
Supervisory Archeologist Jeff Richner (October 1978-present)  
Anthropologist Michelle Watson (1993-late 1995)  
Supervisory Archeologist Bob Nickel (1972-???)  
Supervisory Archeologist (among other positions) Tom Thiessen (1972-abt 2008)  
Archeologist Jan Dial-Jones (1977-1995)  
Collections Program Lead Jan Dial-Jones (1995-December 2010)

#### Effigy Mounds National Monument (EFMO) Superintendents

Tom Munson (January 1971-April 1994)  
Friday Wiles, Don Wollenhaupt (Acting April 1994-October 1994)  
Karen Gustin (October 1994-January 1997)  
Donna Kalvels, Bill Harlow (Acting January 1997-June 1997)  
Kate Miller (June 1997-October 1999)  
Friday Wiles, Tom Sinclair (Acting October 1999-December 1999)  
Phyllis Ewing (December 1999-May 2010)  
Mike Evans (Acting May 2010-January 2011)  
Jim Nepstad (January 2011-present)

#### EFMO Chief Rangers

Jim David (May 1981-December 1989)  
Don Wollenhaupt (July 1990-July 1995)  
Mardi Butt-Arce (December 1995-November 1999)  
Ken Block (May 2000-March 2010)

EFMO Chief of Maintenance

Tom Sinclair (July 1986-present)

EFMO Administrative Officer

Friday Wiles (March 1989-present)

EFMO Administrative Technician (Museum Technician)

(b) (2), (b) (6) (as a seasonal park ranger 1990-1993, as permanent admin tech 1993-present)

EFMO Law Enforcement Officer

Bob Palmer (seasonal 1987-1990, permanent November 1999-July 2011)

The Timeline

1950's through 1970's - EFMO archeologists and researchers collect human remains excavated from archeological sites, including burial mounds, with the park. In keeping with the traditions of the day, all artifacts and human remains were kept in the park's museum collection. Also during this time, the park accepted archeological materials, including human remains, from archeological sites located in the surrounding region outside the park.

December 9, 1985 - EFMO Scope of Collections Statement is approved by the Regional Director. This document contains the scope of collections checklist used by the regional office to evaluate new statements, and the comments (presumably from the regional office) attached to this checklist include the following two statements:

- "It is suggested that the Statement include requirements for the eventual deaccessioning of those objects that are replaced by ones of better quality." This is followed with a hand-written notation that says "Historical only – or natural – not archeological"
- "...your statement cannot indicate that archeological materials will be deaccessioned." This statement was underlined by hand.

August 8, 1986

Maria Pearson of the Iowa Indian Advisory Committee writes to Superintendent Tom Munson informing him she has learned that human remains are in the EFMO collection and advises him that they should be reburied, preferably in the mounds they came from.

August 12, 1986

Superintendent Tom Munson responds to Maria Pearson's August 8, 1986 letter, telling her it appears he'll be able to work with her to comply with her request and recommendations. He informs her of a meeting he has planned with MWAC (Mark Lynott) and OSA staff (Duane Anderson), and promises to keep her updated.

September 5, 1986

Superintendent Munson again responds to Maria Pearson's August 8, 1986 letter. Munson informs Pearson that after conferring with the State Archaeologist, the park is prepared to

transfer all human remains to the Office of the State Archaeologist for examination and confirmation that they are human in origin. He also informs Pearson that all human remains originating outside the park will be "returned to the Native American community for reburial." He ends by saying the material from inside the park will be returned to the park, and "...we will work with you then toward locating its ultimate repository."

September 24, 1986

The staff meeting notes for October 6, 1986 indicate that on September 24, Shirley Schermer from the Office of the State Archeologist "...picked up the human remains material collected inside and outside of the monument for study." The notes also mention that the material collected from inside the monument will be returned in April or May, and the material from outside the park will be re-interred with assistance from the Iowa Indian Advisory Committee.

October 7, 1986

Park staff issue a loan form for the human remains that Schermer picked up in late September. Schermer acknowledges receipt with a signature dated November 13, 1986.

April 7, 1987

MWAC Director Cal Calabrese accepts the Schermer and Fisher report on the human remains from the EFMO collection, and informs Schermer that payment will be made as soon as she "...returns the specified collections to Effigy Mounds National Monument."

May 1, 1987

Staff meeting notes for the meeting of May 12, 1987 indicate that the park has received all of the human remains sent to the Office of the State Archaeologist [in all likelihood, just those collected inside the park – the rest were reinterred by the state], with the exception of 8 cranial fragments that Schermer wanted to study further. Another loan form was filled out by park staff, signed by both Munson and Schermer on May 1, 1987, extending the loan of those 8 fragments until September 1, 1987. In November 1989, this loan was further extended to February 28, 1990. The 8 fragments were returned to the park by Schermer on February 28, 1990.

February 21, 1989

Superintendent Munson saves a couple of magazine articles to park files. One is a Harpers article titled "Skeletons in Our Museum's Closets" and the other is an article from The Nation titled "Indians Gaining on the U.S. in Battle Over Ancestral Bones."

April 27, 1989

Superintendent Munson receives a memo from the WASO Curatorial Services Division containing a report from a curatorial workshop participant, Anne Jordan, who had been assigned to write about issues involving EFMO's "sensitive Native American materials." Although this report states that no decisions have been made, it is clear that at this time the current thinking in the park is to rebury the remains collected inside the park (Jordan refers to 4 cabinet drawers full of remains) in a manner that would allow them to be re-exhumed if there was a need for further study. The report also outlines the legislation (Antiquities Act and ARPA) mandating that these materials be held by a public institution.

July 10, 1990

The Native American Graves Protection and Repatriation Act is introduced into the House of Representatives.

July 13, 1990

Superintendent Tom Munson moves out of park housing by this date and signs a vacancy inspection form. Staff meeting minutes indicate that the McIlrath's moved into his former housing unit (Quarters #2) on July 29, 1990, and housing inspection forms verify this.

July 16, 1990

Superintendent Tom Munson signs a Report of Survey form. In the Board of Survey findings section, it is stated "Miscellaneous material that does not fit the Scope of Collection Statement for artifact/museum storage at Effigy Mounds NM. Deaccession from collection." Attached is a listing of all the catalog numbers for the human remains collection inside the park. In the Accountable Officer Recommended disposition section, the box for "Abandon" is clearly marked. There is a handwritten notation at the top of the original form that says "Keep SG 11-17-97" The 11-17-1997 date is extremely significant in that it is the date Dale Henning visited the park to research the "Accession History and Status..." report that exhaustively detailed the search for these remains (see the title page of his report). The Report of Survey is NOT in his paper, and as absolutely critical as this document is to what he was researching, it is very difficult to explain why he didn't include it or discuss it – unless he never saw it. Also, the date on the attached deaccessioned catalog number list (7/16/90) is different than the date that appears on all other versions of this list that I have seen (7/30/90 – see copy in Henning's report for an example).

EFMO Staff in July 1990

Tom Munson	Superintendent
Tom Sinclair	Chief of Maintenance
David McIlrath	Maintenance Worker
Steve Schultz	Tractor Operator
Bill Reinhardt	Laborer
Norb Palmer	Laborer
Tim Mason	Laborer
Dwain Nading	Laborer
Dale Reinhart	Youth Worker
Friday Wiles	Administrative Technician
Joyce Nading	Clerk-Typist
Don Wollenhaupt	Chief of Interpretation and Resource Management
Rodney Rovang	Resource Management Specialist
(b) (2), (b) (6)	Park Ranger
Jack Henkels	Park Ranger
Cathy Weighner	Park Ranger
Jim Langhus	Park Ranger
Dennis Runge	Park Ranger
Jennifer Huebsch	Park Ranger
Bob Palmer	Park Ranger (left for Virgin Islands in either June or July)



July 17, 1990

First Committee Hearings held on the Native American Graves Protection and Repatriation Act in the House of Representatives.

July 1990

Acting on orders from Superintendent Munson, seasonal park ranger (b) (2), (b) (6) packed all of the human remains known to be in the park's collection at that time into two boxes. When this was done, she and Superintendent Munson each carried a box out of the visitor center to the parking lot, and placed them both in the trunk of Munson's personal vehicle. The exact date of this has not been determined, but it is likely to have occurred in close proximity to the so-called "deaccessioning" of the remains in mid- or late-July 1990. The remains were then transported by Munson to his private residence in Prairie du Chien, Wisconsin, where one box would remain until April 2011, and the other would remain until May 2012.

November 7, 1990

Superintendent Tom Munson approved the annual museum inventory for the park. The inventory – a random sample inventory – contained several items, including human remains, that had been listed in the Report of Survey above. All of these items are listed as "object not found," and there is a notation in the remarks field for all of them that says "Deaccessioned 30 July 1990." This appears to become standard practice for inventories in subsequent years.

November 16, 1990

The Native American Graves Protection and Repatriation Act is signed into law.

March 21, 1991

The FY1990 Collections Management Report was approved by Superintendent Tom Munson. Objects cataloged under archeology = 8175 (compared to 8503 reported in FY1989 report). Objects deaccessioned reported as 0. None of the Collections Management Reports for 1985 through 1991 report any deaccessions. So it appears the park did not directly notify MWR about the removal of the human remains from the collection or the park – although they did indirectly via the annual museum inventories (see November 7, 1990 entry).

April 6, 1992

Someone attaches a hand-written note to a draft Museum Collections Plan (drafted by a contractor in October 1987) stating that as of April 6, 1992, the park is operating under that draft plan. Pages 17-19 of the document contain multiple references to a plan to photograph and inventory the human remains in the collection, and then rebury them in a recorded location. The human remains are also identified as not falling "...within the Scope of Collection as approved in 1985, or the proposed changes in this document." Instructions for deaccessioning items are included on page 24. Page 28 contains yet another reference to the plan to rebury the human remains, and states that they should be catalogued if that plan changes.

March 9, 1993

The regional director approves the park's updated Scope of Collections Statement, signed by Superintendent Munson on January 3, 1992. This version contains no obvious references to human remains in the collection. Page 4 contains this statement: "All archeological materials

removed from within park boundaries through systemic investigation are NPS property and must be retained in the park's museum collection per 43 CFR Part 7 and NPS-28."

January 3, 1994

A phone message slip written by Friday Wiles and addressed to "(b) (2), (b) (6)/Tom M" documents a call received from Anna Funmaker of the Wisconsin Winnebago tribe. The message states "Would like to know what's in our collection (list of items). May come down & see -- will call before she does. Asked about bones. Explained there were none in collection."

February 17, 1994

(b) (2), (b) (6) formally documented a phone call from Anna Funmaker in the Ho-Chunk Historic Preservation Office. Apparently Ms. Funmaker "...indicated that they [the Ho-Chunk] are interested in the land and mounds themselves rather than the artifacts."

February 18, 1994

Tom Thiessen from MWAC wrote to Superintendent Munson -- apparently in reply to an inquiry from Munson about the previous day's phone conversation (see February 17 entry above). Thiessen ends the memo with "Keep in mind that NAGPRA makes no mention of the repatriation of land."

March 9, 1994

Tom Thiessen from MWAC wrote a memo to Superintendent Munson outlining Indian Claims Commission decisions showing the Winnebago had no claim to land in the area. Towards the end he states "My reading of NAGPRA does not suggest to me that land is repatriable under the terms of the Act..."

April 4, 1994

The park receives the official memo from the Regional Director calling for the inventory of human remains and associated funerary objects in all Midwest Region parks.

April 30, 1994

Superintendent Tom Munson retires from the National Park Service.

July 20, 1994

Acting Regional Ethnographer Tom Thiessen documented a phone call from Acting Superintendent Friday Wiles in which Friday told him of an upcoming visit of some Wisconsin Winnebago tribal members, including one who had earlier suggested the tribe might "claim EFMO" under NAGPRA. Tom told Friday that the language of NAGPRA did not allow that.

October 1994

Superintendent Karen Gustin EOD's at EFMO.

May 15, 1995

As part of a larger National Park Service reorganization, the Midwest Regional Office (MWRO) ceases to exist. The ten regions of the NPS are reduced to seven "Field Areas." MWRO staff are either assigned to the parks, or absorbed into what were known as the Midwest Field Office, the



Great Lakes System Support Office, or the Great Plains System Support Office. The reorganization plan increased park autonomy in many areas, and resulted in reduced oversight of many park programs. This reorganization proved to be short-lived (see January 1, 1997 entry).

July 28, 1995

Superintendent Karen Gustin wrote a memo to the Chief, Midwest Archeological Center stating "This memo is to inform you that we have searched our museum collection and have found no other human remains or associated funerary objects. The only items from Effigy Mounds are the bundle burial and incomplete set of human remains currently housed at MWAC."

November 16, 1995

Service-wide deadline for completing NAGPRA inventories.

January 29, 1996

Jeff Richner (MWAC archeologist) emailed Superintendent Karen Gustin (with a cc: to Mark Lynott (MWAC archeologist), Vergil Noble (MWAC archeologist), and Michelle Watson (MWAC Senior Cultural Anthropologist)). After discussing a list of purchase orders he had created, Jeff wrote "Please note my question at the end of the file regarding the disposition of numerous human skeletal remains from various park mound proveniences...I assume that there is documentation at the park for some form of transfer of "ownership" of the skeletal remains, since they were not listed in the park's NAGPRA report." On a hard copy of this email sent to the park by Jeff Richner, there are some handwritten notations (presumably written by Jeff) in the right margin. One notation reads "Where is the material? 1- The park? 2- Or did the park rid itself of it before NAGPRA?" The other reads "Repat/memo says non-park collection would be repatriated. Maybe they were reburied."

February (?) 1996

On what appears to be a copy of Richner's list of purchase orders (referenced in email above), is a handwritten note from Superintendent Gustin that includes this phrase "Authority to deaccession."

February (?) 1996

A handwritten page of notes from Superintendent Gustin contains the remark "(b) (2), (b) (6) thinks the remains were deaccessioned and given to the Univ of IA."

February 5, 1996

Michelle Watson (now Senior Cultural Anthropologist for the Great Plains System Support Office) sends Superintendent Gustin a copy of the 1987 Fisher-Schermer report prepared following the remains being loaned to OSA.

February 6, 1996

Michelle Watson emailed Superintendent Karen Gustin. The message contains this statement: "So, with regards to your question of 'Where are the remains?,' they should be in collections."

February 7, 1996

Gustin receives the Fisher-Schermer report from Michelle Watson.

February 8, 1996

Handwritten note from Superintendent Karen Gustin documenting a conversation with Tom Munson has this notation: "MWAC wanted some, kept some, didn't keep others." Another notation states "Bob Nickel, Mark Lynott – Did not want to return remains. Wanted to keep our collection." These notes are attached to the cover page of the Fisher-Schermer report received from Watson (referenced above).

February 8, 1996

Superintendent Karen Gustin prepared a typed Memorandum of Conversation detailing her conversations with Shirley Schermer and Tom Munson. Among other things, the memo states that Shirley believed the missing remains had been transferred to Lincoln. Tom Munson is quoted as saying that he did not want any remains under the park's jurisdiction and that the park had been working with Bob Nickel and Mark Lynott, who wanted to keep the remains in the EFMO collection. Tom further said everything was given back to OSA to be reinterred, or sent to MWAC.

February 8, 1996

Superintendent Karen Gustin emailed Michelle Watson, Tom Thiessen, and Jan Dial-Jones a written account of her conversations with Shirley Schermer and Tom Munson in regards to the missing remains, including, apparently, the Memorandum of Call discussed above. Under a printout of this email, Superintendent Gustin manually wrote "2/9/96 – According to Michelle, anything deaccessioned before NAGPRA was enacted does not require follow-up."

February 9, 1996

Jan Dial-Jones emailed Karen Gustin (with cc: to Mike Evans, Michelle Watson, Jeff Richer, Vergil Noble, and Mark Lynott). The message states "Michelle Watson asked me to contact you today to assure you that the additional human remains discussed in the Fisher and Schermer report are definitely not at MWAC. What a mess, huh?"

February 9, 1996

Superintendent Karen Gustin responded to Dial-Jones stating "Yes – I think everything was returned to OSA and all of it is probably reinterred in one of their state cemeteries."

February 20, 1996

Michelle Watson emails Superintendent Gustin asking if there was any news relative to the remains in the Fisher-Schermer report.

February 23, 1996

Superintendent Gustin faxes Michelle Watson a copy of the catalog numbers that were "deaccessioned" in 1986.

February or March 1996

Superintendent Gustin faxes Michelle Watson a copy of the July 1990 Report of Survey used to "deaccession" the remains.



Between February 22, 1996 and March 6, 1996

In the March 6, 1996 staff meeting minutes, Chief Ranger Mardi Butt-Arce reports having a discussion with Abby Sue Fisher and Carolyn Wallingford about having a "Curatorial Strike Team" visit the park.

March 8, 1996

Shirley Schermer of the Office of the State Archaeologist responds to a presumed inquiry into the missing human remains at EFMO. Shirley states that she could find no correspondence documenting that the remains had been sent to Lincoln. She goes on to say "I do, however, have a strong recollection of being told that they had been (or were going to be) transferred there. My recollection is that at the time, the National Park Service did not particularly want to rebury them, so the remains were going to be reposed at the center in Lincoln."

March 12, 1996

Superintendent Karen Gustin writes to Shirley Schermer asking for accession numbers of items that were reinterred by OSA.

March 14, 1996

Superintendent Gustin faxes Michelle Watson her recent correspondence from and to Shirley Schermer.

March 20, 1996

Shirley Schermer provides Superintendent Gustin with the information requested in her March 12, 1996 letter.

March 25, 1996

Superintendent Karen Gustin faxes and emails the information received from Schermer to Michelle Watson. Towards the end of the message Gustin states "As we talked on the phone, we are unsure of the location of the items collected from within the park and deaccessioned from our collection in July 1990. Let me know if we need to do anything else."

Early April through early June 1996

Superintendent Karen Gustin is out of the park on (b) (2), (b) (6) leave.

April 23, 1996

Michelle Watson distributes a memo to Karen Gustin – with copies to Andy Ketterson, Marty Sterkel, Mark Lynott, Tom Thiessen, Jan Dial-Jones, Carolyn Wallingford, Abby-Sue Fisher, and Mike Evans – summarizing the communications that have taken place and the conclusions that have been reached relative to the missing remains issue. The park's copy of this memo has a typed header that reads "KAREN, VOID THIS MEMO PLEASE; FEED IT TO THE BIRDS." The memo clearly documents that the remains are missing, and repeats Watson's assertion that since they were "deaccessioned" prior to the passage of NAGPRA, the NPS was not required to report them. There is no discussion of whether the remains had been "deaccessioned" appropriately, although towards the end Watson asks Gustin about a proposed "Curatorial Assistance Team."

May 7, 1996

Jeff Richner (MWAC) emailed Mike Evans and Karen Gustin about a conversation with Joel White from Luther College in which White described discovering human remains from an EFMO excavation in Luther College's collection. The remains were from an excavation led by Dale Henning at Sny Magill. Richner states towards the end of the email "Further, they are not part of the 'deaccessioned' EFMO collections that have been the subject of recent discussions."

May 9, 1996

Mike Evans responds to Richner and Gustin, outlining how to deal with the remains that had been discovered in the Luther College collection.

September 18, 1996

The park receives a trip report, dated September 13, 1996, from Carolyn Wallingford documenting the August 20-23 visit of a "curatorial strike team" that was assembled at the request of the park "...to assist with several museum collections related projects..." Numerous tasks were accomplished, but at the end of the report is this statement: "The park also requested assistance to resolve some questions related to a previous deaccessioning procedure. Due to time restraints to complete the inventory, I was unable to pursue these questions during my site visit. However, when I return to the park in mid-November to conduct a site visit for a collection management plan I will follow up on this line of inquiry." This follow up does not appear to have occurred (see the entry for July 21, 1997).

January 1, 1997

The seven NPS Field Areas were reorganized back into the seven Regional Offices that exist today. While the Midwest Field Office began referring to itself as the Midwest Region almost immediately, transitioning the System Support Offices back into the regional office fold took most of 1997 to accomplish. By 1998, the Midwest Regional Office was essentially operating as it continues to do today.

January 1997

Superintendent Karen Gustin departs EFMO.

January 24, 1997

MWAC transmits comments on the draft Collections Management Plan for EFMO. Referencing Page 11, paragraph 1, lines 193-203, the comments state "The park is not working with the Midwest Archeological Center to resolve issues relating to the 1990 deaccessioned human remains (line 200)." The comments then go on to state that it is not clear whether those human remains are still included in the park collections. They go on to recommend a study to resolve the issue.

June 1997

Superintendent Kate Miller EOD's at EFMO.

July 21, 1997

Kate Miller signs the 1997 Collections Management Plan for EFMO. The Preface of the plan documents the history of the planning effort, and states that Carolyn Wallingford was unable to attend the November 20-22, 1996 site visit (see September 13, 1996 entry above).

July 24, 1997

Michelle Watson (MWR) emails Mike Evans and states that she spoke with Kate Miller that day. Kate was going to be making time to look over park NAGPRA records to "...decide how to proceed with the consultation process." Michelle told Mike she was going to provide Kate with some notes "...about issues you and I are already aware of regarding NAGPRA issues at EFMO." Later she documents talking to Carolyn Wallingford about "the 'lost accessions' issue of some time ago." Carolyn referred her to the strike team trip report and the 1997 Collections Management Plan. Michelle also states that Kate "...expressed her embarrassment and discontent about not being able to locate certain collection items that American Indian have recently inquired about." Kate is reported to have spoken with a Luther College professional (presumably Dale Henning) who has volunteered to look into the issue.

September 16, 1997

Purchase Order 1443PX6290-97-012 was cut for Henning to perform the work mentioned at the end of the July 24, 1997 entry.

February 1998 through July 1998

Dale Henning forwards draft versions (a first draft and second draft) of both documents required by Purchase Order 1443PX6290-97-012, the first being "Recommendations to NAGPRA Summary and NAGPRA Inventory," and the other being "Accession History and Status of 1986 and 1990 Deaccessioned Items and Objects." One of the project's assigned objectives was to review the 1990 removal of human remains from the collection, including documentation and a determination of potential disposition of the remains. Comments on the various draft versions submitted to Henning by Superintendent Miller (who oversaw the contract) make it clear that numerous individuals at MWAC (Tom Thiessen, Jan Dial-Jones, Jeff Richner) and MWR (Michelle Watson, Carolyn Wallingford, Mike Evans) read and commented on the draft versions of both reports. In July 1998, Michelle Watson commented that "Until a missing item (that is not yet on the NAGPRA Summary or Inventory) can be found, it remains a collections management issue not a NAGPRA issue."

September 4, 1998

Superintendent Miller writes to Dale Henning in regards to Purchase Order 1443PX6290-97-012, including comments on the draft versions of the final documents called for by the contract. From this letter, it is obvious that very few changes were called for in the documents. Miller wrote "You will find appreciation for your efforts and a few suggestions related to formatting and fine-tuning." So at a minimum, regional reviewers and Superintendent Miller saw versions of both documents that were very similar to the final versions (which no one seems to remember seeing). Superintendent Miller further wrote "The reports will be at my right hand over the next several months as we proceed with NAGPRA consultations."

September 30, 1998



Dale Henning submits (to Superintendent Miller) the final versions of the two documents required by Purchase Order 1443PX6290-97-012, including his "Accession History and Status..." document. Henning states that "The disappearance of the skeletal remains became apparent at EFMO and resulted in a series of correspondences early in 1996, the general conclusions of which was that the remains were unaccountably missing (Appendix E)." Notably missing from Henning's report is the actual "deaccession" document, or any discussion of its suitability and/or legal sufficiency. Henning's final reports do not appear to have been shared with anyone outside the NPS, including tribes with which Superintendents Gustin and Miller have initiated contact in 1996-1998.

October 1999

Superintendent Kate Miller departs EFMO.

December 1999

Superintendent Phyllis Ewing EOD's at EFMO.

August 8, 2000

Mark Lynott (MWAC) sends an email to Tom Thiessen, Jan Dial-Jones, Bob Nickel, with a cc: to Mike Evans, documenting a phone conversation he had with EFMO superintendent Phyllis Ewing. Towards the end he states "I also told her about the disappearance of all the other human remains from the park collections."

**\*\*From this point on, there appear to be no further references in park records to the missing remains until the issue reawakened in late April 2011.\*\***

April 19, 2011

Administrative Technician (b) (2), (b) (6) informs Superintendent Nepstad that she had received a phone call from Patt Murphy, NAGPRA coordinator for the Iowa Tribe of Kansas and Nebraska, a few days earlier requesting a copy of the park's NAGPRA materials from the early 1990s. The request was communicated generically enough to Superintendent Nepstad that he interpreted it to be a fairly broad request.

April 20, 2011

With (b) (2), (b) (6) on annual leave for the remainder of the week, Superintendent Nepstad contacted Patt Murphy to inquire more specifically into what Mr. Murphy was requesting.

April 21, 2011

Patt Murphy replies that he is looking for information on the "NAGPRA inventories," which Nepstad took to mean both the Summary and Inventory that were prepared in 1993 and 1995 respectively. Still new to the park and not knowing the history of those efforts, Nepstad decided to wait until (b) (2), (b) (6) returned from leave to assist.

April 25, 2011

While researching Patt Murphy's information request, (b) (2), (b) (6) present Superintendent Nepstad with a copy of Dale Henning's twin reports from 1998, both of which contain numerous mentions of missing human remains. Nepstad asked (b) (2), (b) (6) if the tribes had ever received



notice of this information, or if they had ever received copies of the Henning reports. (b) (2), (b) (6) replied that she didn't think so. Numerous inquiries were made to Mike Evans during the day to confirm this. Evans reported not knowing one way or the other, saying Michelle Watson was in charge of the project leading up to the Henning reports.

April 26-27, 2011

Superintendent Nepstad discusses the Henning reports with Jeff Richner, Steve Adams, Mike Evans, and Carolyn Wallingford to determine if anyone knows anything about these missing remains, or whether the tribes had ever been notified. No one can confirm that anything had happened since the Henning reports were published. On April 27, Bob Palmer visited former Superintendent Tom Munson's house to make another inquiry into what he may have known about the disappearance of the remains. Munson provides no new information, and continues to assert that the remains had been sent to MWAC years ago.

April 28, 2011

Superintendent Nepstad determines that the remains are still missing and that the tribes had never been notified, and resolves to provide that notification. He notifies senior leadership at MWR and begins to draft a briefing statement in advance of the notification. In the meantime, Bob Palmer is contacted by Tom Munson, who tells him he may have found something. When Palmer returned to the Munson residence in Prairie du Chien, Munson gave Palmer a box that contained human remains that were obviously from the park's collection (based on EFMO catalog numbers and markings on some of the bones). Palmer discards the deteriorated box and transports the remains back to the park in the plastic bags they had been packed in. Nepstad notified MWR leadership late in the afternoon that the remains may have been found.

April 29, 2011

Superintendent Nepstad begins to work with the Office of the State Archaeologist to get Shirley Schermer, Director of the State Burials Program, to come to the park to examine the returned remains and determine if they are all present.

May 2, 2011

The tribes are notified by letter of missing human remains, and their possible return to the park late the previous week.

May 3, 2011

While on travel status in San Antonio, TX, Superintendent Nepstad is informed by Regional Curator Carolyn Wallingford that Wallingford and Regional Registrar Keely Rennie-Tucker would be visiting the park May 4-6 to examine the park's museum records.

May 5, 2011

Regional Curator Wallingford contacts Associate Regional Director for Cultural Resources Steve Adams and over-optimistically informs him that although the park's museum records appear to be in disarray, it appears as though all of the human remains are present. In response to the email in which Adams communicated this to Superintendent Nepstad, Mike Evans responds "Maybe Shirley Schermer doesn't need to visit the park?"

June 10, 2011

After Shirley Schermer confirms that a great deal of the human remains "deaccessioned" in 1990 are still missing, Bob Palmer visits former Superintendent Tom Munson's personal residence in Prairie du Chien one last time to request that Munson search his home thoroughly one last time before we declare the remains officially missing. Munson provided no new information, but suggested that Palmer check all the attics and crawlspaces at the park.

June 15, 2011

Bob Palmer called Tom Munson to inquire into whether Munson had searched his home for the still-missing remains. Palmer reported that Munson was aware of the gravity of the situation, but reported that he had searched his garage and home and had found nothing else. At this time, Superintendent Nepstad begins making arrangements for a 100% inventory of the park's collection to verify beyond doubt that the remains are indeed still missing.

July 11-18, 2011

Steve Viet from GRPO and Tricia Miller from KEWE, assisted by (b) (2), (b) (6) and Shirley Schermer and witnessed by Patt Murphy, complete a 100% inventory of the park's museum collection. This inventory conclusively concludes that the remains are indeed still missing.

July 13, 2011

Superintendent Nepstad finally locates the Report of Survey used to supposedly "deaccession" the human remains in July 1990, despite making numerous inquiries over the previous two months with (b) (2), (b) (6) about how the park had supposedly "deaccessioned" these items.

August 9, 2011

MWR agrees to a strategy to form a team (led by Special Agent Barland-Liles) of individuals consisting of tribal representatives and representatives from OSA and SHPO to look into the issue of the missing human remains.

October 17, 2011

The composition of the team to investigate the human remains issue is finalized, and the scheduling process for the first meeting begins.

December 6-7, 2011

Effigy Mounds review board holds its first face to face meeting, and the investigation formally begins.

February 10, 2012

At the end of the day, Administrative Officer Friday Wiles handed Superintendent Nepstad three folders of information that she had come across that day in her files – one of them being Superintendent Kate Miller's contract folder for the Henning reports. The folder contained key information on the development of these reports, included who had reviewed and commented on draft versions over time. Much of the information directly contradicts what key players had been telling Special Agent Barland-Liles, so it was an exceptionally important find.



February 13, 2012

Tired of critical information coming out so slowly and gradually, Superintendent Nepstad informs Administrative Officer Friday Wiles that it is extremely important that she goes exhaustively through her files to find any and all documents related to the human remains investigation.

February 16, 2012

Superintendent Nepstad has a similar conversation with Administrative Technician (b) (2), (b) (6) emphasizing the importance of getting all relevant information related to the investigation out in the open as soon as possible.

May 17, 2012

During a lengthy interview with Administrative Technician (b) (2), (b) (6) Special Agent Barland-Liles made repeated attempts to get (b) (2), (b) (6) to remember what may have happened to the remains after she boxed them up in July 1990. (b) (2), (b) (6) eventually admits she has a dim memory of both she and Munson each carrying a box to the parking lot, and placing them in the trunk of Tom Munson's personal vehicle. Barland-Liles immediately follows up on this lead with another visit to Tom Munson's residence in Prairie du Chien, also attended by (b) (2), (b) (6) (b) (2), (b) (6). During the interview, Barland-Liles repeats what (b) (2), (b) (6) had just told him about placing the remains in the trunk of his car, and stated that he would like to search the garage again. (b) (2), (b) (6) Munson promptly signed a consent form for Barland-Liles to perform this search. The second box of human remains were almost immediately found in Tom Munson's garage by Special Agent David Barland-Liles, lying in plain sight beneath a work bench.

June 18, 2012

Superintendent Nepstad was informed by Administrative Assistant (b) (2), (b) (6) that during a walk with (b) (2), (b) (6) during the summer of 2011, (b) (2), (b) (6) had confided to (b) (2), (b) (6) that she was nervous about the investigation. When (b) (2), (b) (6) inquired into why (b) (2), (b) (6) was nervous about the investigation, (b) (2), (b) (6) stated "because I boxed up the remains and helped Tom Munson put them in the trunk of his car." Since that was the critical key fact that led to the return of the second box of remains, and since David Barland-Liles had commented that it had been difficult to extract that information from (b) (2), (b) (6) on May 17 – and since (b) (2), (b) (6) had failed to reveal that critical fact to either me or Barland-Liles during earlier discussions or interviews – Nepstad reported the conversation to Special Agent Barland-Liles.

June 19, 2012

At Special Agent Barland-Liles' request, Superintendent Nepstad contacts MWR Chief Ranger Bob Maguire to request an internal investigation of Administrative Technician (b) (2), (b) (6) failure to report a critical piece of information that could have ended the investigation a year earlier.



*United States Department of the Interior*

**NATIONAL PARK SERVICE**

Investigative Services Branch

Midwest

404 Watercress Dr.

Van Buren, MO 63965

Honorable Stephanie M. Rose  
United States Attorney  
Northern District of Iowa  
401 1<sup>st</sup> St. SE Suite 400  
Sioux City, IA 51106

ATTENTION: Assistant United States Attorney Forde Fairchild

Dear Sir:

Under the provisions of law, there is reported below a violation of the laws of the United States committed within your district involving any person who falsifies, conceals, or covers up by any trick, scheme, or device a material fact or makes any materially false, fictitious, or fraudulent statement or representation.

<u>OFFENDER:</u>	(b) (2), (b) (6)
<u>CRIMINAL RECORD:</u>	None
<u>VIOLATION OF LAW:</u>	18 U.S.C. § (a)(1) & (2)
<u>DATE, TIME AND PLACE OF ARREST(S):</u>	TBD
<u>PENDING ARRESTS:</u>	TBD
<u>PLACE OF VIOLATION:</u>	Effigy Mounds National Monument
<u>PHYSICAL AND DOCUMENTARY EVIDENCE:</u>	Statements of witnesses Interviews of (b) (2), (b) (6) May 25, 2011 e-mail from (b) (2), (b) (6) to Superintendent Nepstad – <i>Notes on Accessions and NAGPRA activities</i> July 16, 1990 – Report of Survey – EFMO





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HISTORY OF CASE:

See Attachment A- Basis of Case

TESTIMONY OF WITNESSES:

Witnesses will testify to the facts contained in the attachments as follows.

Attachment B- David Barland-Liles

Attachment C- Effigy Mounds National Monument

REMARKS:

SINCERELY,

David Barland-Liles  
Special Agent

Approved:

Les Seago  
Assistant Special Agent in Charge

## ATTACHMENT A- BASIS OF CASE

From December 2011 through June 2012 a National Park Service Special Agent was performing an investigation involving the illegal removal of human remains from the museum collection of Effigy Mounds National Monument in July of 1990.

The investigation revealed on or about July 16, 1990, prior to the enactment of Native American Graves Protection and Repatriation Act (NAGPRA), the Superintendent of Effigy Mounds National Monument (EFMO), Thomas Munson (1971–1994), ordered a National Park Service (NPS) employee, (b) (2), (b) (6) to remove all human remains (Native American) stored in the Monument's museum collection. The human remains in the collection had been removed from prehistoric burial sites within the monument during mid-century archeological excavations. Munson told (b) (2), (b) (6) the remains needed to be removed before the enactment of NAGPRA in an attempt to maintain possession of the collections funerary objects since they can no longer be associated with any human remains. Munson told (b) (2), (b) (6) the funerary objects are more valuable to the collection than the human remains. (b) (2), (b) (6) removed the human remains and placed them in two boxes. (b) (2), (b) (6) and Munson both carried a box to Munson's vehicle and placed them in the trunk. Munson told (b) (2), (b) (6) he was taking the remains to his home (Prairie du Chien Wisconsin). This act was a violation of the Archeological Resources Protection Act (ARPA – 16 U.S.C. § 470(ee)(d)).

At Munson's direction, (b) (2), (b) (6) prepared a Report of Survey of the human remains indicating they had been "deaccessioned" and "abandoned" on July 16, 1990. A deaccession requires the transfer of the human remains from one legitimate owner to another, i.e. EFMO to an affiliated tribe or other federal entity. The abandonment of human remains from a museum collection by any NPS entity is impossible to do legally.

NPS officials and subject matter experts were unaware Munson removed the human remains from EFMO's collection. Numerous attempts were made by the NPS to locate the missing remains. In 1997 an attempt involved the hiring of an archeologist, Dr. Dale Henning, to investigate the missing remains. Dr. Henning was assisted with his investigation by (b) (2), (b) (6) who showed him the museum collection and EFMO's documentation files. Dr. Henning's investigation revealed EFMO apparently deaccessioned the remains in July of 1990 and the human remains have since "disappeared." The NPS was unable to recognize a crime may have been committed or fully realize the improbability of human remains disappearing after a proper deaccession. (b) (2), (b) (6) did not reveal her involvement with the 1990 "deaccession" to Dr. Henning.

In April 26, 2011, a new EFMO Superintendent, Jim Nepstad, was reading the report written by Dr. Dale Henning, which was handed to him by (b) (2), (b) (6) When (b) (2), (b) (6) was handing the report to Nepstad she conveyed she always wondered what happened to the remains. Nepstad was intrigued by the findings and consulted with EFMO Park Ranger Robert Palmer. Palmer had never seen the report and was not aware human remains had disappeared after a "deaccession" in 1990. This reminded Palmer of a 2010 discussion he had with Munson where Munson said he had a box of animal bones from EFMO at his



house. Palmer met with Munson at his residence inquiring about the box. They unsuccessfully attempted to locate the box in his garage. The following day Munson called Palmer to tell him he found the box. Palmer retrieved the box from Munson.

Palmer returned to EFMO and upon opening a black plastic bag that was within the box immediately recognized human bones with EFMO museum collection catalogue numbers written on them. Subsequent examinations of the remains indicated approximately 1/3 of the human remains removed by Munson and (b) (2), (b) (6) in 1990 were in the box.

Further investigation by Palmer and Nepstad of EFMO records indicated numerous inconsistencies and they began to realize a crime may have been committed. During this process Nepstad consulted with (b) (2), (b) (6) several times to see if she had any knowledge of the 1990 event. (b) (2), (b) (6) claimed she had no knowledge of the 1990 event. Nepstad asked (b) (2), (b) (6) to research EFMO records related to the museum collection. On May 23, 2011, (b) (2), (b) (6) e-mailed Nepstad a list of human remains "deaccessioned" in 1990 and repatriations/reburials that occurred from 2001-2008. (b) (2), (b) (6) did not provide details related to her involvement with the 1990 "deaccession."

On January 18, 2012, (b) (2), (b) (6) participated in a voluntary interview with the Special Agent. (b) (2), (b) (6) stated she was ordered by Munson to remove the human remains from the collection in 1990. (b) (2), (b) (6) stated she placed the remains in one or two boxes and handed them to Munson and never saw them again. (b) (2), (b) (6) stated she never divulged her participation in the event because she was never directly asked. (b) (2), (b) (6) stated she had hoped the NPS and/or Dr. Henning would be able to independently discover what took place without her since (b) (2), (b) (6) was her friend whom she wanted to protect and not be the one to rat him out.

On May 16, 2012, (b) (2), (b) (6) again participated in a voluntary interview with the Special Agent. As the interview progressed (b) (2), (b) (6) stated she was remembering additional details related to the events of 1990. (b) (2), (b) (6) stated she believed she and Munson may have both carried a box of remains to Munson's sedan and placed them in his trunk after she removed them from the collection.

On May 17, 2012, Munson was voluntarily interviewed by the NPS Special Agent. Munson was presented with information from the investigation, including the statements made by (b) (2), (b) (6) on the 16th, and consented to a search of his garage. The Agent was able to locate within the garage the second box of human remains missing from EFMO's collection. Munson described his motive for removing the remains. He believed NAGPRA was a bad law and he was infected by a "contagion bomb" originating for the archeological community which feared the potential effects NAGPRA may have on federal research/museum collections. Munson stated he felt NAGPRA would enable modern day Native American Tribes to inaccurately affiliate themselves with the objects in EFMO's collection which would allow them to illegitimately take possession of the museum collection.

On Thursday, June 14, 2012, Nepstad and the Special Agent met with representatives of EFMO's affiliated Native American tribes and members of the Iowa State Historical Preservation Office. This meeting was a consultation to review the findings of the investigation. The attendees were members of an investigative group designed to provide transparency to the parties represented while maintaining the confidentiality of the criminal investigation. EFMO's Administrative Support Officer, Theresa Wilson, was present to help facilitate the meeting.

On Monday, June 18, 2012, (b) (2), (b) (6) asked to speak with Nepstad privately. (b) (2), (b) (6) stated during the summer of 2011 (b) (2), (b) (6) confided in her while they were on a lunchtime walk about the discoveries Nepstad and Palmer were beginning to uncover related to Palmer's recent recovery of human remains from Munson. During that walk (b) (2), (b) (6) said she was ordered by Munson to remove the remains from EFMO's collection. She did so and walked with Munson to his car and placed the two boxes of remains in his trunk. (b) (2), (b) (6) stated (b) (2), (b) (6) said she was worried about the potential consequences of her involvement. (b) (2), (b) (6) stated (b) (2), (b) (6)'s comments to her were unsolicited. (b) (2), (b) (6) noticed during the consultation meeting that (b) (2), (b) (6) full knowledge and memory of the event during their lunchtime walk in 2011 was different than what she told Nepstad in 2011 and the Agent in 2012.

ATTACHMENT B- WITNESS TESTIMONY

David Barland-Liles  
Special Agent  
National Park Service  
Investigative Services Branch  
404 Watercress Dr.  
Van Buren, Missouri  
(573) 772-0887

David Barland-Liles is the NPS case agent and can provide details as to suspect interview, witness interviews, and investigative measures taken.

ATTACHMENT C – WITNESS TESTIMONY  
Effigy Mounds National Monument

Jim Nepstad can testify to inquiring about (b) (2), (b) (6) knowledge of the removal of human remains from EFMO's collection. Nepstad can testify to organizing a group to assist with the investigation while maintaining confidential correspondence with interested affiliated tribes. Nepstad also searched EFMO files which uncovered valuable documentation related to the removal of the human remains in 1990, attempts to locate the missing human remains by the NPS and subsequent reaction to the alleged disappearance of the remains.

(b) (2), (b) (6) can testify to (b) (2), (b) (6) confiding in her about her involvement in removing the remains from EFMO's collection.





## United States Department of the Interior

### NATIONAL PARK SERVICE

Investigative Services Branch

Midwest

404 Watercress Dr.  
Van Buren, MO 63965

**Memorandum: 08/02/2012**

**ATTENTION:** (b) (2), (b) (6) Administrative Inquiry File

**SUBJECT:** (b) (2), (b) (6) - Effigy Mounds National Monument

**FROM:** Special Agent David Barland-Liles

From December 2011 through June 2012 a National Park Service Special Agent was performing an investigation involving the illegal removal of human remains from the museum collection of Effigy Mounds National Monument in July of 1990.

The investigation revealed on or about July 16, 1990, prior to the enactment of Native American Graves Protection and Repatriation Act (NAGPRA), the Superintendent of Effigy Mounds National Monument (EFMO), Thomas Munson (1971–1994), ordered a National Park Service (NPS) employee, (b) (2), (b) (6) to remove all human remains (Native American) stored in the Monument's museum collection. The human remains in the collection had been removed from prehistoric burial sites within the monument during mid-century archeological excavations. The investigation revealed Munson told (b) (2), (b) (6) the remains needed to be removed before the enactment of NAGPRA in an attempt to maintain possession of the collections funerary objects since they can no longer be associated with any human remains. Munson told (b) (2), (b) (6) the funerary objects are more valuable to the collection than the human remains. (b) (2), (b) (6) removed the human remains and placed them in two boxes. (b) (2), (b) (6) and Munson both carried a box to Munson's vehicle and placed them in the trunk. Munson told (b) (2), (b) (6) he was taking the remains to his home (Prairie du Chien Wisconsin). Probable cause exists for this act to be a violation of the Archeological Resources Protection Act (ARPA – 16 U.S.C. § 470(ee) and (d)), a felony, and 18 U.S.C. § 371 – Conspiracy to commit offense or defraud United States, a felony.

At Munson's direction, (b) (2), (b) (6) prepared a Report of Survey of the human remains indicating they had been "deaccessioned" and "abandoned" on July 16, 1990. A deaccession requires the transfer of the human remains from one legitimate owner to another, i.e. EFMO to an affiliated tribe or other federal entity. The abandonment of human remains from a museum collection by any NPS entity is impossible to do legally. Probable cause exists for this act to be a violation on 18 U.S.C. § 3 – Accessory after the fact, a felony.

NPS officials and subject matter experts were unaware Munson and (b) (2), (b) (6) removed the human remains from EFMO's collection. Numerous attempts were made by the NPS to locate the missing remains. In 1997 an attempt involved the hiring of an archeologist, Dr. Dale Henning, to investigate the missing remains. Dr. Henning was assisted with his investigation by (b) (2), (b) (6) who showed him the museum collection and EFMO's documentation files. Dr. Henning's investigation revealed EFMO apparently deaccessioned the remains in July of 1990 and the human remains have since "disappeared." The NPS was unable to recognize a crime may have been committed or fully realize the improbability of human remains disappearing after a proper deaccession. (b) (2), (b) (6) did not reveal her involvement with the 1990 "deaccession" to Dr. Henning or to any NPS official. Probable cause exists for this act to be a violation of 18 U.S.C. § 4 - Misprision of felony.

In April 26, 2011, a new EFMO Superintendent, Jim Nepstad, was reading the report written by Dr. Dale Henning, which was handed to him by (b) (2), (b) (6) Nepstad was intrigued by the findings and consulted with EFMO Park Ranger Robert Palmer. Palmer had never seen the report and was not aware human remains had disappeared after a "deaccession" in 1990. This reminded Palmer of a 2010 discussion he had with (b) (2), (b) (6) where Munson said he had a box of animal bones from EFMO at his house. Palmer met with Munson at his residence inquiring about the box. They unsuccessfully attempted to locate the box in his garage. The following day Munson called Palmer to tell him he found the box. Palmer retrieved the box from Munson.

Palmer returned to EFMO and upon opening a black plastic bag that was within the box immediately recognized human bones with EFMO museum collection catalogue numbers written on them. Subsequent examinations of the remains indicated approximately 1/3 of the human remains removed by Munson and (b) (2), (b) (6) in 1990 were in the box.

Further investigation by Palmer and Nepstad of EFMO records indicated numerous inconsistencies and they began to realize a crime may have been committed. During this process Nepstad consulted with (b) (2), (b) (6) for information related to the 1990 event. Nepstad also asked (b) (2), (b) (6) to research EFMO records related to the museum collection. On May 23, 2011, (b) (2), (b) (6) e-mailed Nepstad a list of human remains "deaccessioned" in 1990 and repatriations/reburials that occurred from 2001-2008. (b) (2), (b) (6) did not provide details related to her involvement with the 1990 "deaccession."

On January 18, 2012, (b) (2), (b) (6) participated in a voluntary interview (2 hr. 55 min.) with the Special Agent. (b) (2), (b) (6) stated she was ordered by Munson to remove the human remains from the collection in 1990. (b) (2), (b) (6) stated she placed the remains in one or two boxes and handed them to Munson "upstairs" and never saw them again. (b) (2), (b) (6) stated, "I can't remember if it was one box or two boxes I gave to Tom." (b) (2), (b) (6) stated she never divulged her participation in the event because she was never directly asked. (b) (2), (b) (6) stated she had hoped the NPS and/or Dr. Henning would be able to independently discover what took place without her since Munson was her friend whom she wanted to protect and not be the one to rat him out. (b) (2), (b) (6) stated she handed the



Henning Report to Miller's replacement, Superintendent Phyllis Ewing, but she does not believe Ewing read it.

On May 16, 2012, (b) (2), (b) (6) again participated in a voluntary interview (3 hr. 25 min.) with the Special Agent. As the interview progressed and the Agent pressed for details, (b) (2), (b) (6) stated she was remembering the events of 1990, explaining the July date on the Report of Survey was helping her remember how hot it was when the events transpired which was further jogging her memory. (b) (2), (b) (6) stated she believed she and Munson may have both carried a box of remains to Munson's sedan in the EFMO parking lot and placed them in his trunk. The Special Agent walked with (b) (2), (b) (6) to the parking lot of Effigy Mounds Visitor Center hoping the location where the event took place would help her remember additional details. (b) (2), (b) (6) stated her level of certainty about placing the boxes in Munson's trunk remained low.

(b) (2), (b) (6) stated she had a vague recollection of Munson saying he was taking the remains to his house. (b) (2), (b) (6) stated she believed Munson no longer lived in NPS housing and had already moved to Prairie du Chien when she may have helped him place the boxes in his trunk.

(b) (2), (b) (6) stated if Munson was going to do something legitimate with the human remains he would have told her, for instance, transferring them to the Midwest Archeological Center (MWAC).

These previously undisclosed detailed dramatically changed the course and focus of the investigation and reduced the probability of involvement of any individuals other than Munson and (b) (2), (b) (6). These statements and facts provided by (b) (2), (b) (6) helped establish probable cause related to the previously mentioned violations.

On May 17, 2012, Munson and his wife were voluntarily interviewed by the NPS Special Agent. Munson was presented with information from the investigation. During this discussion the Agent led Munson to believe (b) (2), (b) (6) was certain she helped him place two boxes of human remains in the trunk of his sedan. This revelation and subsequent discussions led (b) (2), (b) (6) to realize (b) (2), (b) (6) had not been truthful during a previous interview (Jan. 18, 2012). During that interview Munson had claimed he received a NPS "directive" to remove the remains from EFMO's collection which were accidentally stored in a multi-use NPS garage and subsequently combined and moved with their personal property. Munson also claimed he personally drove them to MWAC so the Archeologists could remove research specimens. This realization by (b) (2), (b) (6) helped the Agent receive consent to search the Munson's garage.

The Agent was able to locate the second box of human remains missing from EFMO's collection after searching the garage for approximately thirty seconds. Munson admitted he knew the remains were there the entire time. Munson described an additional motive for removing the remains. He believed NAGPRA was a bad law and he was infected by a "contagion bomb" originating for the archeological community which feared the potential effects NAGPRA may have on federal research/museum collections. Munson

stated he felt NAGPRA would enable modern day Native American Tribes to inaccurately affiliate themselves with the objects in EFMO's collection which would allow them to illegitimately take possession of the museum collection.

On Thursday, June 14, 2012, Nepstad and the Special Agent met with representatives of EFMO's affiliated Native American tribes and members of the Iowa State Historical Preservation Office. This meeting was a consultation to review the findings of the investigation. The attendees were members of an investigative group designed to provide transparency to the parties represented while maintaining the confidentiality of the criminal investigation. EFMO's Administrative Support Officer, Theresa Wilson, was present to help facilitate the meeting.

On Monday, June 18, 2012, (b) (2), (b) (6) asked to speak with Nepstad privately. (b) (2), (b) (6) stated during the summer of 2011 (b) (2), (b) (6) confided in her while they were on a lunchtime walk about the discoveries Nepstad and Palmer were beginning to uncover related to Palmer's recent recovery of human remains from Munson. During that walk (b) (2), (b) (6) said she was ordered by Munson to remove the remains from EFMO's collection. She did so and walked with Munson to his car where they placed two boxes in his trunk. (b) (2), (b) (6) stated (b) (2), (b) (6) said she was worried about the potential consequences of her involvement. Wilson stated (b) (2), (b) (6) comments to her were unsolicited. (b) (2), (b) (6) noticed during the consultation meeting that (b) (2), (b) (6) full knowledge and memory of the event during their lunchtime walk in 2011 was different than what she told the Agent in January and May of 2012.

Nepstad notified the Special Agent of his conversation with Wilson. The revelation of the clarity of (b) (2), (b) (6) knowledge to the events of 1990 during the summer of 2011 compared to the statements made to the Agent during voluntary interviews in January and May of 2012 demonstrated probable cause exists for a violation of 18 U.S.C. § 1001(1)(2) &(3) – Statements or entries generally – knowing and willfully falsifies, conceals, or covers up any trick or scheme; makes a materially false, fictitious, or fraudulent statement or representation; makes or uses any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry – a felony.



**ATTACHMENT B- WITNESS TESTIMONY**

**David Barland-Liles  
Special Agent  
National Park Service  
Investigative Services Branch  
404 Watercress Dr.  
Van Buren, Missouri  
(573) 772-0887**

**David Barland-Liles is the NPS case agent and can provide details as to suspect interview, witness interviews, and investigative measures taken.**

**ATTACHMENT C – WITNESS TESTIMONY**  
**Effigy Mounds National Monument**

Jim Nepstad can testify to inquiring about (b) (2), (b) (6) knowledge of the removal of human remains from EFMO's collection. Nepstad can testify to organizing a group to assist with the investigation while maintaining confidential correspondence with interested affiliated tribes. Nepstad also searched EFMO files which uncovered valuable documentation related to the removal of the human remains in 1990, attempts to locate the missing human remains by the NPS and subsequent reaction to the alleged disappearance of the remains.

(b) (2), (b) (6) can testify to (b) (2), (b) (6) confiding in her about her involvement in removing the remains from EFMO's collection.



## United States Department of the Interior

NATIONAL PARK SERVICE  
Effigy Mounds National Monument  
151 HWY 76  
Harpers Ferry, Iowa 52146

IN REPLY REFER TO:

July 31, 2012

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### Memorandum

To: (b) (2), (b) (6) Administrative Inquiry Files

From: Superintendent, Effigy Mounds National Monument

Subject: Supplementary Information for (b) (2), (b) (6) Administrative Inquiry

USPP Captain and MWR Regional Law Enforcement Specialist Gregory Monahan has authored a Report of Investigation containing the results of his inquiry into (b) (2), (b) (6) activities relative to missing human remains at Effigy Mounds National Monument (EFMO). I would like to supplement the information Mr. Monahan has provided in this report with information that I personally possess after spending the past 15 months looking into this matter myself.

First and foremost, I would like to emphasize that this is an extremely serious matter involving the most sensitive resources of this National Park Service unit. The remains of more than 40 people were illegally removed from the park in July 1990, and for all intents and purposes, "disappeared." All of these 40+ people lived and died in what is now Effigy Mounds National Monument, and without them, the mounds the park was set aside to protect would never have been created. Thus, the remains of these people transcend what we normally think of as "primary" or "fundamental" resources in the National Park Service.

We now know that former superintendent Tom Munson, aided by (b) (2), (b) (6) boxed up and removed the remains of these people from the park in July 1990. They spent the next 22 years in Mr. Munson's garage, all the while suffering damage due to wildly inappropriate storage conditions. I have personally combed through hundreds of pages of documentary evidence showing that numerous park officials made serious efforts to locate the missing remains. These efforts always ended in failure, in part because Tom Munson always had an alibi.

One thing that prevented past superintendents from following up with Mr. Munson more directly and aggressively, and which stymied even the current investigation for over a year, was the withholding of one utterly critical fact. That fact was (b) (2), (b) (6) 's *memory of placing the remains in Tom Munson's personal vehicle*. That fact destroyed Tom Munson's alibi. And when that fact was finally revealed to Special Agent David Barland-Liles on May 16, 2012, it enabled him to retrieve the last of the missing remains from Mr. Munson's garage the very next day.



As documented in Captain Monahan's report, (b) (2), (b) (6) claims that she discussed "her involvement" with multiple superintendents and with Special Agent Barland-Liles, and that "everyone in the park" knew what had happened. All of this may be true to a limited degree, but in total it is ultimately deceitful and extremely misleading. Perhaps "everyone in the park" knew the remains disappeared, and that (b) (2), (b) (6) had been involved in boxing them up. I suspected that she had helped box them up all along without even asking her directly (after all, she dealt with the collection at the time of the disappearance). Perhaps (b) (2), (b) (6) told past superintendents that there were missing remains, and perhaps she even directed those superintendents to Mr. Munson, but there isn't a shred of evidence to suggest she ever told anyone in a position of authority that she helped place them in Mr. Munson's personal vehicle. I can say that with absolute certainty for the time period covering April 2011 to May 2012. By withholding that one critical fact, she allowed Mr. Munson's alibi to remain intact, which severely impeded the present investigation (which has cost the federal government tens of thousands of dollars over the past year), and in all likelihood impeded past investigations as well.

After it was determined in June 2011 that a substantial amount of remains were still missing, I resolved to perform a 100% inventory of the park's collection to verify that they were not in the park. (b) (2), (b) (6) knew this inventory was going to take place, knew that it was going to cost us several thousand dollars to perform (experts from outside the park were brought in), and even participated in the inventory – all while never mentioning that she knew with certainty that the remains were not here. Had she revealed to me that she had helped place them in Tom Munson's personal vehicle, this inventory would never have been necessary. She chose to remain silent.

While I never directly asked (b) (2), (b) (6) if she had placed human remains in the trunk of Tom Munson's personal vehicle – it's hard to ask about something you have no knowledge of – there is no doubt that (b) (2), (b) (6) was aware that I was aggressively seeking the missing remains, and on numerous occasions I told her I needed all of the information she had and needed it sooner rather than later. Documentary evidence was being presented to me at a tortuously slow rate, causing me to state to (b) (2), (b) (6) and others in February 2012 that I needed *everything*, and I needed it *now*. After she was placed on administrative leave in June, I casually browsed through two boxes of museum files she had left out, and within minutes had retrieved files that were highly relevant to the investigation. There is simply no doubt she has impeded this investigation.

This incident has caused profound damage to the credibility and reputation of the National Park Service, particularly with the twelve American Indian tribes with whom we consult on EFMO matters. The term "cover up" is used in virtually every conversation on this matter that arises with these tribes. I can't answer for the actions of past superintendents, but I can state conclusively that for the 13 months between April 2011 and May 2012 in which I struggled to find the last of these human remains, absolutely critical facts were indeed withheld from the investigation by (b) (2), (b) (6). I am quite confident that Special Agent David Barland-Liles will say the same thing if asked, and urge readers to contact Mr. Barland-Liles at (572) 772-0887 to verify this if necessary.

The notoriety of this issue relative to the mission and reputation of the National Park Service is on the extreme end of the spectrum. I and my successors – and the agency itself - will be dealing with fallout from this debacle for years to come. The offense of improperly removing the remains of more than 40 people and stashing them in a garage is serious enough, but the consequences of covering up the offense and protecting the primary offender has made a very bad situation far worse.





# United States Department of the Interior

National Park Service

Midwest Region  
601 Riverfront Drive  
Omaha, Nebraska 68102-4226



July 30, 2012

## Memorandum

To: Superintendent Jim Nepstad, Effigy Mounds National Monument

Through: Regional Chief Ranger Robert Maguire *R. Maguire*

From: Captain Gregory T. Monahan, Regional Law Enforcement Specialist *GTM*

Subject: Administrative Inquiry for (b) (2), (b) (6)

Attached is the Report of Investigation regarding the Administrative Inquiry for (b) (2), (b) (6)  
If you have any questions please contact me at 402-661-1710.





Department of the Interior  
National Park Service  
Midwest Region  
**REPORT OF INVESTIGATION**

Case Subject: NPS Employee (b) (2), (b) (6), (b) (7)(C)	Region/Unit # : MWRO-AI-12-0001	
Case Location: Effigy Mounds National Monument	Case Category: Administrative Inquiry	Report Date: July 30, 2012

Introduction

This inquiry began upon receiving a declination to prosecute Ms. (b) (2), (b) (6), (b) (7)(C) as a result of her involvement in an ongoing criminal investigation into violations of Federal laws, specifically 18 U.S.C. 1001. The following reports are the result of an administrative investigation into the conduct, actions, and performance of (b) (2), (b) (6), (b) (7)(C) and her involvement in removing human remains from the Effigy Mounds National Monument museum collection.

Background

The Native American Graves Protection and Repatriation Act (NAGPRA – 25 U.S. C. 3001) was enacted on November 16, 1990. NAGPRA requires federal agencies to return Native American cultural items including human remains, funerary items, sacred objects and objects of cultural patrimony, to the tribe(s) affiliated with those items.

Thomas Munson served as the Superintendent of Effigy Mounds National Monument (EFMO) from 1971-1994. On or about July 16, 1990, prior to the enactment of NAGPRA, Munson ordered seasonal National Park Service (NPS) employee, (b) (2), (b) (6), (b) (7)(C) to remove all human remains (Native American) stored in the Monument's museum collection. The apparent purpose in removing the remains was to ensure the collection of funerary objects could remain in the parks possession since they could not be associated with human remains. (b) (2), (b) (6), (b) (7)(C) removed the human remains and placed them into two boxes. (b) (2), (b) (6), (b) (7)(C) and Munson both carried a box to Munson's vehicle and placed them in the trunk. Munson told (b) (2), (b) (6), (b) (7)(C) he was taking the remains to his residence in Prairie de Chien, Wisconsin. This act was a violation of the Archeological Resources Protection Act (ARPA – 16 U.S.C. 470 (ee) (d).

At Munson's direction, (b) (2), (b) (6), (b) (7)(C) then prepared a Report of Survey of the human remains indicating they had been "deaccessioned" and "abandoned" on July 16, 1990. A deaccession requires the transfer of the human remains from one legitimate owner to another, i.e. from EFMO to an affiliated

Reporting Official/Title Capt. G.T. Monahan	Signature <i>Capt. G.T. Monahan</i>	Date July 30, 2012
Approving Official/Title RCR Robert Maguire	Signature <i>Robert Maguire</i>	Date July 30, 2012
Distribution: Original – Case File      Copy – SAC      Copy – HR      Other:		

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tribe or other Federal entity. The abandonment of human remains from a museum collection by any NPS entity is impossible to do legally.

Munson retired from the NPS in 1994.

NAGPRA required all Federal agencies to provide an inventory of all cultural items within their collections by November 16, 1995. NPS officials and subject matter experts were unaware Munson removed the human remains from EFMO's collection. As the inventory date approached and passed, numerous attempts were made by the NPS to locate the remains as confusion to their whereabouts increased. During these attempts Munson was contacted by two EFMO superintendents. On February 6, 1996, Munson told Superintendent Karen Gustin the remains were sent to the Iowa Office of the State Archeologist (OSA) and the Midwest Archeological Center (MWAC-NPS). However, neither office has a record of receiving the itemized human remains (by accession and catalogue number) in the 1990 Report of Survey. On November 17, 1997, Munson told Superintendent Kathleen Miller the remains were deaccessioned and stored in a maintenance locker and eventually junked.

In 1997, the NPS contracted an archeologist, Dr. Dale Henning, to investigate the missing remains. Dr. Henning determined EFMO apparently deaccessioned the remains in July 1990 and the human remains have since "disappeared." [REDACTED] who continues to work at EFMO as an administrative assistant, never divulged her knowledge of the 1990 event until she was directly asked about her participation by a NPS Special Agent on January 18, 2012 during a voluntary interview.

In July 2010, EFMO law enforcement ranger Bob Palmer, was with Munson socially. Munson mentioned he had a box of EFMO property at his house he claimed was accidentally moved with his personal property prior to retiring. In April 26, 2011, the current EFMO superintendent, Jim Nepstad, was reading the report written by Dr. Dale Henning, which [REDACTED] provided him. Nepstad consulted with Chief Ranger Palmer about the matter. Palmer recalled his earlier conversation with Munson. Palmer subsequently recovered one of the boxes of bones from Munson's residence. The box only contained approximately 1/3 of the remains removed by Munson and [REDACTED] in 1990. Further investigation by Palmer and Nepstad of EFMO records revealed numerous inconsistencies.

Munson was interviewed on January 18, 2012 by a NPS Special Agent. During the interview, Munson stated he ordered [REDACTED] to remove the human remains from EFMO's collection. Munson was interviewed again on May 17, 2012 at which time a second box containing human remains was recovered from Munson's garage.

On May 18, 2012, the human remains were transferred to Dr. Shirley Schermer at the OSA. Schermer was able to determine the boxes contained the majority of the collection removed from EFMO by Munson and [REDACTED]

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Reported By: Capt. G.T. Monahan

(b) (2), (b) (6), (b) (7)(C) was interviewed by a NPS Special Agent on January 18, 2012 and again on May 16, 2012.

### Investigation

On July 17, 2012 the undersigned was contacted by Special Agent David Barland-Liles who advised that Assistant United States Attorney Forde Fairchild completed a review of the criminal portion of this case as it relates to NPS Employee (b) (2), (b) (6), (b) (7)(C). AUSA Fairchild advised SA Barland-Liles the U.S. Attorney for the Northern District of Iowa was declining to prosecute (b) (2), (b) (6), (b) (7)(C).

On July 18, 2012 at approximately 1000 hours, the undersigned left a message for (b) (2), (b) (6), (b) (7)(C) on her home phone (b) (2), (b) (6), (b) (7)(C). The undersigned was contacted later in the day by Bill Roerman, attorney for (b) (2), (b) (6), (b) (7)(C). The undersigned explained to Roerman that the U.S. Attorney declined to prosecute (b) (2), (b) (6), (b) (7)(C) and the National Park Service was moving forward with the Administrative Investigation. The undersigned explained the administrative process to Roerman, the required interview, and the implications to (b) (2), (b) (6), (b) (7)(C) for providing false statements. The undersigned also advised Roerman of my intent to interview (b) (2), (b) (6), (b) (7)(C) on Tuesday, July 24, 2012. Roerman contacted me later in the day and advised he could not be present for the interview, however, (b) (2), (b) (6), (b) (7)(C) would attend.

On July 18, 2012 the undersigned coordinated with EFMO Superintendent Jim Nepstad who reserved a conference room for the interview at the Prairie du Chien City Hall.

On July, 24, 2012 at approximately 1145 hours, the undersigned met (b) (2), (b) (6), (b) (7)(C) in Conference Room #2 at the Prairie du Chien City Hall. (b) (2), (b) (6), (b) (7)(C) was also in attendance. (b) (2), (b) (6), (b) (7)(C) asked if he could sit in on the interview as (b) (2), (b) (6), (b) (7)(C) was extremely upset about the whole process. The undersigned advised (b) (2), (b) (6), (b) (7)(C) he could stay provided he did not interfere with the interview.

The interview with (b) (2), (b) (6), (b) (7)(C) began at approximately 1154 hours. A summary of (b) (2), (b) (6), (b) (7)(C) comments and answers to my questions are included in this report. During the interview (b) (2), (b) (6), (b) (7)(C) confirmed numerous facts and circumstances that she previously divulged to Special Agent David Barland-Liles. (b) (2), (b) (6), (b) (7)(C) confirmed she packed up the human remains and completed a 'Report of Survey' in July 1990 at Superintendent Tom Munson's direction. (b) (2), (b) (6), (b) (7)(C) also stated Munson never advised her where he was taking the bones.

At the beginning of the interview the undersigned read to (b) (2), (b) (6), (b) (7)(C) a summary of the investigation thus far as completed by Special Agent David Barland-Liles. A key point in SA Barland-Liles' investigation is that (b) (2), (b) (6), (b) (7)(C) never divulged her role in this incident which had a severe and adverse impact on numerous entities and their inability to locate the human remains. (b) (2), (b) (6), (b) (7)(C) advised the undersigned this was not true. She initially advised me that she told every

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Reported By: Capt. G.T. Monahan



superintendent that was assigned to the park since Munson retired with the exception of Nepstad. (b) (2), (b) (6), (b) (7)(C) later retracted this statement and stated she only told Superintendents Karen Gustin and Phyllis Ewing. (b) (2), (b) (6), (b) (7)(C) stated she specifically told Gustin and Ewing that she packed up the bones, completed the report of survey at Munson's direction, and advised them Munson was the last person that had the bones.

The undersigned also attempted to clear up why (b) (2), (b) (6), (b) (7)(C) never divulged her involvement to Dr. Dale Henning who was contracted by the National Park Service to locate the missing bones. (b) (2), (b) (6), (b) (7)(C) attempted to explain by stating Henning's work was a research of paperwork and she assisted him in that process. The undersigned pointed out she had pertinent knowledge that should have been shared with Dr. Henning. (b) (2), (b) (6), (b) (7)(C) then advised she did tell Dr. Henning that Munson had the bones but she did not tell him of her involvement.

During the interview (b) (2), (b) (6), (b) (7)(C) stated numerous times she didn't think she did anything wrong and felt as if people were 'killing the messenger.' However, (b) (2), (b) (6), (b) (7)(C) statements contradict what she confided to (b) (2), (b) (6), (b) (7)(C). The undersigned interviewed (b) (2), (b) (6), (b) (7)(C) on July 23, 2012. (b) (2), (b) (6), (b) (7)(C) advised she had a conversation with (b) (2), (b) (6), (b) (7)(C) in May or June 2011 where (b) (2), (b) (6), (b) (7)(C) expressed concern about losing her job. (b) (2), (b) (6), (b) (7)(C) continued to confide in (b) (2), (b) (6), (b) (7)(C) by admitting to boxing up the bones and placing them in Munson's trunk.

On 7/25/2012, the undersigned began corresponding via email with Mr. Guy Cook, attorney for (b) (2), (b) (6), (b) (7)(C). I provided Cook with an overview of the administrative case with specific emphasis on (b) (2), (b) (6), (b) (7)(C) statements. I provided Cook with the questions I wished to pose to (b) (2), (b) (6), (b) (7)(C). As of the date of this report I have not heard from Cook. (b) (2), (b) (6), (b) (7)(C)

On 7/26/2012 at approximately 1100 hours, the undersigned conducted a telephonic interview with former EFMO Superintendent Karen Gustin. Gustin advised she does not recall (b) (2), (b) (6), (b) (7)(C) ever admitting her involvement in removing the bones. Gustin also advised had she known these facts she certainly would have acted on the information.

### Conclusion

Throughout the course of this investigation, the undersigned has discovered numerous inconsistencies and omissions on the part of (b) (2), (b) (6), (b) (7)(C). When (b) (2), (b) (6), (b) (7)(C) was interviewed by Special Agent David Barland-Liles she clearly offered limited information and only in response to specific questions. When the undersigned interviewed (b) (2), (b) (6), (b) (7)(C) she initially stated she told every superintendent at EFMO of her involvement and that Munson was the last person with the bones. She then recanted this statement midway through the interview and stated she only told Superintendents Gustin and Ewing. However, the undersigned conducted a follow up interview with Gustin who clearly refutes (b) (2), (b) (6), (b) (7)(C) account.

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From 1990-2012, (b) (2), (b) (6), (b) (7)(C) inexplicably assumed a variety of people had knowledge of her involvement to include park employees, superintendents, and even Dr. Henning. However, the simple fact that no significant follow up was conducted with Munson until Nepstad's tenure clearly refutes this statement. Clearly, if (b) (2), (b) (6), (b) (7)(C) had advised any of the superintendents or Dr. Henning or her involvement, this mystery would have been solved much sooner.

(b) (2), (b) (6), (b) (7)(C) had concealed her involvement for over twenty years. She continues to make false statements to law enforcement officials about her actions and most recently has attempted to assign the blame to two former superintendents, one of which clearly has no recollection of her admission.

A review of the Department Manual on Discipline and Adverse Action (370 DM 752) shows the penalty for "misrepresentation, falsification, exaggeration, concealment or withholding of material fact in connection with an official Government investigation, inquiry or other administrative proceeding" carries a range from a fourteen (14) day suspension to removal.

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*Reported By: Capt. G.T. Monahan*



Interview of (b) (2), (b) (6), (b) (7)(C)

On Tuesday, July 24 2012 at approximately 1154 hours, the undersigned conducted an interview of (b) (2), (b) (6), (b) (7)(C) a National Park Service employee at Effigy Mounds National Monument. The interview was conducted in Conference Room #2 of the City Hall building in Prairie du Chien, Wisconsin. (b) (2), (b) (6), (b) (7)(C) was also in attendance. The undersigned provided (b) (2), (b) (6), (b) (7)(C) with the Compelled Statement Warning and had her follow along as I read the form. (b) (2), (b) (6), (b) (7)(C) advised she understood the form and had no questions. (b) (2), (b) (6), (b) (7)(C) signed the form and I countersigned.

The undersigned began the interview by reading to (b) (2), (b) (6), (b) (7)(C) a summary of the investigation. This summary included an overview of NAGPRA, her involvement in removing human remains from EFMO's museum collection in July of 1990, as well as her failure to admit to her involvement over the years which had a severe and adverse impact on numerous entities and their inability to locate the human remains. At the conclusion of reading the summary to (b) (2), (b) (6), (b) (7)(C) I provided her with the opportunity to comment. The undersigned then asked (b) (2), (b) (6), (b) (7)(C) several questions. (b) (2), (b) (6), (b) (7)(C) comments on the summary and her responses to my questions are summarized below.

(b) (2), (b) (6), (b) (7)(C) confirmed she packed up the human remains from the museum collection and placed one of the boxes in Munson's vehicle. However, (b) (2), (b) (6), (b) (7)(C) stated that Munson did not advise what he was intending to do with the bones or where he was taking them. (b) (2), (b) (6), (b) (7)(C) believes she told the Special Agent who interviewed her that (b) (2), (b) (6), (b) (7)(C) never told her where he was taking the bones. (b) (2), (b) (6), (b) (7)(C) also stated she does not recall if (b) (2), (b) (6), (b) (7)(C) was living in Prairie du Chien at that time (July 1990).

(b) (2), (b) (6), (b) (7)(C) then advised another key fact that was misrepresented in the summary was that she never divulged her role in this incident. (b) (2), (b) (6), (b) (7)(C) stated she told every single Superintendent at EFMO with the exception of Mr. Nepstad. (b) (2), (b) (6), (b) (7)(C) stated she never told Mr. Nepstad because she knew when Nepstad was provided with a copy of the report he was going to do something about it. She further explained she knew she would be afforded the opportunity to say something about her involvement without exposing herself to office gossip. (b) (2), (b) (6), (b) (7)(C) continued by specifically stating she told Superintendent Karen Gustin of her role in removing the bones and that she was ordered to do it. (b) (2), (b) (6), (b) (7)(C) then stated she was not certain but believes she directed Gustin to Tom Munson. (b) (2), (b) (6), (b) (7)(C) then stated that she also told Superintendent Phyllis Ewing of her involvement. (b) (2), (b) (6), (b) (7)(C) explained she did the same thing with Superintendent Jim Nepstad. (b) (2), (b) (6), (b) (7)(C) stated she gave the report to Phyllis Ewing and advised her the remains were still missing. (b) (2), (b) (6), (b) (7)(C) stated Ewing placed the report on a shelf and commented that nothing was ever done about it.

(b) (2), (b) (6), (b) (7)(C) then insinuated she felt as if people were "killing the messenger." She reiterated since Munson retired she told every superintendent that the human remains were missing and they needed to talk to Tom Munson because she did not know where they went. (b) (2), (b) (6), (b) (7)(C) then stated when Mr. Nepstad came to EFMO she provided him with a copy of the report. (b) (2), (b) (6), (b) (7)(C) admitted

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Reported By: Capt. G.T. Monahan



that she did not divulge her involvement at this time but told Nepstad he needed to talk to Tom Munson. [REDACTED] stated she would not have given the report Nepstad or Ewing if she felt she had done something wrong and she would not have said anything to Gustin or Miller if she felt she did something wrong. [REDACTED] stated again she had a conversation with every superintendent about the missing bones and it always ended with her. She further explained by stating when anyone asked Munson, he provided different answers about the whereabouts of the bones and it never went anywhere.

The undersigned then guided [REDACTED] through a chronology of each superintendent that was assigned to EFMO after Munson. [REDACTED] stated Donna Cavells (sp?) was an acting superintendent for several months after [REDACTED] retired. [REDACTED] advised the topic of the missing bones never arose during Cavells tenure and [REDACTED] never advised Cavells of her involvement.

The next superintendent of EFMO was Karen Gustin. [REDACTED] advised during Gustin's tenure the park received an email from Luther College regarding the impact of NAGPRA. MWAC also contacted the park inquiring if remains were still in the museum collection at the park. [REDACTED] recalls telling Gustin she needed to talk to Munson. [REDACTED] recalls Gustin contacting Munson and advising her Munson told her the bones were either taken to OSA and MWAC. [REDACTED] advised she felt sick about this because OSA and MWAC stated they never received the bones. The undersigned then specifically asked [REDACTED] if she told Gustin she packed up the remains. [REDACTED] then recants her earlier statement and stated she believes she told Superintendent Karen Gustin but is not sure that she told Superintendent Kathleen Miller. In response to questions, [REDACTED] then stated she does not know what Munson intended to do with the bones. She also stated she sensed he was planning on disposing of the remains.

[REDACTED] then provided the undersigned with an overview of her career with the National Park Service, EFMO. She advised she was hired as a temporary seasonal Interpretive Ranger and was soon asked to assist in data entry for the catalogue records for the museum items. [REDACTED] stated her responsibilities increased as she was given additional tasks. [REDACTED] commented she was not trained or qualified to do many of these tasks. [REDACTED] stated she believes she was given these tasks due to her organizational skills but reiterates she did not have any training. [REDACTED] advised the first official training she received was in cataloguing museum items. She attended this course several years after working at EFMO. She stated she has never received any cultural resource training to include NAGPRA or ARPA training. She qualified that she did attend a NAGPRA meeting once in lieu of Superintendent Ewing attending but has never received any specific training.

The undersigned then asked [REDACTED] if she told the Special Agent that previously interviewed her that she advised the previous superintendents of her involvement and that she specifically packed up the human remains. [REDACTED] stated she did not tell the Special Agent because he never asked that specific question. [REDACTED] then stated she didn't think it was critical to tell the Special Agent that particular fact.

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(b) (2), (b) (6), (b) (7)(C) then stated she is puzzled as to why people say they did not know this was happening. She stated she doesn't believe anyone who worked in the visitor center did not know what happened to the human remains. The undersigned then brought (b) (2), (b) (6), (b) (7)(C) attention to the report of survey that was completed in July of 1990. (b) (2), (b) (6), (b) (7)(C) stated she was ordered by Munson to complete the form. She further stated that when Dr. Dale Henning was contracted to investigate the missing remains she showed Henning the report and directed his attention to her writing at the top of the report that says "keep."

The undersigned then refocused (b) (2), (b) (6), (b) (7)(C) attention on the chronology of events. During Superintendent Miller's tenure the NPS contracted Dr. Dale Henning to investigate the missing remains. The undersigned specifically asked (b) (2), (b) (6), (b) (7)(C) Is she ever mentioned to Henning that she packed up the bones. (b) (2), (b) (6), (b) (7)(C) advised she did not and had no reasonable explanation for not advising him. She further advised that at the time she didn't think telling anyone she packed up the bones was important. (b) (2), (b) (6), (b) (7)(C) admitted she did not tell Henning she boxed up the remains but believes he knew that Munson last had the bones. (b) (2), (b) (6), (b) (7)(C) had no reasonable explanation of why she did not tell Henning despite having ample opportunity to do so. (b) (2), (b) (6), (b) (7)(C) went on to reiterate that everyone in the park knew despite the fact that this incident was not discovered until 20 years later. The undersigned pointed out to (b) (2), (b) (6), (b) (7)(C) that the three superintendents who were assigned to the park along with Dr. Henning were not in the park and had no knowledge of the parks history. The undersigned also pointed out that (b) (2), (b) (6), (b) (7)(C) could have easily cleared up this issue by advising Dr. Henning she packed up the bones and helped place them in Munson's vehicle.

(b) (2), (b) (6), (b) (7)(C) was then directed to the time period when Chief Ranger Mardi Arce was assigned to EFMO, specifically from 1995-1999. During that time Arce looked into the missing remains. In an interview with a NPS Special Agent, Arce advised the investigator that (b) (2), (b) (6), (b) (7)(C) told her the human remains were removed from the collection prior to the enactment of NAGPRA and transferred to the State of Iowa for reburial. (b) (2), (b) (6), (b) (7)(C) advised two accessions occurred. The incident where she packed up the bones and gave them to Munson occurred in 1990. In 1986, bones that were discovered outside the park boundary were legitimately deaccessioned and transferred to the State Archeologist. (b) (2), (b) (6), (b) (7)(C) believes Arce was referring to the deaccession that occurred in 1986. (b) (2), (b) (6), (b) (7)(C) does not recall a specific conversation with Arce regarding the 1990 event.

(b) (2), (b) (6), (b) (7)(C) was then directed to the time period when Superintendent Ewing was assigned to EFMO. She recalls providing Ewing with a copy of Henning's report and advising her no work was done relating to the missing bones once 'they got to Tom' (Munson). (b) (2), (b) (6), (b) (7)(C) stated no follow up was conducted and nothing was solved. She then stated the report was supposed to solve what happened to the bones. The undersigned pointed out to (b) (2), (b) (6), (b) (7)(C) that no work was done and nothing was 'solved' because Henning's report indicated essentially that the bones were abandoned or disappeared. (b) (2), (b) (6), (b) (7)(C) stated she specifically told Ewing that she packed up the bones and gave them to Munson. (b) (2), (b) (6), (b) (7)(C) admits she did not tell the Special Agent of her admission to Ewing.

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Reported By: Capt. G.T. Monahan

The undersigned then reviewed the chronology with (b) (2), (b) (6), (b) (7)(C). She advised she told Gustin and Ewing of her involvement but did not tell Miller or Dr. Henning. She advised she told Gustin and Ewing because they were more approachable. She had no reasonable explanation for not telling Dr. Henning. (b) (2), (b) (6), (b) (7)(C) advised the topic of the missing remains never came up in conversation. (b) (2), (b) (6), (b) (7)(C) attempted to explain that it was a research of paperwork and she assisted him with that process. The undersigned pointed out she had pertinent knowledge that should have been shared with Dr. Henning regarding the last known location of the bones. (b) (2), (b) (6), (b) (7)(C) then stated she did tell Dr. Henning that Munson had the bones but did not tell him she packed them up at Munson's direction.

(b) (2), (b) (6), (b) (7)(C) stated at the time (July 1990) she was only doing what she was told and looking back on it now with age and wisdom she would have done things differently. She feels she has been the messenger throughout this whole process. She stated she has given each superintendent with the exception of Mr. Nepstad the information they needed to find the human remains.

In response to questions she believes Superintendents Gustin and Ewing will confirm she told them she packed up the boxes and gave them to Munson.

The interview of (b) (2), (b) (6), (b) (7)(C) concluded at approximately 1313 hours.

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*Reported By: Capt. G.T. Monahan*



Interview of (b) (2), (b) (6), (b) (7)(C)

On 7/26/2012 at approximately 1100 hours, the undersigned conducted a telephonic interview with (b) (2), (b) (6), (b) (7)(C). (b) (2), (b) (6), (b) (7)(C) was previously interviewed by NPS Special Agent David Barland-Liles on January 4, 2012. During that interview (b) (2), (b) (6), (b) (7)(C) advised Special Agent Barland-Liles that during her tenure at EFMO she delved into the missing Native American remains.

The undersigned explained the purpose of the interview was a follow-up based on my interview with (b) (2), (b) (6), (b) (7)(C) on July 24, 2012. The undersigned provided (b) (2), (b) (6), (b) (7)(C) with an overview of my interview with (b) (2), (b) (6), (b) (7)(C). The undersigned specifically advised (b) (2), (b) (6), (b) (7)(C) of (b) (2), (b) (6), (b) (7)(C) statement that she advised (b) (2), (b) (6), (b) (7)(C) of her involvement in packing up the human remains and placing them in Munson's vehicle. (b) (2), (b) (6), (b) (7)(C) advised she does not recall that conversation at all and further advised had she known that information she certainly would have acted on it.

The interview of (b) (2), (b) (6), (b) (7)(C) concluded at approximately 1105 hours.

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*Reported By: Capt. G.T. Monahan*

Interview of (b) (2), (b) (6), (b) (7)(C)

On Monday July 23, 2012 at approximately 1511 hours, the undersigned conducted a telephonic interview with (b) (2), (b) (6), (b) (7)(C), (563-873-3491 ext. 0). (b) (2), (b) (6), (b) (7)(C) is an administrative assistant at EFMO and has been working at the park since June 27, 2010. The purpose of this Interview was to document (b) (2), (b) (6), (b) (7)(C) knowledge of statements made to her by NPS employee (b) (2), (b) (6), (b) (7)(C)

(b) (2), (b) (6), (b) (7)(C) advised she and (b) (2), (b) (6), (b) (7)(C) were friends and would frequently go walking on their lunch hour. During these walks (b) (2), (b) (6), (b) (7)(C) explained they would engage in a variety of discussions, often regarding park activity. (b) (2), (b) (6), (b) (7)(C) recalls during one of their walks either in May or early June 2011 (b) (2), (b) (6), (b) (7)(C) made several statements to her that (b) (2), (b) (6), (b) (7)(C) ultimately brought to the attention of the Superintendent, Jim Nepstad. Wilson explained that NPS Special Agent David Barland-Liles had already been to the park on at least one occasion and had begun investigating another incident in the park. During the walk (b) (2), (b) (6), (b) (7)(C) stated to (b) (2), (b) (6), (b) (7)(C) she was concerned about losing her job. (b) (2), (b) (6), (b) (7)(C) inquired why (b) (2), (b) (6), (b) (7)(C) would think something like that to which (b) (2), (b) (6), (b) (7)(C) responded, "Because I boxed those bones up and took them out to Tom Munson's trunk." (b) (2), (b) (6), (b) (7)(C) recalls being shocked by (b) (2), (b) (6), (b) (7)(C) admission and advised she didn't bring it up again. (b) (2), (b) (6), (b) (7)(C) also recalls thinking (b) (2), (b) (6), (b) (7)(C) would not have confided in her if she hadn't already told the Special Agent.

On June 17, 2012 (b) (2), (b) (6), (b) (7)(C) advised she attended a consultation meeting with the local tribes with Jim Nepstad, Jim Loach, and Special Agent David Barland-Liles. During this meeting (b) (2), (b) (6), (b) (7)(C) assignment was to take meeting notes. During the meeting Special Agent Barland-Liles provided an update to the Tribal Council on the missing bones. Upon hearing this information (b) (2), (b) (6), (b) (7)(C) recalled her earlier conversation with (b) (2), (b) (6), (b) (7)(C) and on the following Monday confided in Superintendent Nepstad.

The interview of (b) (2), (b) (6), (b) (7)(C) concluded at approximately 1530 hours.

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Reported By: Capt. G.T. Monahan



United States Department of the Interior  
NATIONAL PARK SERVICE  
Division of Law Enforcement, Security and Emergency Services  
Office of Professional Responsibility

**WARNINGS AND ASSURANCES TO EMPLOYEE REQUIRED TO PROVIDE INFORMATION**

You are being required as an employee of this agency to disclose any information and answer my questions pertaining to the matter I am investigating.

- You have a duty to reply to the questions posed to you during this interview and agency disciplinary action, including dismissal, may be undertaken if you refuse to answer or fail to reply fully and truthfully.
- Neither your answers nor any information or evidence gained by reason of your answers can be used against you in any criminal proceeding.
- However, if you knowingly and willfully provide false statements or information in your answers, you may be criminally prosecuted for that action. The answers you furnish, and any information or evidence resulting from them, may be used in the course of agency disciplinary proceedings.

**ACKNOWLEDGMENT**

I have read and understand my rights and obligations as set forth above,

Capt. Bill C.  
Interviewer's Signature

7/24/12 1156 hrs  
Date/Time:

\_\_\_\_\_  
Witness (If available)

(b) (2), (b) (6), (b) (7)(C)

Signature of person being interviewed

7/24/12 11:56A  
Date/Time:

Prairie du Chien City Hall  
Location:

NPS-OPR Form W-4 (5-1-10) Required Interview (Based on Kalkines)  
Based on DOJ Form III-226/3



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**INTERVIEW WITH (b) (2), (b) (6), (b) (7)(C)**

**Q=Cpt. Gregory Monahan**

**A=(b) (2), (b) (6), (b) (7)(C)**

Q: All right today is Tuesday, July 24. It's approximately 11:54 ah, am. Ah, this is Captain Greg Monahan of the United States Park Police. I'm a regional law enforcement specialist at the Midwest region and I'm in Prairie du Chien at the city hall conference room two with me today is (b) (2), (b) (6), (b) (7)(C) ah, National Park Service employee at Effigy Mounds as well as her (b) (2), (b) (6), (b) (7)(C) um, (b) (2), (b) (6), (b) (7)(C) who is also an employee at Effigy Mounds as well. Um, (b) (2), (b) (6), (b) (7)(C) I have before you a compel statement warning. I'm going to read it to you and then ah, after I read it to you I'm going to have you sign it okay. Ah, what it says is, "The warnings and assurances to employee required to provide information. You are required - you are being required as an employee of this agency to disclose any information and answer my questions pertaining to the matter I am investigating. You have a duty to reply to the questions posed to you during this interview and agency disciplinary action including dismissal may be undertaken if you refuse to answer or fail to reply fully and truthfully. Neither your answers nor any information or evidence gained by reasons of your answers can be used against you in any criminal proceedings. However, if you knowingly and willfully provide false statements or information in your answers, you may be criminally prosecuted for that action. The answers you furnish and the information or evidence resulting from them may be used in the course of agency disciplinary actions." On the bottom portion of the form is an acknowledgement which says, "I have read and understand my rights and obligation as set forth above." Ah, under signature of person being interviewed go ahead and sign your name and next to it just ah, fill it out for me please. And again, today is July 24 and it's approximately 11:56. Okay. We are here to talk about um, an investigation currently ongoing um, and this is the administrative portion of it that revolves around the ah, missing Indian relics okay. I'm going to read you a brief summary okay, and then I have some questions for you.

A: Okay.

Q: Um, once I read the summary if you have any questions or retort we will go ahead and go through those and go through the summary...

46 A:

Okay.

47

48 Q:

...and the questions, okay. Um, so the Native American Graves Repatriation and Protection - Protection and Repatriation Act ah, was enacted on November 16 of 1990. Also known as NAGPRA, it requires the federal agencies to return Native American cultural items including human remains, funerary objects, sacred objects and objects of cultural patrimony to the tribes affiliated with those items okay. Thomas Munson served as the superintendent of Effigy Mounds National Monument from 1971 through 1994. On or about June 16 of 1990 prior to the enactment of NAGPRA, Munson ordered a seasonal National Parks Service employee, (b) (2), (b) (6), (b) (7)(C) - that's you - to remove all human remains - Native American - stored in the monument's museum collection. The apparent purpose in removing the remains was to insure the collection of funerary objects could remain in the park's possession since they could not be associated with human remains. (b) (2), (b) (6), (b) (7)(C) removed the human remains and placed them into two boxes. (b) (2), (b) (6), (b) (7)(C) and Munson carried - both carried a box to Munson's vehicle and placed them in the trunk. Munson told (b) (2), (b) (6), (b) (7)(C) he was taking the remains to his residence in Prairie du Chien, ah, Wisconsin. This act was a violation of ARPA, the Archeological Resources Protection Act. At Munson's direction (b) (2), (b) (6), (b) (7)(C) then prepared a report of survey of human remains indicating that they had been deaccessioned and abandoned on July 16 of 1990. The deaccession required the transfer of human remains from one legitimate owner to another - in other words - from EFMO ah, Effigy Mounds to an affiliated tribe or other federal entity. The abandonment of human remains from a museum collection by a National Parks Service entity is impossible to do legally okay. Mr. Munson retired from the National Park Service in 1994. NAGPRA required all federal agencies to provide an inventory of all cultural items within their collection by November 16 of 1995. National Park Service officials and subject matter experts were unaware that Munson removed human remains from EFMO's collection. And as the inventory date approached and passed, numerous attempts were made by the National Parks Service to locate the remains as confusion to their whereabouts increased. During these attempts Munson was contacted by two Effigy Mounds superintendents on February 16 of 1996. Munson told Superintendent Karen Gustin the remains were sent to the Iowa Office of the State Archeologist - also known as OSA - and the Midwest Archeological Center - also known as MWAC - National Park Service. However neither office has a record of receiving the itemized human remains by a session and catalog number in the 1990 report of survey. On November 17 of 1997 Munson told Superintendent Kathleen Miller the remains were deaccessioned and stored in a maintenance locker and eventually junked. In 1997 the National Park Service then contracted an archeologist, Dr. Dale Hunt-Henning to investigate the missing remains. Dr. Henning determined EFMO apparently deaccessioned the remains in July of 1990 and the human remains have since disappeared.

90



91 (b) (2), (b) (6), (b) (7)(C) who continues to work at Effigy Mounds as administrative assistant  
92 never divulged her knowledge of the 1990 event until she was directly asked  
93 about her participation by a National Park Service a - National Park  
94 Service special agent on January 18, 2012 during a voluntary interview. In  
95 July of 2010 Effigy Mounds law enforcement par- or ah, law enforcement  
96 ranger, (Bob Harmer) was with Munson socially. Munson mentioned that he  
97 had a box of Effigy Mounds property at his house that was accidentally moved  
98 with his personal property prior to retiring. On Ja- April 26 of 2011 the  
99 current Effigy Mounds superintendent, Jim Nepstad was reading the report  
100 written by Dale Henning which ah, (b) (2), (b) (6), (b) (7)(C) provided him. Nepstad consulted  
101 with Chief Ranger (Palmer) about the matter. (Palmer) recalled his earlier  
102 conversation with Munson and (Palmer) subsequently recovered one of the  
103 boxes of bones from Munson's residence. The box only contained  
104 approximately 1/3 of the remains removed by Munson and (b) (2), (b) (6), (b) (7)(C) in 1990.  
105 Further investigation by (Palmer) and Nepstad ff- EFMO revealed numerous  
106 inconsistencies. Mr. Munson was interviewed on July - ah, January 18 of  
107 2012 by a National Parks Service special agent. During the interview Munson  
108 stated he ordered (b) (2), (b) (6), (b) (7)(C) to remove the remains from EFMO's collection.  
109 Munson was again interviewed on May 17 at which time a second box of  
110 human remains was recovered from his garage. And on May 18 the human  
111 remains were then transferred to Dr. Shirley Schermer at the OSA. Schermer  
112 was able to determine that the box contained the majority of the collection  
113 removed by EFMO by Munson and (b) (2), (b) (6), (b) (7)(C) And then you were interviewed  
114 by Special Agent David Barland-Liles on January 18 and then again on May  
115 16 of this year. Okay. That is a summary of where we are up to today, any  
116 questions?  
117  
118 A: Lots of comments.  
119  
120 Q: Um, any questions as to the veracity of what I just read to you?  
121  
122 A: Yes.  
123  
124 Q: Okay, go ahead.  
125  
126 A: Um, ah the first thing I noticed was Munson did not tell me that he was taking  
127 the remains to his house in Prairie du Chien. That - that's an incorrect  
128 statement.  
129  
130 Q: Okay.  
131  
132 A: What I had told ah - what I had told um. Mr. Barland-Liles was that um. I was  
133 not told where they were going. And also I don't believe that Munson was  
134 living in Prairie du Chien at that particular time. The - the - I know there is  
135 some time there where he moved - and I'm not sure of the dates - um, but at



136 no time did he tell me that he was taking them to his house regardless of  
137 whether it was in Prairie du Chien or at the park where he used to live.  
138  
139 Q: He used reside in the park?  
140  
141 A: He resided in the park...  
142  
143 Q: Okay.  
144  
145 A: ... and...  
146  
147 Q: Okay.  
148  
149 A: ...in fact, the administrative building there now where the superintendent is  
150 was his residence...  
151  
152 Q: Okay.  
153  
154 A: ...at the time. Um, so that's - that is - is factually incorrect.  
155  
156 Q: Okay.  
157  
158 A: Um, and then the biggest one there is um, the fact that I never divulged ah, my  
159 role in this. Um, I did. I told every single superintendent out at that park  
160 except maybe Mr. Nepstad. Because I knew when Jim took control of that  
161 report that he was going to do something about it. And I knew that what I had  
162 to say was gonna - I would have a chance to say it without a bunch of gossip -  
163 office gossip. I told Karen Gustin um, when she started that process she asked  
164 me about it, I told her my role in it, I told her I was ordered - in fact, I'm not  
165 certain about this but - I might have even been the one to say, you know, you  
166 need to talk to Tom Munson. Tom Munson is the one you need to talk to. I  
167 told Karen Gustin and I told Phyllis Ewing. And I even went with Phyllis  
168 Ewing and did the same thing that I did with Jim Nepstad, I took that report I  
169 walked it up to Phyllis's office and I handed it to her and I said, "These  
170 remains are still missing, this has never been resolved. That report was put on  
171 a shelf and never done anything about." So...  
172  
173 Q: Okay.  
174  
175 A: And this is where - where I'm - it's kinda like the messenger, we are killin'  
176 the messenger because I - I have told every single superintendent since Tom  
177 left, that those human remains were missing and that they needed to get the  
178 information from Tom because I didn't know where they went. Okay, um...  
179  
180 Q: Okay.

181  
182 A: ..and then when - when Jim - Mr. Nepstad came and I gave him the report  
183 um. I had a conversation with him that again. I didn't necessarily say what my  
184 role was I don't - I didn't say what my role was but I did tell Mr. Nepstad that  
185 - that - that they needed to talk to Tom Munson. And I mean that's through  
186 the whole thing. And - and, you know, I wouldn't have given the report to  
187 Jim Nepstad if - if I felt that - that I had done something wrong. I wouldn't  
188 have given the report to Phyllis Ewing if I had felt I had done something  
189 wrong. And I wouldn't have said anything to (Kate) and Karen - Karen  
190 Gustin and (Kate) Miller either. But every single superintendent that's been at  
191 that park I have had a conversation with about this and it always ended with  
192 me. They ask Tom and - and just as - as you said, Tom says - told Karen they  
193 went someplace, Tom told (Kate) they went another place and everybody just  
194 stopped. It's like when - when - when the investigation got to Tom Miller -  
195 er, Tom Munson everybody stopped. Nobody wanted to tackle that.  
196  
197 Q: Okay.  
198  
199 A: And...  
200  
201 Q: Who - who was the first superintendent after Munson left?  
202  
203 A: Karen Gustin.  
204  
205 Q: Karen Gustin. okay.  
206  
207 A: Yep.  
208  
209 Q: And...  
210  
211 A: No there - I - okay now let me correct er, no not correct that, but clarify that.  
212 There was an acting superintendent in for some time.  
213  
214 Q: Who was that?  
215  
216 A: (Donna Colmills) who used to be ah, a big administrative officer at Denver  
217 Service Center...  
218  
219 Q: Oh, that...  
220  
221 A: I think she has since retired and then...  
222  
223 Q: How long was she there for?  
224  
225 A: Oh, s- a few months, six months maybe. And then...

226  
227 Q: Was there ever an opportunity while she was there that this was looked into?  
228  
229 A: I don't recollect it, no. I - I don't remember ever having conversations at that  
230 time.  
231  
232 Q: So the first superintendent after Munson to look into it was?  
233  
234 A: Karen.  
235  
236 Q: Karen Gustin.  
237  
238 A: Mm-hm.  
239  
240 Q: Okay.  
241  
242 A: And - and then (Friday Wiles) and (Tom Sinclair) were both acting  
243 superintendents temporary in - in that place.  
244  
245 Q: (Sinclair) is the chief of maintenance?  
246  
247 A: Yes and (Friday) was the other one.  
248  
249 Q: And who was the other?  
250  
251 A: Ah, (Friday) (Felensia Wiles) (Friday Wiles) was the administrative officer of  
252 the park. Both those two acted um, as superintendents um, between Tom and  
253 - between Tom and Karen and between Karen and (Kate) that where my mem-  
254 you know...  
255  
256 Q: Yeah.  
257  
258 A: ... my memory is a little - a little fuzzy on...  
259  
260 Q: Okay.  
261  
262 A: ...and um...  
263  
264 Q: But the first ah, superintendent that was assigned there...  
265  
266 A: Yes.  
267  
268 Q: ...was a ah, permanent was...  
269  
270 A: Karen.



271  
272 Q: ...was um, Karen Gustin.  
273  
274 A: Gustin correct. And you know...  
275  
276 Q: So when it came up that - that Karen was looking into the um, the missing  
277 remains...  
278  
279 A: Mm-hm.  
280  
281 Q: Ex- explain that to me, how did that happen?  
282  
283 A: Um, we - if I can remember this now - back in twenty - twenty years we had  
284 gotten an e-mail - I think - from Luther College and - and Luther College was,  
285 you know, looking at - they were looking at some of their NAGPRA stuff and  
286 they were touching base with us on - on some of the stuff that we might have  
287 had 'cause we might have had because we had incoming loans from them.  
288 And um, I think that's what kind of started the conversation a um, and then I  
289 think the regional office or MWAC um, had contacted the park about um,  
290 whether there were still remains in the park and stuff.  
291  
292 Q: Mm-hm.  
293  
294 A: Whether there were still human remains in the collections. Um, and then  
295 that's - that's the best that I can remember right now as how things kinda got  
296 started. And - and - and I distinctly - and I still feel - I have that feeling today,  
297 I remember telling Karen that - that she needed to talk to Tom and she got off  
298 the phone and she said, Tom said they went somewhere - I don't remember  
299 OSA - OSHA er, OSA or MWAC, I don't remember which one. And I just  
300 remember thinking, then why don't they have them? I just remember that sick  
301 feeling that - that - that wasn't right because, Because state archeologist and -  
302 and MWAC through this whole process said they never got 'em.  
303  
304 Q: Okay. And - and when you said that she needed to talk to Munson, that you  
305 were directing her to him.  
306  
307 A: Yes..  
308  
309 Q: Okay. But did you ever tell her I packed up those boxes and then gave them  
310 to Munson as - as more of a...  
311  
312 A: You know, I - I - I -...  
313  
314 Q: ...that would lead to...  
315

316 A: Karen - Karen - Karen I believe I told that -that - that - that I was the one that  
317 boxed up the remains. I don't remember if I told (Kate) that. That's - that's,  
318 you know...  
319  
320 Q: But you believe you told Gustin...  
321  
322 A: Yes.  
323  
324 Q: ... that you boxed up the remains.  
325  
326 A: Yes.  
327  
328 Q: Okay. But you don't know what Munson's intent was, whether he was going  
329 bring...  
330  
331 A: No.  
332  
333 Q: ...those to. What - what did you think he was gonna do with them?  
334  
335 A: I - Mr. Barland-Liles asked me that...  
336  
337 Q: In - In that original interview, yeah I read your interview...  
338  
339 A: ...same question and - and - and I - my sense - and this is only a sense - 'cause  
340 I didn't know and this is just me thinking. My sense was that - that - that he  
341 was gonna to dispose of them in some way. Um, but I, you know.  
342  
343 Q: But you're - what you're telling me today that you're recollection is that you  
344 told Superintendent Gustin at the time...  
345  
346 A: Mm-hm.  
347  
348 Q: ...that you actually packed up the bones...  
349  
350 A: Yeah.  
351  
352 Q: ...and gave them to Munson.  
353  
354 A: Yeah.  
355  
356 Q: And you need to talk to Munson...  
357  
358 A: Yes.  
359  
360 Q: ...on where the bones went...

361  
362 A: Yes.  
363  
364 Q: ...from that point.  
365  
366 A: Yes.  
367  
368 Q: Okay.  
369  
370 A: 'Cause, you know, it's just, you know, a little background - I worked at that  
371 park for 25 years and I was hired as - as you mentioned - as a seasonal park  
372 ranger. I was hired to do interpretive services to the public and work the  
373 information desk and tourists. That is what I was hired for and sh- shortly  
374 after starting there within maybe the second or third winter they asked me to  
375 um, start typing catalog records. Ah, the catalog program that they used at the  
376 time - I think - was D-base 3 or something and all I was doing at the time was  
377 - was typing catalog records which anybody can do...  
378  
379 Q: These are for the museum records?  
380  
381 A: Yeah, yeah. Which anybody could do that doesn't - it's not rocket science. It  
382 just took somebody to sit down and type. But what that was - was kind of a  
383 door opening for them to give me more and more um, responsibility or tasks  
384 in the museum collection for which I wasn't qualified.  
385  
386 Q: Okay.  
387  
388 A: Now I think what - what got me there was that I - I do tend to be pretty  
389 organized and - and methodical going through things, you know, and I think  
390 that's what they needed was somebody who would do the report that could  
391 read the directions do the report and follow through. But I never had any  
392 training I - I, you know, I didn't get any training in museum work until um,  
393 they sent me to San Diego one year to take the Department of the Interior ah,  
394 collections or museum collections care or something like that and I can't...  
395  
396 Q: Did you get - did you get a scholarship for that - Albright?  
397  
398 A: No, no that was much later.  
399  
400 Q: Oh, okay.  
401  
402 A: That was much later. Ah, this was um, um, what I - I - can't remember what  
403 year. It would be in my files at work probably...  
404  
405 Q: Mm-hm.



406  
407 A: Um, but that was the first time they sent me to training and um, you know,  
408 and that was simply how to do cataloging and housekeeping type...  
409  
410 Q: Mm-hm.  
411  
412 A: ...things in a collection. I've never - I mean that I can remember - I've never  
413 had any true cultural resource training. All the training including the Albright  
414 Wirth grant that you mentioned is collections training. Um, you know, um,  
415 you know, I didn't go to any NAGPRA training. I didn't go to ah...  
416  
417 Q: You've never had any NAGPRA training?  
418  
419 A: I - I went to a NAGPRA meeting one time in Phyllis Ewing's stead. Phyllis  
420 Ewing was supposed to have gone and um, she couldn't go for some reason  
421 and asked me to go. It wasn't training; it wasn't hands-on kind of thing at all.  
422 It was just a meeting and um - to be perfectly honest - I was way out of my  
423 depth because it was people like Dr. (Evans) who is chief of technology for  
424 the region.  
425  
426 Q: Mm-hm.  
427  
428 A: Um, it was um, I can't remember her name. It was the people in charge of  
429 NAGPRA for the whole nation, you know, it wasn't...  
430  
431 Q: Okay.  
432  
433 A: ...a GS-7 peon administrative assistant's kind of thing. I was pretty - really  
434 out of my depth. Um, but, you know, I - this is why this is just, you know. I  
435 told people...  
436  
437 Q: Okay.  
438  
439 A: ...throughout this whole process.  
440  
441 Q: Did you tell Special Agent David Barland-Liles when you interviewed him  
442 that you actually told the previous three superintendents that you actually  
443 boxed up these remains?  
444  
445 A: I don't remem- I don't think I told him that I boxed - that I told them because I  
446 don't think that question came up. I mean I don't think he asked me but I had  
447 told him that I had just, you know, I had told people throughout this whole  
448 process and, you know...  
449

450 Q: Right and I - and I understand you said that he didn't ask you but this - we're  
451 moving beyond the - I didn't ask that question - you know, I mean this is the  
452 administrative...  
453  
454 A: Right.  
455  
456 Q: ... investigation so this is one of these things where you need to lay all these  
457 cards out on the table here. It can't be six months from now; oh Captain  
458 Monahan never asked me that specific question.  
459  
460 A: Well and - to be honest - I - I - I am not...  
461  
462 Q: Um...  
463  
464 A: ...a law enforcement person and perhaps a little ignorant. I didn't think that  
465 was so critical and - and obviously it is very critical.  
466  
467 Q: But I think it's ah, an- and this is just as an outsider looking in on this - I'm  
468 just...  
469  
470 A: Uh-huh.  
471  
472 Q: ...just ah, I'm comin' in at the end of this.  
473  
474 A: Yeah.  
475  
476 Q: You know what I mean.  
477  
478 A: Yeah.  
479  
480 Q: And - and when I look at this and - and you're - you're tellin' me now that  
481 you - you told - you know you told superintendent Gustin...  
482  
483 A: Yes.  
484  
485 Q: I packed up those bones.  
486  
487 A: Yes.  
488  
489 Q: But this is the first - any of - investigator has heard any of that. And I think -  
490 I'm not saying it's not true...  
491  
492 A: Yeah.  
493

494 Q: ...but I'm saying if I'm the superintendent and you told me I packed up those  
495 bones and I - I put them in Munson's car.  
496  
497 A: Mm-hm.  
498  
499 Q: Then I know I have to go to Munson now and it just seems like there was a lot  
500 of nobody knew what happened to these bones...  
501  
502 A: You know...  
503  
504 Q: Superintendents. ah, Dr. Dale Henning, um, there was a chief ranger too ah,  
505 (Arcee) or (Arc)?  
506  
507 A: (Marty Bud-Arcee).  
508  
509 Q: Yes.  
510  
511 A: Was not a superintendent..  
512  
513 Q: Right. Um, but you specifically - okay, what you are telling me is you  
514 specifically remember telling Superintendent Gustin when she began looking  
515 for the remains is that you packed up those bones...  
516  
517 A: Mm-hm.  
518  
519 Q: At Munson's direction...  
520  
521 A: Yes.  
522  
523 Q: ...and placed them in Munson's car.  
524  
525 A: Yes. at his direction.  
526  
527 Q: Right. and then you also completed the report of survey...  
528  
529 A: Yes.  
530  
531 Q: ...at his direction.  
532  
533 A: Yes. Which I...  
534  
535 Q: Ex- explain that whole process to me.  
536  
537 A: Well and that's - that is - it's - I'm puzzled as to why people say that they  
538 didn't know this was happening.



539  
540 Q: Mm-hm,  
541  
542 A: I'm getting the sense that everybody thinks this was a little collusion between  
543 Tom Munson and I. But I don't believe there was anybody in the park - that  
544 worked in the visitor's center at that time that didn't know that this was taking  
545 place. Okay, we have (Tom Sinclair) - who still works at the park - that  
546 signed off on the paperwork. We have (Don Wallin)...

547  
548 Q: When you said paperwork you mean the...  
549  
550 A: Report of...  
551  
552 Q: Report of survey?  
553  
554 A: The report of survey, yes. And - and - and the report of survey - and as I  
555 mentioned to - to Mr. Barlund-Liles - the report of survey is not a form that I  
556 would have thought have or would have considered to use because I didn't  
557 know. I wouldn't have known what to use, okay. It's a property form; I know  
558 that now because I've worked in administration for so long...  
559  
560 Q: Mm-hm,  
561  
562 A: ...but at that point in my career, I had no concept of what property was and  
563 how you dealt with it on a - on a - on a MPS level okay. And, you know, the  
564 property form I - I, you know, the only person I can think of that it would  
565 have come from is the AO at the time. I mean who else would have thought  
566 to do property?  
567  
568 Q: Then Munson asked you to complete the form?  
569  
570 A: Yes. But I don't know if he came up with the form or who came up with the  
571 form or I mean I don't know where it came into the picture other than I - I -  
572 my belief is that it had to come from Tom or (Friday) as far as this is what  
573 we'll use and then it got passed to me.  
574  
575 Q: And by (Friday) that is...  
576  
577 A: Ah, sorry AO (Friday Wilcs) is our AO.  
578  
579 Q: What - was the AO, right?  
580  
581 A: No she still is.  
582  
583 Q: She still is.

584  
585 A: Yes, yes. And um, you know, it's - I know a lot of - a lot of attention is being  
586 paid on that, but that form is also the one that I brought to the attention of  
587 Dale Henning when he was here. I mean it's my writing on the top of it that  
588 says, keep...  
589  
590 Q: Okay.  
591  
592 A: ... you know. I - I wouldn't have done that...  
593  
594 Q: Let's try to go through this chronologically...  
595  
596 A: Okay.  
597  
598 Q: ... so I understand and you're - you're telling me today that once  
599 Superintendent Gustin was here and her attention was - at some point -  
600 directed toward these missing bones that you told her - again, so there is no  
601 misunderstanding -...  
602  
603 A: Yeah.  
604  
605 Q: ...you told her, I packed up those bones...  
606  
607 A: Mm-hm.  
608  
609 Q: ...at Munson's direction...  
610  
611 A: Yes.  
612  
613 Q: ...and put them in his car at his direction...  
614  
615 A: That part I don't know. I - I don't remember if I told her I put them in the car,  
616 but I told her I packed them up and I gave them to Tom.  
617  
618 Q: Okay. And you don't - Tom never said that what he was gonna do with them?  
619  
620 A: No, not to my - no not that I remember, you know, he just said, can you -  
621 'cause there was two boxes he says, can you carry one out to my car. And I  
622 remember carrying it out to the car.  
623  
624 Q: You don't know if you specifically said that to her, which is fine. But you  
625 told her you packed them up...  
626  
627 A: Yep.  
628

629 Q: ...and gave them to Munson...  
630  
631 A: Yes I did.  
632  
633 Q: She - she heard that from you.  
634  
635 A: Yes.  
636  
637 Q: Okay. And then the next superintendent after that was (Kathryn) Miller?  
638  
639 A: Mm-hm.  
640  
641 Q: Okay. When she was in place, is that when they contracted Dr. Henning to  
642 come in...  
643  
644 A: Yes.  
645  
646 Q: ...to attempt to locate the missing remains?  
647  
648 A: Yes.  
649  
650 Q: Okay. Did you ever tell Dr. Henning that you actually physically packed up  
651 those bones?  
652  
653 A: No.  
654  
655 Q: How come?  
656  
657 A: I don't know.  
658  
659 Q: I mean this is one of these things where it's, you know, he's contracted by...  
660  
661 A: Yeah.  
662  
663 Q: ...the Parks Service to look into this and you ha- looking at it from my  
664 perspective...  
665  
666 A: Yeah. I know.  
667  
668 Q: ...you have pertinent knowledge as to where these things were or last known.  
669  
670 A: Well yeah, they went with Tom, you know. .  
671  
672 Q: Yeah.  
673



674 A: ...to me I did what I was told. I wasn't looking at the minutiae of - of who  
675 actually boxed them up, I didn't think it was important. And - and I felt that  
676 by telling them that - that - that Tom, you know, this was Tom's instigation.  
677 Tom had ordered me to do this. I felt that, you know, I didn't ha- I didn't  
678 realize I had more to give, more information to give.  
679  
680 Q: What do you mean by that?  
681  
682 A: Well I didn't realize that the - the - the um, particulars of who boxed them up  
683 was going to be so important.  
684  
685 Q: But if they're making a concerted effort to look for something that is basically  
686 missing and nobody knows where it is.  
687  
688 A: Right, but I kept telling people it was Tom Munson.  
689  
690 Q: Right, so my - but my question...  
691  
692 A: You know.  
693  
694 Q: ...is when Dr. Henning was giving his - his work with the National Park  
695 Service...  
696  
697 A: Mm-hm.  
698  
699 Q: ...is attempting to look for it. Did you ever tell him...  
700  
701 A: No.  
702  
703 Q: ...I boxed up those remains?  
704  
705 A: No.  
706  
707 Q: I mean 'cause that's so - do you think that's important though?  
708  
709 A: Obviously now, I mean from - from the - the ah...  
710  
711 Q: I'm mean looking - I mean this is ah, you know, one of these - it's like one of  
712 these things you see on TV like cold case 22 years later.  
713  
714 A: ...tension this is being... Yeah.  
715  
716 Q: You know what I mean and it's - it's one of those things that I think we could  
717 have mitigated a lot of all this impropriety and - and - and any of this person is

718 not being truthful if you could have brought that up to Dr. - Dr. Henning. And  
719 you said you brought it up to Superintendent Gustin...  
720  
721 A: Mm-hm.  
722  
723 Q: ...why not then bring it up to Dr. Henning?  
724  
725 A: You know, it was one of those things that everybody knew. Everybody in the  
726 park knew I worked in the collections. Everybody that was...  
727  
728 Q: Is it - is it fair to say that you - Henning worked exclusively with you in  
729 helping with the files and - and...  
730  
731 A: I wouldn't say exclusively because there was times when he was in the  
732 collections without me there but whenever...  
733  
734 Q: Right but - but you were the one...  
735  
736 A: ...needed to be pointed, yes...  
737  
738 Q: ... that was doing a lot of this cataloging...  
739  
740 A: Yes.  
741  
742 Q: ... and stuff...  
743  
744 A: Yes whenever he needed...  
745  
746  
747 Q: ... so if - if - if he needed an answer to a question like where is this item...  
748  
749 A: Yes.  
750  
751 Q: ...you would be able to help him.  
752  
753 A: Yes, yeah.  
754  
755 Q: Okay.  
756  
757 A: Yes.  
758  
759 Q: But it's kinda like you are leading him on a - on a chase or something that you  
760 know he's not going to find - that you know it's not there.  
761  
762 A: But it's Tom, you know, I - I maybe I'm missing the point totally but I - I...

763  
764 Q: I guess my point is this, if I'm Dr. Henning and I'm...  
765  
766 A: Yes.  
767  
768 Q: ...sitting down with you and you know that in 1990 you packed up these bones  
769 then you have a pretty good idea of where they ended up. Why not just say,  
770 well look Dr. Henning you are looking these...  
771  
772 A: No, I did not have a pretty good idea of they ended up, remember...  
773  
774 Q: But you know...  
775  
776 A: when I said that I didn't know.  
777  
778 Q: ...the last known place that they were...  
779  
780 A: Yes, and I told everybody that, I told...  
781  
782 Q: Yeah but not Dr. Henning.  
783  
784 A: ...everybody that.  
785  
786 Q: That's my question; we are talking about Dr. Henning.  
787  
788 A: No, he knew - he knew. I did not tell him the specifics of having boxed it up;  
789 I did not tell him the specifics. He knew that Tom Munson was the last one to  
790 have seen those remains.  
791  
792 Q: But you had never said that I - I boxed these things.  
793  
794 A: Yes that - that part I did not say, you know. I did not say I boxed up those  
795 remains.  
796  
797 Q: All right.  
798  
799 A: And, you know, I, you know, obviously now in hindsight that was a very  
800 important thing to tell everybody but I thought of it as minutiae that I was  
801 telling people that it - it went to Tom Munson and everybody would go to  
802 Tom Munson. I mean - at that point - what good does it do to know then who  
803 boxed it up? If they know Tom had the things last, if they knew that Tom  
804 Munson had the human remains last...  
805  
806 Q: Mm-hm.  
807



808 A: ...he was the last one in possession - I guess it - it just didn't seem that  
809 important to know the specifics of them having been boxed up but everybody  
810 - like I said...  
811  
812 Q: I think looking at it now...  
813  
814 A: Yeah.  
815  
816 Q: Twenty two years later...  
817  
818 A: Yes.  
819  
820 Q: ...it's one of these things where it's well...  
821  
822 A: It looks like I'm tryin' to hide something.  
823  
824 Q: Yep, yeah.  
825  
826 A: But I'm not. I know, relax (b) (2), (b) (6), (b) (7)(C) But I will tell you...  
827  
828 Q: Okay.  
829  
830 A: ...you know, another thing is that, you know, (Friday Wiles) they would have  
831 known. (Tom Sinclair) the chief of maintenance would have known. These  
832 people would have known that I would have done it. There's a possibility...  
833  
834 Q: Was there ever...  
835  
836 A: ...the (Bob Palmer) would have known it, he was there 'cause he was a  
837 seasonal park ranger with me...  
838  
839 Q: Mm-hm.  
840  
841 A: There's a possibility (Joyce Nading) former ah, a- administrative assistant  
842 would have known, (Jim David) would have known um, (Rodney Rovon)  
843 potentially would have known...  
844  
845 Q: Mm-hm.  
846  
847 A: ...all these people including whoever I was seasonal with at the time would  
848 have known that I was there. That I was the one who had done that, boxed up  
849 the human remains. They probably - some of them would have even seen me  
850 take them up to Tom's office.  
851  
852 Q: Okay.

853  
854 A: You know, it's - it - it I guess I didn't feel like I was hiding everything -  
855 anything because everything was, you know. There's nothing that goes on -  
856 there's not too much that goes on in that park that people don't know about.  
857 It's an extremely small park...  
858  
859 Q: I'm beginning to figure that out.  
860  
861 A: Yeah, yeah.  
862  
863 Q: Okay.  
864  
865 A: Um, and...  
866  
867 Q: Ah, well after - after Dr. Henning and then ah, (Kathryn) Miller and you never  
868 specifically said to Dr. Henning I boxed up those bones.  
869  
870 A: I don't - I don't remember doing that.  
871  
872 Q: And looking at that now I think that would have been a clearer path for him to  
873 follow as far as kinda ending this mystery of where these bones...  
874  
875 A: But where? Where - where would that path lead them that they didn't already  
876 have? They already had that it went to Tom Munson, I guess that's where I -  
877 maybe I'm arguing with you and I shouldn't -  
878  
879 Q: No and that's fine.  
880  
881 A: ... you know, I guess I just don't see where that path would have lead. 'Cause  
882 everybody had Tom Munson and - and, you know. I'm a GS-5 seasonal  
883 trying to stay in a job.  
884  
885 Q: I think other people may have known...  
886  
887 A: ...at that time.  
888  
889 Q: ...that were in the park at the time...  
890  
891 A: Yeah.  
892  
893 Q: But Dr. Henning wasn't in the park at the time. And maybe there was  
894 Superintendent Gustin or Superintendent Miller...  
895  
896 A: True yeah, yeah.  
897

898 Q: ...and we have new people coming in...  
899  
900 A: Yeah.  
901  
902 Q: ...and there's a lot of history that's happened...  
903  
904 A: Mm-hm.  
905  
906 Q: ...and like me, I'm here and I only know that you specifically told  
907 Superintendent Gustin because I specifically asked you that question.  
908  
909 A: Yeah, yeah.  
910  
911 Q: And see it's one of these things where I - I - I think the biggest problem that  
912 we're having right now ah, [REDACTED] it's one of these things well if I ask you  
913 the right question you're going to tell me the right answer, but if I don't ask  
914 you...  
915  
916 A: No and, you know, when...  
917  
918 Q: ...the right question you're not...  
919  
920 A: ...when...  
921  
922 Q: ...being completely forthcoming.  
923  
924  
925 A: Well...  
926  
927 Q: And ah, here's - here's my issue okay. These are new people coming in  
928 looking into this...  
929  
930 A: Mm-hm.  
931  
932 Q: ...The National Parks Service contracts Dr. Dale Henning to come in...  
933  
934 A: Mm-hm.  
935  
936 Q: ... and try to find out what happened...  
937  
938 A: Mm-hm.  
939  
940 Q: ... to these deaccessioned bones...  
941  
942 A: Mm-hm.



943  
944 Q: and he doesn't know, you know, anything about anything. He doesn't know  
945 the history involved here.  
946  
947 A: Yeah.  
948  
949 Q: I don't think it's a fair assumption to assume that Dr. Henning knows, or  
950 should know that because everybody else knew. And you had the opportunity  
951 ta- to kinda end that search - if you will...  
952  
953 A: Mm-hm.  
954  
955 Q: ... just to say I boxed these things up.  
956  
957 A: Mm-hm.  
958  
959 Q: I mean at a certain point is it - is it kind of a preservation thing for you,  
960 because if I say something now and its x amount of time down the road...  
961  
962 A: Mm-hm.  
963  
964 Q: ... I could lose my job and now we're here 22 years down the road...  
965  
966 A: Yeah, yeah.  
967  
968 Q: ...and it's one of these things where that's a possibility.  
969  
970 A: Mm-hm.  
971  
972 Q: You know what I mean?  
973  
974 A: Yeah.  
975  
976 Q: And - and - and I want ta - I - I need to be able to go back and have a clear  
977 picture of why you did and didn't do certain things. And - oh let me finish  
978 though...  
979  
980 A: Okay, sorry.  
981  
982 Q: ... and when you tell me you are forthcoming to one superintendent but then  
983 not to someone who is specifically assigned and tasked with looking for these  
984 things. I - I have a fault with that...  
985  
986 A: Okay.  
987

988 Q: I don't see the logic there.  
989  
990 A: Mm-hm.  
991  
992 Q: Because you are forthcoming to Superintendent Gustin but then you are sitting  
993 down with the Dr. who is assigned to look into those things and you're not...  
994  
995 A: Mm-hm.  
996  
997 Q: ... as forthcoming as you are telling me you were with Superintendent Gustin.  
998  
999 A: Well and - and, you know, I - I will tell you too that with the last interview  
1000 was Dr. - Mr. David Barland-Liles I didn't not go in with that - that I'm only  
1001 going to answer the questions that he asked. I went into that interview with  
1002 ah, the um, the ah, promise to myself that I was going to provide everything  
1003 that I could...  
1004  
1005 Q: Mm-hm.  
1006  
1007 A: Um...  
1008  
1009 Q: But did you - at some point - tell him you never specifically asked me that? Or  
1010 something to that...  
1011  
1012 A: Right because it - it just never - it never came up as the conversation. I never  
1013 thought of that tidbit when we were sitting in there being interviewed.  
1014  
1015 Q: Okay.  
1016  
1017 A: It wasn't somethin` that, you know, - and as far as telling one superintendent  
1018 and not telling ah, Dale Henning, you know, it - it was one of those things  
1019 again that I saw I - I just called it minutiae - I saw something, you know that I  
1020 had told Karen um, it didn't - nobody se- It didn't seem significant, nobody...  
1021  
1022 Q: When you say Karen you mean Karen Gustin?  
1023  
1024 A: Karen Gustin, yep. Ah, nobody seemed i- to think that was critical 'cause she  
1025 never questioned me on it. It was just a comment I made in the conversation,  
1026 it didn't raise red flags with her. She didn't question me on it and - and, you  
1027 know, I - not remembering my thought processes back then but I - I'm sure it  
1028 was just something I didn't think was that important because I was giving  
1029 everybody all along what I thought was important, which was Tom Munson  
1030 took the remains and we put 'em in his car and he - he drove that car  
1031 somewhere and the remains went with him. And, you know, it's...  
1032

1033 Q: But you do get my point of a lot of people knew but the new people comin' in  
1034 didn't.  
1035  
1036 A: Yeah, I do get your point.  
1037  
1038 Q: And I think things would have been a lot clearer.  
1039  
1040 A: I, you know.  
1041  
1042 Q: Um, how do you say her name, (Marty)?  
1043  
1044 A: Well when she worked for the park her name was hyphenated, it was (Marty  
1045 Bud-Arcee) I think she has since dropped the (Bud) and it is just (Arcee) now.  
1046  
1047 Q: All right, okay. When - when she was there as the chief ranger '95 to '99...  
1048  
1049 A: Mm-hm.  
1050  
1051 Q: ...ah, she was apparently assigned to look into the missing marane- remains as  
1052 it was under her purview. It was one of these things that she was tasked to  
1053 look into apparently.  
1054  
1055 A: Okay.  
1056  
1057 Q: Um...  
1058  
1059 A: I know she was there...  
1060  
1061 Q: Yeah.  
1062  
1063 A: ...right when the report was being written but...  
1064  
1065 Q: Did you ever advise her that you removed the bones from the collection?  
1066  
1067 A: I don't remember doin' that no. I don't know if I did or not.  
1068  
1069 Q: Okay. In her interview with David Barland-Liles she says that you told her  
1070 the collection was transferred to the State of Iowa for a reburial.  
1071  
1072 A: Okay, there is - there is ah, ah, ah, a big kind of not a misconception but there  
1073 is a big confusion with that and I was going to mention this at the beginning  
1074 but I didn't want to bring it in but. What it is, is that there were two  
1075 deacecessions done at the park.  
1076  
1077 Q: Okay.



1078  
1079 A: Okay, the first one was done in 1986.  
1080  
1081 Q: Mm-hm.  
1082  
1083 A: And this is where I'm thinkin' (Marty) you know, this is what she's referring  
1084 to. In 1986 um, they deaccessioned human remains to the Office of the State  
1085 Archeologist that was in, you know - according from what I know - seemed to  
1086 have been a valid deaccession. The state archeologist has acknowledged they  
1087 received it; there is paperwork that - that proves that. That 1986 deaccession  
1088 was human remains that had been found outside the park. The - the, you  
1089 know, in the early years of the excavating in the park archeologists went  
1090 everywhere.  
1091  
1092 Q: Mm-hm.  
1093  
1094 A: They went on private land and everything. And so in '86 what - what they did  
1095 was Shirley Schermer's, you know, work - I think Shirley Schermer ah, she's  
1096 the burials program director for the state archeologist. Um, she came in and  
1097 gave 'em a list of those remains that were found outside the park on private  
1098 land. And those remains were ah, transferred to the state archeologist and  
1099 reburied in Native American cemeteries. So that - there were human remains  
1100 at one time transferred to the state archeologist in 1986.  
1101  
1102 Q: Okay.  
1103  
1104 A: And then in 1990 the - the - the remains that we are talking about now um,  
1105 were supposed to be what was left in the collections that had been found from  
1106 sites within the park.  
1107  
1108 Q: Okay.  
1109  
1110 A: Um, so - so there's, you know, there's two different ah, issues with the human  
1111 remains.  
1112  
1113 Q: There were two different pieces.  
1114  
1115 A: Remains going out of the park yes, yes.  
1116  
1117 Q: One in the late 80's and then...  
1118  
1119 A: '86 and '90.  
1120  
1121 Q: And this one in '90...  
1122

1123 A: Yeah.  
1124  
1125 Q: July of '90?  
1126  
1127 A: Yeah.  
1128  
1129 Q: That you were specific about that.  
1130  
1131 A: Right. And I will say that probably not a lot of people in the park um, would  
1132 have been familiar with, you know, why one went then and one went later um,  
1133 and well I wasn't even here in '86, I wasn't working at the park then either.  
1134 This is stuff that had been told to me when I came into the park, you know,  
1135 that these...  
1136  
1137 Q: Yeah.  
1138  
1139 A: ...went in '86 and these went in '90. So there were actually two different  
1140 deaccessions of human remains um, during that time period. And um, you  
1141 know, that's where I'm thinkin' that (Marty) is thinkin' they went to the state  
1142 archeologist.  
1143  
1144 Q: But was there ever a conversation over the 1990 deaccession?  
1145  
1146 A: I guess that's what I'm saying is that I - I'm thinking that the conversation we  
1147 had...  
1148  
1149 Q: Mm-hm.  
1150  
1151 A: ...similar to what you and I just had but either they got flip flopped...  
1152  
1153 Q: Okay.  
1154  
1155 A: ... because I even hear, you know, I think it was Jim that he and I had a  
1156 discussion about this very thing...  
1157  
1158 Q: Jim Nepstad?  
1159  
1160 A: ...and - and ...Nepstad superintendent...  
1161  
1162 Q: Okay.  
1163  
1164 A: And they had been flip flopped so I think there - the confusion there is those  
1165 two deaccessions occurring in pretty short order there over the - less than five  
1166 year time period um, you know. I don't specifically remember the  
1167 conversation with (Marty).

1168  
1169 Q: Okay. Um, and then after (Kathryn) Miller so she was there...  
1170  
1171 A: Mm-hm.  
1172  
1173 Q: ...at the park?  
1174  
1175 A: Mm-hm.  
1176  
1177 Q: Did you ever give Mil- ah, Phyllis Ewing a copy of the Henning report?  
1178  
1179 A: Yes I did.  
1180  
1181 Q: All right. And did you advise her that no work had been done relating to the  
1182 missing bones?  
1183  
1184 A: Yes.  
1185  
1186 Q: Yes.  
1187  
1188 A: I told her that - that - that this report had been commissioned...  
1189  
1190 Q: Mm-hm.  
1191  
1192 A: ...and nothing had been followed through on it. They had gotten to Tom and  
1193 then everybody had stopped.  
1194  
1195 Q: Okay.  
1196  
1197 A: It's just a report it doesn't solve anything. And I mean that is what it was  
1198 supposed to do was solve something and it didn't solve anything.  
1199  
1200 Q: Well I think 'cause he couldn't figure out where they went. right?  
1201  
1202 A: Well they knew that Tom took them but they didn't yeah...  
1203  
1204 Q: I - I - I think ultimately - I think ultimately Dr. Henning found that the - or just  
1205 assumed that the bones were abandoned. I think this is what he eventually...  
1206  
1207 A: Okay.  
1208  
1209 Q: ...came to the...  
1210  
1211 A: Okay.  
1212



1213 Q: ...conclusion of.  
1214  
1215 A: Okay, I didn't - yeah I don't remember the details.  
1216  
1217 Q: Because he couldn't figure out - make heads or tails of it, you know.  
1218  
1219 A: He got to Tom and got the same stonewall probably.  
1220  
1221 Q: I don't know.  
1222  
1223 A: Did he talk to Tom?  
1224  
1225 Q: Did Dr. Henning talk to Tom?  
1226  
1227 A: Yeah.  
1228  
1229 Q: I don't know if he specifically or not. I don't know.  
1230  
1231 A: Okay.  
1232  
1233 Q: Um, but did you ever express to Superintendent Ewing your - your  
1234 involvement in this whole - the second deaccession, the one that happened  
1235 in...  
1236  
1237 A: Mm-hm.  
1238  
1239 Q: ...the 1990's?  
1240  
1241 A: Yes, yes.  
1242  
1243 Q: You told her your involvement?  
1244  
1245 A: Yes I did.  
1246  
1247 Q: As far as you packed up the bones...  
1248  
1249 A: Yes.  
1250  
1251 Q: ...and gave them to Tom...  
1252  
1253 A: Yes.  
1254  
1255 Q: ... so she is aware of that?  
1256  
1257 A: Yes.

1258  
1259 Q: Okay. Um...  
1260  
1261 A: You know when - when I was working - when Phyllis was there we were  
1262 doing a lot of work with NAGPRA in the park at the time.  
1263  
1264 Q: Mm-hm.  
1265  
1266 A: And um, you know, there were probably more than one conversation about the  
1267 human remains and the questions and - and the ones that were gone.  
1268  
1269 Q: But for the ones that happened in 1990...  
1270  
1271 A: Yeah.  
1272  
1273 Q: You specifically...  
1274  
1275 A: Yeah.  
1276  
1277 Q: ...told Phyllis...  
1278  
1279 A: Yes, and we had a conversation...  
1280  
1281 Q: Munson ordered me to pack these up.  
1282  
1283 A: Yes.  
1284  
1285 Q: And I packed them up.  
1286  
1287 A: Yes. And we had a conversation just like you and I had between the '96 and  
1288 the '90 one too. You know, we - we - we sat down and tried to, you know.  
1289  
1290 Q: Did you tell Special Agent David Barland-Liles that? Because I don't think  
1291 he is aware of that.  
1292  
1293 A: That I boxed them up?  
1294  
1295 Q: No...  
1296  
1297 A: Oh.  
1298  
1299 Q: ...that you told Phyllis Ewing that.  
1300  
1301 A: Ah, I don't know.  
1302

1303 Q: All right. 'Cause when you are telling me...  
1304  
1305 A: I don't know h-...  
1306  
1307 Q: ... if I'm tracking you correctly you told Gustin, but you didn't tell Miller and  
1308 you told Ewing.  
1309  
1310 A: Yeah. I don't remember if I told Miller. I don't specifically remember the  
1311 conversation with (Kate) Miller um, it - it - it just a reason why that might be  
1312 is - is Karen Gustin and Phyllis Ewing were - how do I want to put this - much  
1313 more amenable to coming to me and asking me questions, where (Kate) kind  
1314 of - everybody in their place - I was a GS-5/6 administrative person at that  
1315 time and she, you know, I - I - don't know how I would say this but, you  
1316 know, she and I would not have had real close conversations, you know. so I  
1317 don't really remember.  
1318  
1319 Q: About why would you with Phyllis?  
1320  
1321 A: Um...  
1322  
1323 Q: Or um...  
1324  
1325 A: Both those two are - are...  
1326  
1327 Q: What was different?  
1328  
1329 A: ...were much more approachable for me and...  
1330  
1331 Q: Okay.  
1332  
1333 A: ...our personalities were such that we would have had, you know, a sit down  
1334 conversation maybe, where with (Kate) I would not have probably done that.  
1335  
1336 Q: And just so I completely understand, you never brought up to Dr. Henning  
1337 why?  
1338  
1339 A: Say that again?  
1340  
1341 Q: You never brought it up to Dr. Henning why, as far as just to maybe give him  
1342 a little more of a deliberate nudge in the right direction? That I - I packed  
1343 these up...  
1344  
1345 A: Yeah.  
1346  
1347 Q: and gave them to Munson.



1348  
1349 A: I - I don't even remember if I did. I just don't - I just don't remember having  
1350 conversations with Dr. Henning specifically about the human remains. It was  
1351 more do you have this? Can you find me this? And I don't think there was  
1352 ever a point where we sat down and talked about it so...  
1353  
1354 Q: But he was...  
1355  
1356 A: ... I don't think I told him about anything.  
1357  
1358 Q: ...specifically hired to look into that though right?  
1359  
1360 A: Yes.  
1361  
1362 Q: You're aware of that right?  
1363  
1364 A: Yes, yes.  
1365  
1366 Q: And that conversation never came up though?  
1367  
1368 A: It was a con- it was a research of paperwork, it wasn't an interview process.  
1369  
1370 Q: Oh no,  
1371  
1372 A: So...  
1373  
1374 Q: ...I know it's not an interview process...  
1375  
1376 A: Yeah, yeah.  
1377  
1378 Q: ...what I'm lookin' at no, it's not an interview process...  
1379  
1380 A: Yeah.  
1381  
1382 Q: No it's not an interview process but you know where they - where they went,  
1383 or you know the last person that had 'em...  
1384  
1385 A: Yeah, and I told...  
1386  
1387 Q: The last person that had 'em...  
1388  
1389 A: Yeah.  
1390  
1391 Q: ... the last person that had 'em.  
1392

1393 A: Yeah, and I told everybody that, you know, everybody knew that.  
1394  
1395 Q: But again, not specifically Dr. Henning, right?  
1396  
1397 A: I told him Tom Munson had 'em. Yes, I told him they went to Tom Munson.  
1398  
1399 Q: You did tell him that.  
1400  
1401 A: Yes. I don't remember - I don't remember that I told him that I boxed them  
1402 up or anything like that. That I don't believe I told him, because if I would  
1403 have told him it would have been in his report.  
1404  
1405 Q: Right,  
1406  
1407 A: So, I probably did not tell him um, but I did tell him they went to Tom  
1408 Munson.  
1409  
1410 Q: And did you have daily contact - ah, how - how long was Henning here for  
1411 this - for this ah, project he was workin' on?  
1412  
1413 A: I don't remember. a couple days.  
1414  
1415 Q: Right.  
1416  
1417 A: You know, I don't think it was longer than that.  
1418  
1419 Q: But is this one of these things where he had full range of things as far as the  
1420 museum is concerned? I haven't been there...  
1421  
1422 A: Yeah.  
1423  
1424 Q: ...so like just visualizing it.  
1425  
1426 A: You know, and I'm tryin' to visualize it too because they have moved it  
1427 around quite a bit so I'm trying to remember what it would have been like  
1428 then. Um, he would have had full access to everything in the collections area  
1429 and um, everything in the general files.  
1430  
1431 Q: Henning says that he remembers a level of hesitancy with you. But he -  
1432 couldn't he doesn't have an explanation of why he says that. I mean was it -  
1433 was this - if you think back...  
1434  
1435 A: Mm-hm.  
1436

1437 Q: ...to when he was there. Was this one of these things where you were kinda  
1438 like on the fence as, if I tell him I could ease his pain as far as lookin' through  
1439 all this paperwork...  
1440  
1441 A: Mm-hm.  
1442  
1443 Q: ...and stuff. I mean I'm just tryin' to understand it so that we can...  
1444  
1445 A: You know, and - and I don't - I can't explain his hesitancy at something he  
1446 felt - I don't - I can't say what I was doing that...  
1447  
1448 Q: Right.  
1449  
1450 A: ...gave him that sense of hesitancy um.  
1451  
1452 Q: I mean at that point in time is it just one of these things where now we're -  
1453 we-re - when was he there, 1997.  
1454  
1455 A: Mm-hm.  
1456  
1457 Q: I mean is this one of these things now - now this whole - and if you look at  
1458 this I mean looking at it as an outsider looking in I'm lookin' at I - I - I - kinda  
1459 look at this when I read this...  
1460  
1461 A: Mm-hm.  
1462  
1463 Q: ...before having sat down with you. I read this and I think this is now seven  
1464 years down the road and if her involvement comes up she's - she feels she's  
1465 going to get in trouble and she's on the fence as whether or not she wants to  
1466 be forthcoming.  
1467  
1468 A: I never felt I did something wrong 'cause I was doing what I was told to do.  
1469 You know, from my standpoint, you know.  
1470  
1471 Q: Okay, but even after - and I know you're tellin' me you never had any  
1472 specialized training in NAGPRA...  
1473  
1474 A: No.  
1475  
1476 Q: ...or anything like that...  
1477  
1478 A: No.  
1479  
1480 Q: But you've worked with these things and have attended meetings and stuff  
1481 like that...



1482  
1483 A: One meeting.  
1484  
1485 Q: Okay but...  
1486  
1487 A: And all the work that I did with - with - with NAGPRA was when Phyllis  
1488 Ewing was here as superintendent.  
1489  
1490 Q: Mm-hm.  
1491  
1492 A: Um, I never - that was not something that, you know, I would have had on-  
1493 the-job training, so to speak...  
1494  
1495 Q: Mm-hm.  
1496  
1497 A: During Karen Gustin or (Kate) Miller's time um...  
1498  
1499 Q: You were not exposed to it then?  
1500  
1501 A: Well other than - other than knowing what it was and how it affected the park.  
1502  
1503 Q: But you were cataloging and stuff like that...  
1504  
1505 A: Yeah.  
1506  
1507 Q: ...during that time?  
1508  
1509 A: Yeah. I would have been doing cataloging um, you know, and when Phyllis  
1510 began the process um, - which I'm sure you are familiar with - to what - what  
1511 she's all done with NAGPRA when she was at the park - maybe your  
1512 familiar?  
1513  
1514 Q: Mm-hm.  
1515  
1516 A: Anyway and I worked with her on that but I was the administrative guru. I  
1517 was the person typing the letters...  
1518  
1519 Q: Sure.  
1520  
1521 A: ...to send them out, I was the person faxing, I was the - I was the  
1522 organizational person. I wasn't the person that knew cultural resources and  
1523 knew NAGPRA and knew what was right or wrong.  
1524  
1525 Q: Right.  
1526

1527 A: I was the person she called from Washington and said, I need this, you know,  
1528 It was - it was the type of work that anybody who is organized and um, can  
1529 work quick and swiftly, that's the type of work that I was doing. I - I wasn't  
1530 an advisor...  
1531  
1532 Q: Mm-hm.  
1533  
1534 A: You know, um, other than if I advised that we should fax these instead of  
1535 sending them certified mail, you know, those types of things. But that's the  
1536 type of stuff that I did, you know. Did I acquire some knowledge of  
1537 NAGPRA and - and - and what um, it was as we went through? Yeah,  
1538 definitely, but by no means did I ever claim to be an expert.  
1539  
1540 Q: No and I - I - I'm not...  
1541  
1542 A: Yeah.  
1543  
1544 Q: ...you know, um, I'm not professing you are an expert in NAGPRA but  
1545 knowing what you know and the things that you've picked up over the years.  
1546  
1547 A: Mm-hm.  
1548  
1549 Q: Looking back on it, do you realize that what you did was wrong - as far as -  
1550 yeah you were ordered to do it...  
1551  
1552 A: Mm-hm.  
1553  
1554 Q: Your boss says hey, box 'em up. looking back on it now do you realize?  
1555  
1556 A: Would I have done it differently knowing what I know now, yeah, you know.  
1557  
1558 Q: But do you realize it was wrong, that's my question. Knowing now...  
1559  
1560 A: Doing what you're doing...  
1561  
1562 Q: Being - being involved deaccessions...  
1563  
1564 A: Oh, if somebody were to order me to do the same thing right now, no I  
1565 wouldn't do it in a minute.  
1566  
1567 Q: Because you know it's wrong.  
1568  
1569 A: Yes.  
1570  
1571 Q: There's a proper way of deaccessing things.

1572  
1573 A: Yes, yes oh ycs.  
1574  
1575 Q: It's - right.  
1576  
1577 A: Correct. You know, but and - and - and I guess, you know - you've used this  
1578 phrase look at it from my standpoint like a newcomer coming in - look at it  
1579 from my standpoint as a GS-5 seasonal park ranger - and granted I've had a  
1580 couple upgrades since then.  
1581  
1582 Q: No absolutely, and I'm with ya.  
1583  
1584 A: Not just - not just Tom but - Tom tells me to do something. I tell (Kate) -  
1585 Karen Gustin...  
1586  
1587 Q: Karen's right, yeah.  
1588  
1589 A: ...nothin' happens. I tell (Kate) Miller okay well then they do this report that  
1590 kinda ends on a dead-end nobody does anything with it. Nobody follows  
1591 through with that report including (Dr. Mike Evans) who is the regional  
1592 ethnographer who signed off on the report. I mean there is a score of people  
1593 in the regional office who signed off on that report, knew it existed. These  
1594 people didn't do anything. I give it to the next superintendent nothin' happens.  
1595 You know, at some point you're kinda like okay, if these people who are  
1596 supposed to be - supposed to know if this is right or wrong, that are supposed  
1597 to take these things and find out what happened who get paid a whole lot more  
1598 money than I do...  
1599  
1600 Q: Mm-hm.  
1601  
1602 A: ...if these people aren't doing this, you know, what do I do? What do I do?  
1603  
1604 Q: I'm with you but I - I think at a certain point and - and you can't control  
1605 what's on the other side of that. You can't control that people are going to  
1606 Munson and he's sayin' A, B, C when it's actually X, Y, Z...  
1607  
1608 A: Mm-hm.  
1609  
1610 Q: ...you know what I mean? He's not being forthcoming.  
1611  
1612 A: Right. What would you have done in my spot? At which point would you  
1613 have - I don't know - who would I have gone to? Would I have gone to the  
1614 park police? You know, when I come to the superintendent, you know, the  
1615 chain of command - where - what should I have done?  
1616



1617 Q: I agree that you...  
1618  
1619 A: I mean other than...  
1620  
1621 Q: ...were - as a seasonal employee you were put in a very precarious situation. I  
1622 - II - no doubt, but I just think - for you to tell me that you never realized that  
1623 what you did was wrong. I take issue with that.  
1624  
1625 A: Mm.  
1626  
1627 Q: 'Cause I think at a certain point you may have realized that yeah, what you did  
1628 was wrong.  
1629  
1630 A: Mm-hm.  
1631  
1632 Q: And now we're seven years down the road, now we're ten years, fifteen...  
1633  
1634 A: Mm-hm.  
1635  
1636 Q: ...now we're twenty two years down the road.  
1637  
1638 A: Mm-hm.  
1639  
1640 Q: And look where it has blossomed to.  
1641  
1642 A: Yeah.  
1643  
1644 Q: It's completely mushroomed into a...  
1645  
1646 A: Yeah, yeah.  
1647  
1648 Q: It's being taped so I can't...  
1649  
1650 A: But I - I don't put that all at my feet.  
1651  
1652 Q: No.  
1653  
1654 A: You know?  
1655  
1656 Q: No you are a cog in this whole thing, absolutely.  
1657  
1658 A: Yeah.  
1659  
1660 Q: Absolutely.  
1661

1662 A: And you know - like I said - eh- eh there were other people in the park, you  
1663 know, too that knew this whole issue and, I don't know.  
1664  
1665 Q: And while other people may have had knowledge of it, um, Ms. (b) (2), (b) (6), (b) (7)(C) no  
1666 one eh. ah, was the target of this, you understand so far?  
1667  
1668 A: Mm-hm.  
1669  
1670 Q: You know what I mean? The investigation hasn't lead them to this person or  
1671 that person or another person.  
1672  
1673 A: Okay and - and why - okay I was - I was the um, one who boxed the stuff up.  
1674 I was the physical means by which he did this, um. But what about all the  
1675 people were also the means by which he did this? The people who signed off  
1676 on the report of survey um, you know, anybody else that may have advised  
1677 him during that time, you know. I - I was doing what I was told...  
1678  
1679 Q: Mm-hm.  
1680  
1681 A: ...granted, you know, hindsight whatever but there were - there were other  
1682 people that knew what was going on in the park at the time. And I guess I - I -  
1683 I'm sensing that their version of it is - like I mentioned before - you know,  
1684 collusion between Tom and I. And - and that was not the case at all. And I  
1685 just...  
1686  
1687 Q: Did - did Tom ever express or did you ever overhear him talking about - what  
1688 I mentioned earlier when I went through the background - that if we separated  
1689 human remains from funerary objects that we will get to keep these in the  
1690 museum?  
1691  
1692 A: I know there was some concern about that - and - and - I'm sure it was a  
1693 conversation I overheard, um. Tom...  
1694  
1695 Q: Was it a conversation he had with you specifically? I mean did he ever  
1696 explain to you, look pack up these bones and here's why.  
1697  
1698 A: I don't know. He did not.  
1699  
1700 Q: You don't know or he didn't.  
1701  
1702 A: I don't believe he did - he didn't I don't think because, you know, the  
1703 conversations I remember him having would have been with (Jim David).  
1704  
1705 Q: And (Jim David) was?  
1706

1707 A: (Jim David) was the former chief ranger.  
1708  
1709 Q: Chief ranger at the time.  
1710  
1711 A: Who would have had - he would have the one who was in charge of the  
1712 collection. He would have been the one who asked me to first start working in  
1713 the collection, (Jim David). He would have been the one that had me doin'  
1714 the catalog records. That would have been my supervisor, my immediate  
1715 supervisor at the time, okay. So Tom...  
1716  
1717 Q: So wrap him in the net.  
1718  
1719 A: ...Munson's conversations were with (Jim David). No, I think (Jim David)  
1720 knew - knew what was happening.  
1721  
1722 Q: Mm-hm.  
1723  
1724 A: He didn't go around anybody, you know, um, you know, (Jim David) is the  
1725 one he would have had the conversations with about um, these - if the remains  
1726 are gone then...  
1727  
1728 Q: But is that a conversation that you overheard?  
1729  
1730 A: Yes. I think I told Dr - Mr. Barland-Liles.  
1731  
1732 Q: And as a seasonal employee back then, did you think that was the correct way  
1733 to go about doin' it?  
1734  
1735 A: I don't know. I don't know what he was doin' with 'em. You know, I didn't  
1736 know NAGPRA...  
1737  
1738 Q: If you're - if...  
1739  
1740 A: If he was taking them to MWAC...  
1741  
1742 Q: Right.  
1743  
1744 Q: ... you know, if he was taking them to the office of the state archeologist that's  
1745 a perfectly reasonable thing for me at the time to consider, you know.  
1746  
1747 Q: Because you didn't know what he was going to do with the bones?  
1748  
1749 A: Yeah.  
1750  
1751 Q: Okay, okay. How long have you been with the park service now?



1752  
1753 A: Since 1987, I've been my whole career there.  
1754  
1755 Q: That's 25.  
1756  
1757 A: Yep.  
1758  
1759 Q: Um, is there anything we missed?  
1760  
1761 A: Is this one of those cases where if...  
1762  
1763 Q: Well no, we're still - we're - we're...  
1764  
1765 A: ...if I don't think of somethin' ah...  
1766  
1767 Q: ...no I don't want to get off on a tangent...  
1768  
1769 A: Yeah.  
1770  
1771 Q: ...and talk about other stuff going on but ah, specifically with - with the bones  
1772 um...  
1773  
1774 A: Um, I guess out of curiosity, what explanations do the former superintendents  
1775 have for not following through with this? For not taking the bull by the horns  
1776 - so to speak - like Mr. Nepstad did? What - what's the reasoning, and why  
1777 not the regional office? I mean you would think as the - as, you know, I - I  
1778 don't have the report in front of me, I don't exactly remember but I believe  
1779 (Dr. Evans) signs off on it, possibly (Carolyn Wallingford) signed off on it,  
1780 you know, here's the best...  
1781  
1782 Q: Which are you talking about? The initial - the 1990 report surveys?  
1783  
1784 A: No the actual report that was done in '97-'98 when (Kate) was here the  
1785 contract for Dale Henning to come in.  
1786  
1787 Q: Yes.  
1788  
1789 A: Okay. Here you have the - the - the ah, head of cultural resources for - for the  
1790 region and the head of collections management for the region. Why did they  
1791 not do something? They could have ordered any one of those superintendents  
1792 you need to follow through on this. We need to find where this stuff went. Is  
1793 - is it...  
1794  
1795 Q: I can't answer that. To be honest with you I can't.  
1796

1797 A: Okay.  
1798  
1799 Q: I mean I just...  
1800  
1801 A: 'Cause no explanation they give. or this question has never been asked of  
1802 them? Or it's not something you can share?  
1803  
1804 Q: Ah, probably a combination of all of them to be honest with you um.  
1805  
1806 A: Okay.  
1807  
1808 Q: I mean I think a lot of it was just ah, when you have a for- you know, them  
1809 reaching out to a former superintendent who's not being truthful. I mean if  
1810 you call me up and I'm a former superintendent and I say well, you know, we  
1811 move them we probably moved them over to maintenance area, they probably  
1812 got junked. Where am I to go with that?  
1813  
1814 A: Okay so you're...  
1815  
1816 Q: That's one explanation; another explanation is they were sent to the MWAC.  
1817  
1818 A: Ah-ha.  
1819  
1820 Q: And then they don't have any record of it.  
1821  
1822 A: Ah-ha. But what you're doing I think is that you are holding me to a higher  
1823 standard than you are holding the superintendents of the park.  
1824  
1825 Q: I'm not holding you to a higher...  
1826  
1827 A: Well I guess, as a whole...  
1828  
1829 Q: Right.  
1830  
1831 A: ...this investigation is. You're...  
1832  
1833 Q: And - and...  
1834  
1835 A: You're - you're...  
1836  
1837 Q: ...and, you know, this investigation is going to go six ways from Sunday, you  
1838 know...  
1839  
1840 A: Yeah.  
1841

1842 Q: ...this is one part of it. Okay and, you know, there's a - there's a...  
1843  
1844 A: But I'm still a target.  
1845  
1846 Q: Ah - you - this is an administrative investigation yeah.  
1847  
1848 A: Okay.  
1849  
1850 Q: And - and what it revolves around, (b) (2), (b) (6), (b) (7) is - the biggest part of it is you had  
1851 pertinent knowledge as to who last had those bones...  
1852  
1853 A: Mm-hm.  
1854  
1855 Q: ...and even after talking to you today, I still get the feeling that it was almost  
1856 like you made a concerted effort on who you were going to or not going to  
1857 share that information with. You know what I mean?  
1858  
1859 A: I don't, no.  
1860  
1861 Q: Where like if I had, you know...  
1862  
1863 A: Yeah, I know what you mean.  
1864  
1865 Q: ...if I was talking to Dr. Dale Henning...  
1866  
1867 A: Yeah.  
1868  
1869 Q: ...and I'm, you know, you are kinda getting me squared away and you seem as  
1870 far as paperwork and cataloging...  
1871  
1872 A: Yeah.  
1873  
1874 Q: ...and stuff like that and I'm here for that specific reason...  
1875  
1876 A: Mm-hm.  
1877  
1878 Q: ...had you told me, if I'm Dr. Dale Henning then yeah, it's - it's gonna be  
1879 completely focused on Munson then and you are kinda like all right you've  
1880 washed your hands of it, you know, and...  
1881  
1882 A: You know, I guess, you know, I - I - I don't ever remember thinking about me  
1883 boxing the bones up as being significant. And if I - obviously now I do - if I  
1884 told Dale Henning, you know, Dale Henning has the report of survey, okay...  
1885  
1886 Q: Mm-hm.



1887  
1888 A: ...and Tom Munson was the last one with the human remains. You know, I  
1889 felt that was forthcoming with people by - by telling them it went to Tom  
1890 Munson, you know, Tom Munson took everything um, you know, I - I was  
1891 not consciously choosing who to tell.  
1892  
1893 Q: But you don't feel I mean - well let me ask you this - as far as this  
1894 administrative inquiry goes...  
1895  
1896 A: Mm-hm.  
1897  
1898 Q: ...what do you think should happen specifically to you? When it comes to this  
1899 administrative investigation?  
1900  
1901 A: Well, you know, I - I don't know how the administrative actions work; I don't  
1902 know what the range of possibilities are...  
1903  
1904 Q: Mm-hm.  
1905  
1906 A: ...I do feel in my heart that I was doing what I was told, um, you know - and at  
1907 that point in my life - that is the only thing I would have done. Now with age  
1908 and wisdom, yeah, I would do things differently. And so I don't feel that I did  
1909 anything wrong. You know, I've already gone through - excuse me - five  
1910 weeks of stress and worry...  
1911  
1912 Q: Mm-hm.  
1913  
1914 A: ...ah, not knowing what's gonna happen um, it's been hell and - and I feel that  
1915 I've been the messenger through this whole thing. I have tried with each  
1916 superintendent to give them what I thought was the information that they  
1917 needed and that every single time with the exception of Mr. Nepstad, nothin'  
1918 happened. Um, and, you know, um, I don't feel that I'm any more responsible  
1919 than, you know, anybody in the park that worked there at that time. If - if this  
1920 was somethin' that somebody should have made a call to region and say,  
1921 guess what's happening at EFMO. Anybody in the park at that time would  
1922 have had the same responsibility as me to make that kind of phone call and...  
1923  
1924 Q: Including yourself.  
1925  
1926 A: Including myself, in hindsight now. You know, at the time, you know, for me  
1927 to consider calling the regional office - that would have been like...  
1928  
1929 Q: See you didn't know who the boss was...  
1930  
1931 A: ...me tryin' to call the president, you know.

1932  
1933 Q: Right, right.  
1934  
1935 A: That's not something, you know, that's been on my radar scree- screen.  
1936  
1937 Q: Mm-hm.  
1938  
1939 A: You know, and, you know, I was raised to respect authority. And the  
1940 authority was telling me to do something.  
1941  
1942 Q: Mm-hm.  
1943  
1944 A: You know, and I did it. Um...  
1945  
1946 Q: If I talk to these superintendents and point black- point blank ask them did  
1947 (b) (2), (b) (6), (b) (7)(C) tell you that she actually packed up those boxes and the last  
1948 person that she gave them to, Tom Munson, what are each of these  
1949 superintendents going to tell me? And I - and I have to now, you're telling me  
1950 that you had this conversation...  
1951  
1952 A: Yes.  
1953  
1954 Q: ...with each of these - with these with the exception of Jim um.  
1955  
1956 A: I told Karen Gustin...  
1957  
1958 Q: Gustin's gonna tell me yes...  
1959  
1960 A: Yes.  
1961  
1962 Q: ...she told me this.  
1963  
1964 A: Yes. (Kate) Miller probably not, I don't remember having a conversation with  
1965 (Kate)...  
1966  
1967 Q: Yeah, you said that.  
1968  
1969 A: ... like I said. Yeah, Phyllis Ewing yes. They should, I would hope they  
1970 would have recollection of those conversations. I mean that report sat on  
1971 Phyllis' shelf in her office up until the day she left the park.  
1972  
1973 Q: Have you ever been concerned about losing your job because of this?  
1974  
1975 A: I sure am now, yeah.  
1976

1977 Q: I mean prior to this?  
1978  
1979 A: No. I never - I think I said that to (b) (2), (b) (6), (b) (7)(C) just the other day. I said, "It never  
1980 occurred to me that I would be put on administrative leave for this." Never  
1981 occurred to me - in fact - people in the park telling me (b) (2), (b) (6), (b) (7)(C) you have  
1982 nothing to worry about, you know. Administrative leave was not, you know -  
1983 never occurred to me.  
1984  
1985 Q: I'm - do you recall having any conversations with co-workers expressing your  
1986 fear that you may lose your job?  
1987  
1988 A: I...  
1989  
1990 Q: Because you specifically boxed up the bones with...  
1991  
1992 A: I spoke with ah - ah (b) (2), (b) (6), (b) (7)(C) I believe once about the conversation. I  
1993 don't remember saying I was in fear of my job, but I do remember telling her  
1994 that I boxed them up and I was afraid of what might happen. I don't  
1995 remember if I said job, I just said rem- I - I was afraid of the consequences  
1996 because it became an issue that was after I had the conversation with David  
1997 Barland-Liles is when I had this conversation with (b) (2), (b) (6), (b) (7)(C) Um...  
1998  
1999 Q: Are you certain about that?  
2000  
2001 A: Yeah. Certain about what, when I had the conversation or what I said?  
2002  
2003 Q: Both.  
2004  
2005 A: Okay ah, um, I'm - I'm certain what the conversation was about, it was just a  
2006 very short conversation um, and then - and then okay I talked to David in  
2007 May...  
2008  
2009 Q: And you talked to David twice.  
2010  
2011 A: That's tri- rice- the second time though was when the issue of the boxes - I  
2012 think- came up. Um, I'm - I'm pretty sure it was after the conversation with  
2013 David Barland-Liles that I spoke with (b) (2), (b) (6), (b) (7)(C) about that. We didn't talk  
2014 about it a whole lot...  
2015  
2016 Q: (b) (2), (b) (6), (b) (7)(C)?  
2017  
2018 A: (b) (2), (b) (6), (b) (7)(C) who is the administrative assistant.  
2019



2020 Q: Okay. All right, getting back to what I asked you. You never answered my  
2021 question. What do you - what do you think should happen to ya, when you -  
2022 from an administrative re...  
2023  
2024 A: I feel what has happened to me already has been pretty huge.  
2025  
2026 Q: Mm-hm.  
2027  
2028 A: I mean, I had to go see a therapist - I couldn't - you know, the fear of losing  
2029 my job came up after they put me on administrative leave, you know, um, I  
2030 just think the stress and - and um, obviously now, you know, the hind sight of  
2031 -of how things could have been done differently - it's been a pretty rough five  
2032 weeks. And - and, you know...  
2033  
2034 Q: Was there ever that fear throughout this whole time though that if I say  
2035 somethin' I'm going to lose my job? If I say something now, I'll lose my job?  
2036  
2037 A: 'Cause - no, because I think I felt I was sayin' something.  
2038  
2039 Q: Never - never the thought of - well yeah, right you're saying something, yes  
2040 but I - I guess what's still...  
2041  
2042 A: And then I kept feeling like I did what I was told to do.  
2043  
2044 Q: You told me that. I don't know the answer...  
2045  
2046 A: Okay.  
2047  
2048 Q: ...to these questions.  
2049  
2050 A: Okay.  
2051  
2052 Q: I don't know the answer to when I talk to Karen Gustin and Ka- Miss. Miller  
2053 and Miss. Ewing. I don't know what they are going to tell me.  
2054  
2055 A: Mm-hm.  
2056  
2057 Q: I haven't had the opportunity to speak with them about this. Because it - it  
2058 they don't address it in their interview with the special agent that has already  
2059 interviewed them.  
2060  
2061 A: Okay.  
2062

2063 Q: So my fear is I go and I talk to them and I say, Miss. Ewing did (b) (2), (b) (6), (b) (7)(C)  
2064 (b) (2), (b) (6), (b) (7)(C) ever say and admit that she packed up those boxes and she gave them  
2065 to Munson and that's the last place she saw them.  
2066  
2067 A: Mm-hm.  
2068  
2069 Q: I don't know what Phyllis Ewing's gonna say. I know what (Kathryn)  
2070 Miller's gonna say and I don't what um, Miss. Gustin is gonna say. My fear  
2071 is that they are going to deny that conversation ever occurred and then we are  
2072 kind of back to square one. Then - now we're - if they say that then we're  
2073 back to, you know, this 22 year mystery and the making could have been  
2074 completely mitigated had (b) (2), (b) (6), (b) (7)(C) just said, you know what I was a seasonal  
2075 employee in July of 1990...  
2076  
2077 A: Mm-hm.  
2078  
2079 Q: ...and my superintendent came to me and said pack up the bones. I packed  
2080 them up. I did a report of survey; it was signed off on by numerous people,  
2081 the last person that had those bones, Tom Munson. Had that conversation  
2082 occurred to any one of these people I think we are not sitting here today. I - I  
2083 really believe that. You know what I mean?  
2084  
2085 A: Then you are also indicating that you don't believe me.  
2086  
2087 Q: Because and here - this is why I'm hesitating here because it didn't - they  
2088 don't mention it at all in any of their interviews, any of them.  
2089  
2090 A: Mm-hm. When did...  
2091  
2092 Q: With - with the special agent that did interviewed them.  
2093  
2094 A: ...when did the David Barland-Liles interview them? Was it before or after  
2095 my second interview?  
2096  
2097 Q: Karen was interviewed in January; (b) (2), (b) (6), (b) (7)(C) was interviewed in April...  
2098  
2099 A: Karen, (b) (2), (b) (6), (b) (7)(C) ...  
2100  
2101 Q: Karen - you were all interviewed in January.  
2102  
2103 A: See it was the May interview where I think that that's when the big discussion  
2104 of me boxing it up - that all came in on our interviews so.  
2105  
2106 Q: If - If you told me, or if you told any of these superintendents that yeah, I  
2107 boxed those up that - that's crucial knowledge because all of them have no

2108 knowledge of where these bones were. Where they last were, it was - it's this  
2109 big mystery out there and nobody knows anything about anything. And if it's  
2110 - I'm not sayin' I believe you or don't believe you, I'm just sayin' I - I - I  
2111 already - I already know what has been investigated so far...  
2112  
2113 A: And is it pos-  
2114  
2115 Q: ...and they don't make any mention of it at all.  
2116  
2117 A: But is it possible that they thought it was no more important than I did? I  
2118 mean, they knew that Tom Munson had 'em.  
2119  
2120 Q: Every one of these things that we - we don't - it's just this big mystery no one  
2121 knew where any of these bones were. But if you told me - if you told any of  
2122 these superintendents yeah, in July of 1990 I was ordered to box those things  
2123 up; I gave them to Munson.  
2124  
2125 A: I did that.  
2126  
2127 Q: To what to - to...  
2128  
2129 A: To Karen, to Phyllis.  
2130  
2131 Q: All right. Well that's I mean that's where we have to leave it then and it's the  
2132 last. To be honest with you I think when you look at this administrative part  
2133 side of things and - and - and what ah, ultimately Jim Nepstad and HR decides  
2134 to do with you. I mean if they - if they confirm that, you know, I think you've  
2135 got an easier row to hoe. Do you know what I mean?  
2136  
2137 A: Mm-hm.  
2138  
2139 Q: I really do, you know, being honest, you know. Um, but there was never any  
2140 intentional misleading or not divulging information by you to any of these  
2141 people that we discussed today: superintendents, special agents, chief  
2142 rangers...  
2143  
2144 A: Other, other than um, Jim never asked me any questions about it - Jim  
2145 Nepstad...  
2146  
2147 Q: Nepstad.  
2148  
2149 A: ...when I gave him the report. Um, I knew in very short order that he was  
2150 starting a law enforcement investigation and I knew that I was going to have  
2151 to speak to LE at some point. Either our local one or somebody else...  
2152



2153 Q: Speak to who?  
2154  
2155 A: To law enforcement.  
2156  
2157 Q: Oh. okay yeah, yeah, yeah.  
2158  
2159 A: And so I never had conversation - I never went into any detail with Mr.  
2160 Nepstad about - about it. And, you know, David Barland-Liles he even said  
2161 that in the first interview, your silence is deafening. Well, the only time I was  
2162 silent was when I knew, you know, that I was going to have to speak to LE  
2163 down the road, who - who did I want to speak to at that point, nobody. You  
2164 know, I wanted to make sure that - because obviously at that point it was - it  
2165 was a pretty serious issue.  
2166  
2167 Q: Yeah. I think that's fair.  
2168  
2169 A: So I - I - I could say that I didn't intentionally did not speak at length with Jim  
2170 Nepstad.  
2171  
2172 Q: Because of the ongoing...  
2173  
2174 A: Yeah.  
2175  
2176 Q: ...investigation.  
2177  
2178 A: Yeah.  
2179  
2180 Q: Are we talking about the one '86 investigation er...  
2181  
2182 A: No. When I gave him the report, you know, I knew within a couple hours that  
2183 - that he was - was calling (Bob Palmer) into talk about it. Um, he was going  
2184 to notify the tribes, you know, I knew that this was going to be um...  
2185  
2186 Q: But do you think it maybe would have been a little easier to be - I mean at that  
2187 point - you know what Jim before we get going here...  
2188  
2189 A: Sure, probably.  
2190  
2191 Q: And then again I don't think we are going to be sittin' here today...  
2192  
2193 A: Yeah.  
2194  
2195 Q: ...and I don't think you would have been sittin' at home for the last 30 days.  
2196  
2197 A: You don't think so?

2198  
2199 Q: No.  
2200  
2201 A: But they - but they had all the information they had out of me before they put  
2202 me on administrative leave. You've got - I don't think you've got anything  
2203 new.  
2204  
2205 Q: Is there anything - is there anything else I'm supposed to know?  
2206  
2207 A: No. I am puzzled as to why? You know, if they were going to put me on  
2208 administrative leave why did they do it then? Was there pressure from the  
2209 tribes?  
2210  
2211 Q: I can't speak to that to be honest with you.  
2212  
2213 A: Okay.  
2214  
2215 Q: Um, I'm not involved in that aspect of it. I truly can't speak - speak to that.  
2216 Um, now just let me go through my stuff here and make sure that I answered  
2217 all my er, that you answered all my questions.  
2218  
2219 A: Would it be alright if I read that summary again when you are done?  
2220  
2221 Q: When Phyllis Ewing was the superintendent and you brought the report to her  
2222 attention, no work was done based on that even after you told her I packed  
2223 those bones up and gave them to Munson.  
2224  
2225 A: Tom Munson. You know, I think - I think she may have made a phone call to  
2226 Tom.  
2227  
2228 Q: Mm-hm,  
2229  
2230 A: I - I don't know, but, you know, I know Tom was asked by more than one, by  
2231 more than just Karen Gustin, Superintendent.  
2232  
2233 Q: Yeah. Oh yeah, he was asked by a lot of people.  
2234  
2235 A: And - and I ah, I - I believe Phyllis made a phone call too with the same result.  
2236 He said whatever it was, you know. But there was no other work done on it  
2237 that I can remember.  
2238  
2239 Q: Okay. Not that I want to get you upset again, but you still didn't answer my  
2240 question as far as what do you think.  
2241

2242 A: Well I think I did. I felt that what's already happened has - has been, you  
2243 know, stressful enough and - and do I realize where, you know, things could  
2244 have gone differently um, yeah, you know. Um, and - and - and ah, to bring  
2245 other stuff in but I will. There's a lot more serious stuff that has been  
2246 happening at the park than a GS-5 whatever 6, 7 person you know...  
2247  
2248 Q: Are we talking about this one of six investigations, is that what we are talkin'  
2249 about? Well is there anything else related to this, anything at all?  
2250  
2251 A: Ah, no I - I don't think so I mean nothin' that comes to my mind right now. If  
2252 I think of something later can I call you?  
2253  
2254 Q: You have my card you can call me whenever.  
2255  
2256 A: Okay.  
2257  
2258 Q: Best just to call the cell.  
2259  
2260 A: Okay.  
2261  
2262 Q: That's the best number to call. If you could do it over again?  
2263  
2264 A: Yeah, I'd do it differently.  
2265  
2266 Q: And again, hindsight being 20/20, you know what I mean.  
2267  
2268 A: Well and, you know, looking back at, you know, myself as a GS-5 seasonal  
2269 and it was a pretty impressive job for me to have, you know...  
2270  
2271 Q: Yeah,  
2272  
2273 A: ...at the time um, and I was working, you know, I worked really hard to try to  
2274 be a good employee and that's, you know, that's what I thought I was doing,  
2275  
2276 Q: But for sure you think when I talk to the super- the three superintendents -  
2277 well when I talk to Miller and - no Gustin...  
2278  
2279 A: Gustin and Ewing.  
2280  
2281 Q: Gustin and Ewing they are going to tell me that - they are going to confirm  
2282 that you told them. (b) (2), (b) (6), (b) (7)(C) told me - when I say did (b) (2), (b) (6), (b) (7)(C) tell you at...  
2283  
2284 A: Yes.  
2285  
2286 Q: ...at som- at a certain point during your tenure as superintendent...



2287  
2288 A: Yes.  
2289  
2290 Q: ...that she boxed those up...  
2291  
2292 A: Yes they should tell you that yes.  
2293  
2294 Q: I think that's a huge unknown.  
2295  
2296 A: Yeah.  
2297  
2298 Q: And I think that is going to play heavily on - on where this goes.  
2299  
2300 A: Yeah.  
2301  
2302 Q: To be honest with you.  
2303  
2304 A: Mm-hm.  
2305  
2306 Q: I mean I just - okay but we will see where it goes.  
2307  
2308 A: Okay.  
2309  
2310 Q: All right. That's all I have that pertains to this um, I know when I talked to  
2311 your attorney and Mr...  
2312  
2313 A: (Gromerman).  
2314  
2315 Q: (Gromerman) he said you want to talk about some other things as well? Um, I  
2316 would give you as the mute for the last hour and a half the opportunity to  
2317 speak out if you want.  
2318  
2319 A: I will tell you that if you that if we do decide to do this at some point, Mr.  
2320 Monahan - excuse me - Captain is probably is who we would be talking to.  
2321  
2322 Q: And this is one of these things that the guys ah, you know...All right this  
2323 interview is concluded um, it is now still Tuesday, July 24 and the time is  
2324 approximately 13:13 hours.  
2325  
2326  
2327 This transcript has been reviewed with the audio recording submitted and it is an accurate  
2328 transcription.  
2329 Signed \_\_\_\_\_

Fwd: Criminal Syllabus (b) (2), (b) (6), (b) (7)(C)

Inbox x

Barland-Liles, Dave

Feb  
12

to me

Denise,

Below is the (b) (2), (b) (6), (b) (7)(C) declination.

DB-L

----- Forwarded message -----

From: <Forde.Fairchild@usdoj.gov>  
Date: Tue, Jul 17, 2012 at 3:24 PM  
Subject: RE: Criminal Syllabus (b) (2), (b) (6), (b) (7)(C)  
To: David Barland-Liles@nps.gov  
Cc: Timothy.Duax@usdoj.gov

Special Agent Barland-Liles:

Since USNPS is moving forward with possible administrative sanctions and the target's conduct, while serious is not particularly so, let alone strident or reflective of a pattern or wrong-doing, USDOJ - ND Iowa declines prosecution of the case.

Very respectfully,

-f  
AUSA Forde Fairchild  
USDOJ - ND Iowa

-----Original Message-----

From: David Barland-Liles@nps.gov [mailto:David Barland-Liles@nps.gov]  
Sent: Thursday, July 05, 2012 10:53 AM  
To: Fairchild, Forde (USAIAN)  
Subject: Criminal Syllabus (b) (2), (b) (6), (b) (7)(C)

Forde,

Attached is the criminal syllabus for (b) (2), (b) (6), (b) (7)(C) Effigy Mounds National Monument;

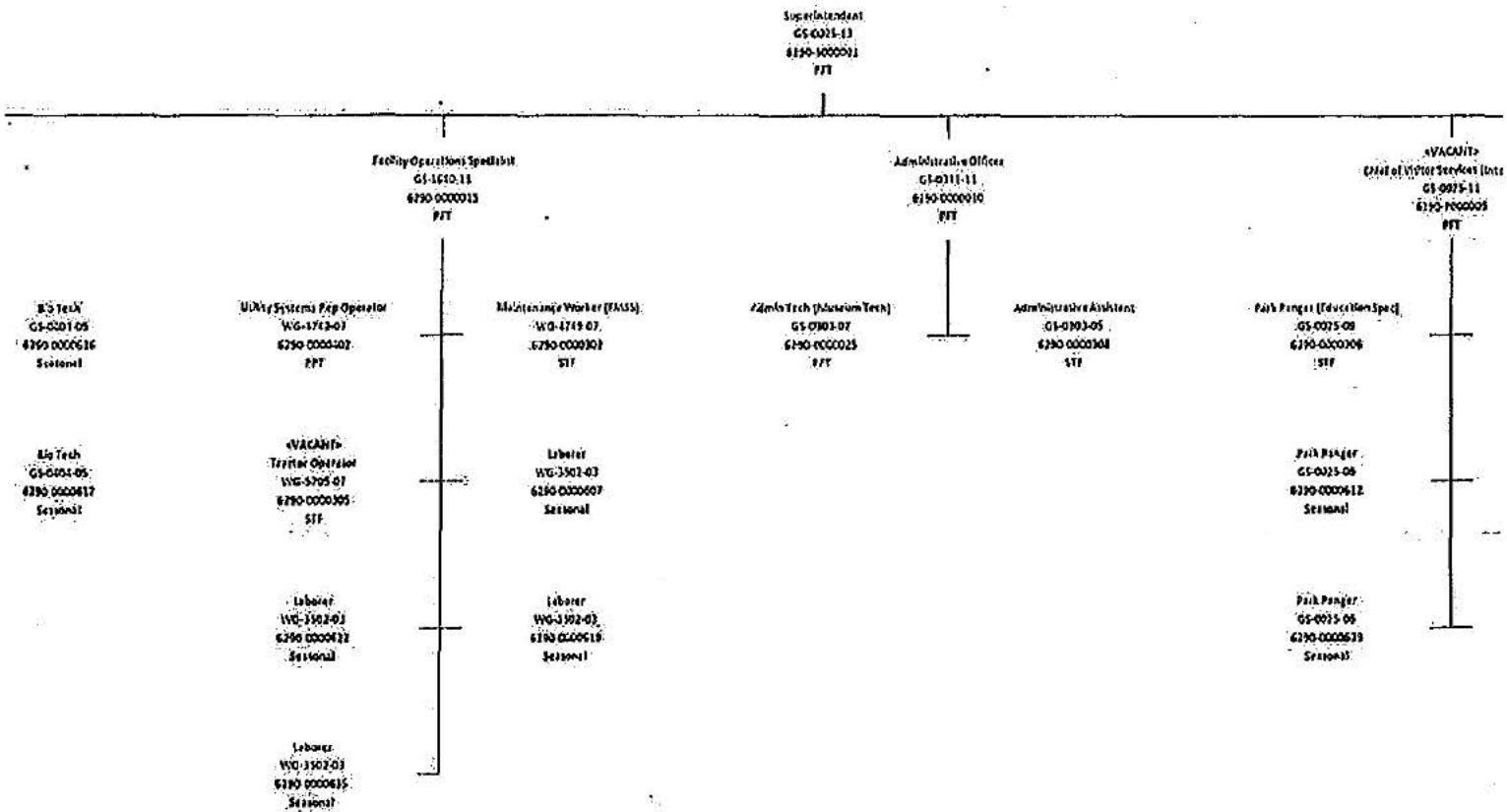
(See attached file: (b) (2), (b) (6), (b) (7)(C) Criminal Syllabus.doc)

Thank you,

David Barland-Liles  
Special Agent U.S.N.P.S.  
573-772-0887



## Effigy Mounds National Monument Organization Chart



Approved: *Patricia Popul*





**United States Department of the Interior  
National Park Service  
Investigative Services Branch**



**Investigative Activity Report**

<b>Case Title: Effigy Mounds National Monument – Native American remains</b>		<b>ISB Case Number: ISB-MW-11-0404</b>	
<b>Location: Effigy Mounds National Monument</b>	<b>Case Status: Open</b>	<b>Report Date: 05/17/2012</b>	<b>Report Number: 020</b>
<b>Report Subject:</b> Interview of Thomas Munson – Former Superintendent – Effigy Mounds National Monument			

1 **SUMMARY:** In April of 2011, Native American remains that once belonged in the museum collection of Effigy  
 2 Mounds National Monument (EFMO) were discovered in the garage of former Superintendent Tom Munson in  
 3 Prairie du Chien WI. Numerous attempts to locate these remains occurred throughout the 1990's after Munson  
 4 retired from the National Park Service (NPS).

5  
 6 The following is an interview of Thomas Munson and (b) (2), (b) (6), (b) (7)(C). The interview revealed Munson had  
 7 fabricated several stories about what happened to human remains removed from EFMO's collection in 1990.  
 8 The Munson's agreed to a consent search of their garage. A box of human remains from EFMO's museum  
 9 collection were discovered and seized. Munson stated he removed the remains from EFMO's collection in  
 10 1990 because he believed the pending Native American Graves Protection and Repatriation Act (NAGPRA)  
 11 was a bad law that enabled modern Native American Tribes to inaccurately claim an affiliation to the human  
 12 remains. Munson was unable to articulate receiving a previously described order from a government source to  
 13 remove the remains prior to the enactment of NAGPRA.

14  
 15 **Date/Time:** 05/17/2012 / 4:00 p.m. – 6:05 p.m.  
 16 **Location:** Effigy Mounds National Monument  
 17 **Person Interviewed:** Thomas Munson  
 18 **Present for Interview:** SA Barland-Liles, (b) (2), (b) (6)

19  
 20 **DETAILS:** On Thursday, May 17, 2012, at approximately 1600 hours, I interviewed (b) (2), (b) (6) and Thomas  
 21 Munson at their residence. The Munson's stated they understood I was a Special Agent with the National Park  
 22 Service, understood the purpose of the interview, understood their rights and agreed to voluntarily participate.  
 23 The interview was recorded using handwritten notes. Thomas Munson refused to allow me to use an audio  
 24 recorder. Thomas Munson was previously interviewed on January 18, 1012 (see ROI #007).

25  
 26 On Wednesday, May 16, 2012, I spoke with MUNSON by phone and we arranged this meeting at his residence.  
 27 I asked if (b) (2), (b) (6) would also be available and we scheduled the meeting to coincide with her availability.  
 28

<b>Reporting Official/Title</b> David Barland-Liles / Special Agent	<b>Signature</b>	<b>Date</b> 05/18/2012
<b>Approving Official/Title</b> ASAC Les Seago	<b>Signature</b>	<b>Date</b>

**Distribution:** Original – Case File      Other:      Other:



1 As we began (b) (2), (b) (6) asked why I wanted her participation. I explained there were numerous inconsistencies  
 2 associated with the interview I conducted with (b) (2), (b) (6), (b) (7)(C) on January 18, and I thought having her present  
 3 may be helpful to clarify some of those inconsistencies. (b) (2), (b) (6) stated she was happy to help.

4 I asked (b) (2), (b) (6) if she remembered when they moved from Effigy Mounds National Monument (EFMO) to Prairie  
 5 du Chien. (b) (2), (b) (6) stated they moved in July of 1990. MUNSON attempted to correct her by asking if it was  
 6 1994. (b) (2), (b) (6) told MUNSON she knows it was 1990. (b) (2), (b) (6) said she remembered the day due to the immense  
 7 amount of work involved in the move. (b) (2), (b) (6) also remembered preparing their new house by helping David  
 8 MacIlrath and Steve Shultz paint the interior. (b) (2), (b) (6) jokingly complained she did a lot more painting than  
 9 Shultz. (b) (2), (b) (6) stated they were helped by numerous EFMO employees including the Palmer's, Shultz,  
 10 MacIlrath, Mason and the Sinclair's. MUNSON and (b) (2), (b) (6) argued about who was actually present and (b) (2), (b) (6)  
 11 made it clear she remembered better. (b) (2), (b) (6) explained it was a very exhausting and stressful move and she is  
 12 not surprised she remembers it better than MUNSON. I asked (b) (2), (b) (6) if the movers were forced to place the  
 13 household goods outside since the house was still being painted. (b) (2), (b) (6) said no. MUNSON stated he disputes  
 14 that claim and asked me how many of the movers I talked to. (b) (2), (b) (6) told MUNSON everything was placed  
 15 inside. MUNSON argued some items were left outside near the garage. (b) (2), (b) (6) motioned for MUNSON to be  
 16 quiet and asked him to stop arguing with her.  
 17  
 18

19 We discussed the possibility of the human remains being accidentally moved to their Prairie du Chien home  
 20 during that move. (b) (2), (b) (6) stated they shared a garage at EFMO with the maintenance division and she  
 21 remembers two metal lockers containing mason jars she used for canning jelly and equipment used by the  
 22 maintenance employees. (b) (2), (b) (6) said it was likely the mixture of personal and government property would  
 23 happen in that garage. I mentioned (b) (2), (b) (6) believed she removed two boxes of human remains from  
 24 the collection. MUNSON stated, "If I put one in the garage then both were in the garage."  
 25

26 (b) (2), (b) (6) asked MUNSON where he found the human remains he returned to Park Ranger Bob Palmer. MUNSON  
 27 stated the box was under a work bench near the front of the garage. (b) (2), (b) (6) asked him if he had searched the  
 28 garage for more. MUNSON stated he had searched the entire garage after Palmer asked him to do so and found  
 29 nothing. He said he also searched the basement of the home in conjunction with a remodeling project.  
 30

31 MUNSON stated he told Superintendent Katherine Miller about the box. I showed MUNSON notes Miller  
 32 typed after a conversation with him on November 17, 1997. I read the following to MUNSON from the notes;  
 33 *"As I understood what Tom was telling me, the items were deaccessioned in 1990. The materials were stored in  
 34 a box in a locker in the maintenance area. He said the locker was moved outside and eventually junked – and  
 35 the box probably went out with it."*  
 36

37 MUNSON claimed he also told Palmer about the box after attending the funeral of a mutual friend, Dennis  
 38 Runge. (b) (2), (b) (6) stated the funeral was in August of 2007.  
 39

40 I asked MUNSON about the directive he previously described to remove the remains from EFMO's collection  
 41 in 1990 prior to the enactment of the Native American Graves Protection and Repatriation Act (NAGPRA).  
 42 MUNSON stated he felt the directive was better described as an "edict" but he was unable to articulate the  
 43 source or how he received it. MUNSON added, "I think the actual phone call was placed from someone I  
 44 never heard of." I asked MUNSON who he thought was instructing the caller. MUNSON replied, "I have no  
 45 idea." (b) (2), (b) (6) stated she remembered having a conversation with MUNSON about the matter. (b) (2), (b) (6) asked  
 46 MUNSON what his plan was in relation to the edict. MUNSON stated, "I didn't have a plan." MUNSON  
 47 added he heard from the Midwest Archeological Center (MWAC) they didn't like the edict either.

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1  
2 I told MUNSON I have found no evidence of any edict or directive to remove human remains from collections  
3 prior to the enactment of NAGPRA. I showed him a memorandum from the NPS Staff Curator from the  
4 Curatorial Services Division written on April 27, 1989. I read the following from that memorandum; "*Options  
5 for managing the material as part of the museum collection include continued specimen cabinet storage at the  
6 monument, curation at the Midwest Archeological Center, or reburial on park land with the option to re-  
7 excavate if necessary for future research.*"  
8

9 I asked MUNSON if there was some type of cover-up. MUNSON stated, "I wouldn't call it that." (b) (2), (b) (6) said  
10 to MUNSON, "I'm guessing no one told you to do this." MUNSON shrugged his shoulders. (b) (2), (b) (6) asked him,  
11 "How did you know you had to do it?" MUNSON did not answer. I asked MUNSON where I will find  
12 evidence of the edict. MUNSON stated finding evidence of the edict would be like finding the Nazi orders for  
13 the holocaust.  
14

15 I showed (b) (2), (b) (6) a July 16, 1990 EFMO Report of Survey which documents the "deaccession" [sic] and  
16 abandonment of human remains from the collection. I showed (b) (2), (b) (6) a July 13, 1990 Housing  
17 Occupancy/Vacancy Inspection Form for their EFMO home. We discussed the discrepancies with the dates and  
18 my belief they had already moved before the "deaccession" took place. MUNSON pointed out dates typed onto  
19 documents are not necessarily the dates of the actual events. I told (b) (2), (b) (6) I do not believe the boxes were placed  
20 into the multi-use garage prior to their move out of government housing; therefore, I do not believe the boxes  
21 were accidentally moved to their Prairie du Chien garage.  
22

23 I asked MUNSON about his claim that he personally drove the remains to the MWAC in Lincoln Nebraska.  
24 (b) (2), (b) (6) interrupted and asked MUNSON how the box got back in their garage? MUNSON stated, "They never  
25 left." MUNSON added, "I knew this box existed. I knew it from the get-go." MUNSON and (b) (2), (b) (6) began to  
26 argue over her confusion related to the events. I interrupted and asked MUNSON, "Is the edict true?"  
27 MUNSON described the MWAC was in "panic mode" about the approaching enactment of NAGPRA. I asked  
28 if the edict was only inferred by him. MUNSON shrugged his shoulders.  
29

30 I asked MUNSON if he drove the remains to MWAC and the staff there removed what they wanted.  
31 MUNSON replied, "Let's just say no. I made all that up."  
32

33 (b) (2), (b) (6) asked me what I believe. I told her (b) (2), (b) (6) remembers walking out of EFMO's visitor center with  
34 MUNSON and both of them were carrying a box of human remains. They walked to MUNSON's brown Ford  
35 Taurus and put the boxes in the trunk. (b) (2), (b) (6) stated MUNSON said he was going to take them home and  
36 (b) (2), (b) (6) knew he no longer lived in park housing. (b) (2), (b) (6) asked MUNSON if he drove the remains to their home  
37 in Prairie du Chien. MUNSON replied, "Yes, it is possible."  
38

39 (b) (2), (b) (6) asked MUNSON if he asked (b) (2), (b) (6) to do the deaccession. MUNSON said, "Yes." I explained to (b) (2), (b) (6)  
40 a proper deaccession would require the transfer of the remains to another legal source, not a transfer to her  
41 garage. (b) (2), (b) (6) asked where they could have legally gone. I told her the MWAC would have been a logical  
42 choice.  
43

44 MUNSON stated this was all the National Park Service's fault because the agency did not provide MUNSON  
45 and EFMO with an archeologist.  
46

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3 of 5

Reporting Agent \_\_\_\_\_



1 (b) (2), (b) (6) tuned to me and asked if I would like to look in the garage. I explained I would and asked if she would  
2 consent to a search of it. (b) (2), (b) (6) stated she would and looked at MUNSON. MUNSON said he did not mind.  
3 They both signed the consent to search form.

4 (b) (2), (b) (6) guided me out of the home's rear door to a detached two car garage. (b) (2), (b) (6) entered the garage through a  
5 side door and pushed up both garage doors from the inside. One vehicle, a white minivan, was in the garage.  
6 (b) (2), (b) (6) took me to where she believed MUNSON described finding the box he returned to Palmer. As we stood  
7 there talking for a few seconds she looked past me and pointed out a box on the floor in front of the minivan,  
8 under a work bench. It was one of only a few cardboard boxes I could see within the garage, which was  
9 relatively uncluttered. The box looked old and had black plastic sticking out of an opening on the top. As we  
10 approached the box (b) (2), (b) (6) stated she bet that was the other box. (b) (2), (b) (6) pulled the box out from under the bench  
11 a few feet and stepped away. Looking down at the box I could see it was partially opened with one flap of the  
12 top folded down. The black plastic was partially open as well and I immediately recognized human remains  
13 through the opening. I pulled open the black plastic a few inches and immediately recognized an EFMO  
14 catalogue number written on a bone. I had been in the garage approximately thirty seconds. (b) (2), (b) (6) stated they  
15 had just moved a yard swing out of the garage that was blocking that section of the garage.  
16

17 I took several photos and we returned to the house to talk about the box.  
18

19 I asked MUNSON why this all happened. MUNSON stated there was a "contagion bomb" at MWAC and it  
20 infected him.  
21

22 I asked MUNSON if anyone called him to do this. MUNSON stated, "Not that I know of." MUNSON added  
23 somebody told him but he didn't know who it was. MUNSON stated, "They left the whole thing to geeks like  
24 me and I didn't know what I was doing."  
25

26 I asked MUNSON what he meant. MUNSON stated NAGPRA was a bad law. He explained he believed there  
27 was no way a modern Native American Tribe could prove their affiliation with the human remains within  
28 EFMO's collection, yet the law was going to enable them to do just that. This bothered Munson and many  
29 archeologists and his actions related to EFMO's collection were influenced by that belief. MUNSON stated if I  
30 think what he did was bad I should get on my horse and go to the southwest where he believes I'll find incidents  
31 that are much worse.  
32

33 (b) (2), (b) (6) was examining the 1990 Report of Survey when she asked, "If you're going to do something goofy, why  
34 leave a paper trail?"  
35

36 I told (b) (2), (b) (6) it was possible to deaccession human remains in 1990 but the legal result of that deaccession would  
37 not be storing them in your garage. MUNSON asked why this was such a big deal. (b) (2), (b) (6) curtly told him it is a  
38 big deal because human bones have been stored in a superintendent's garage for over twenty years.  
39

40 I talked about the Archeological Resources Protection Act (ARPA) of 1979. MUNSON stated, as a  
41 superintendent, there were many laws he could break every day and not know it. MUNSON stated he never  
42 heard of ARPA.  
43

44 I asked MUNSON if he takes responsibility for this. MUNSON stated, "I take responsibility for this." I asked  
45 MUNSON if he does so because he is responsible. MUNSON said, "Yes." MUNSON told me he did not think  
46 he had much time left anyway due to his failing health.  
47

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Reporting Agent \_\_\_\_\_



1  
2 (b) (2), (b) (6) stated, "I feel bad." (b) (2), (b) (6) described her willingness to continue to be cooperative.

3  
4 (b) (2), (b) (6) stated she does not believe MUNSON was lying to me earlier, rather she thought he couldn't remember properly.

5  
6  
7 ATTACHMENTS: Consent to Search Form – Photo log – Evidence log.

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5 of 5

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**United States Department of the Interior  
National Park Service  
Investigative Services Branch**



**Investigative Activity Report**

<b>Case Title: Effigy Mounds National Monument – Native American remains</b>	<b>ISB Case Number: ISB-MW-11-0404</b>		
<b>Location: Effigy Mounds National Monument</b>	<b>Case Status: Open</b>	<b>Report Date: 05/16/2012</b>	<b>Report Number: 019</b>
<b>Report Subject: Interview of (b) (2), (b) (6) – Administrative Assistant – Effigy Mounds National Monument</b>			

1 **SUMMARY:** In April of 2011, Native American remains that once belonged in the museum collection of Effigy  
 2 Mounds National Monument (EFMO) were discovered in the garage of former Superintendent Tom Munson in  
 3 Prairie du Chien WI. Numerous attempts to locate these remains occurred throughout the 1990's after Munson  
 4 retired from the National Park Service (NPS).  
 5

6 (b) (2), (b) (6) stated she was orders by Superintendent Thomas Munson to remove all the human remains from  
 7 EFMO's collection in 1990 to avoid the implications of the soon to be enacted Native American Graves  
 8 Protection and Repatriation Act. (b) (2), (b) (6) stated she believes she remembers walking with Munson as they both  
 9 carried a box of human remains to his car and putting them in his trunk. (b) (2), (b) (6) believes she remembers  
 10 Munson telling her he was taking the remains to his house, which was in Prairie du Chien Wisconsin.  
 11

12 **Date/Time:** 05/16/2012 / 8:00 a.m. – 11:25 a.m.  
 13 **Location:** Effigy Mounds National Monument  
 14 **Person Interviewed:** (b) (2), (b) (6)  
 15 **Present for Interview:** SA Barland-Liles  
 16

17 **DETAILS:** On Wednesday, May 16, 2012, at approximately 0800 hours, I interviewed (b) (2), (b) (6) at  
 18 Effigy Mounds National Monument (EFMO). (b) (2), (b) (6) stated she understood I was a Special Agent with the  
 19 National Park Service, understood the purpose of the interview, understood her rights and agreed to voluntarily  
 20 participate. The interview was recorded using handwritten notes. (b) (2), (b) (6) was previously interviewed on  
 21 January, 19, 2012 (ROI #006).  
 22

23 (b) (2), (b) (6) stated in 1990 she was ordered by Superintendent Thomas Munson to remove all human remains  
 24 from EFMO's museum collection. (b) (2), (b) (6) said she did not realize she may be or might have violated any  
 25 laws until I interviewed her on January 18, 2012. (b) (2), (b) (6) admitted she was ethically troubled by Munson's  
 26 order. (b) (2), (b) (6) stated her failure to disclose what she knew during the subsequent twenty-two years was not  
 27 an attempt to violate any laws she was just hoping it would be independently discovered and save her from  
 28 being the source.  
 29

<b>Reporting Official/Title</b> David Barland-Liles / Special Agent	<b>Signature</b>	<b>Date</b> 05/16/2012
<b>Approving Official/Title</b> ASAC Les Seago	<b>Signature</b>	<b>Date</b>

**Distribution:** Original – Case File      Other:      Other:

1 (b) (2), (b) (6) stated MUNSON made it clear the human remains had to be removed prior to the enactment of the  
 2 Native American Graves Protection and Repatriation Act (NAGPRA). (b) (2), (b) (6) was led to believe by  
 3 Munson if they removed the remains then, "in bulk," they would save themselves a great deal of time and hassle  
 4 later. (b) (2), (b) (6) stated Munson expressed a great deal of uncertainty about the implications of NAGPRA and  
 5 how the law would affect EFMO's museum collection. One of the uncertainties involved the funerary objects  
 6 associated with the remains. (b) (2), (b) (6) stated Munson speculated if the remains were removed from the  
 7 collection EFMO may be able to maintain possession of the funerary objects because they will no longer be  
 8 associated with the remains. (b) (2), (b) (6) stated Munson seemed to value the objects more than the human  
 9 remains.

10  
 11 (b) (2), (b) (6) speculated it took several days for her to complete the removal of the remains from the collection.  
 12 She had other duties related to her seasonal interpretation position and would not have been able to dedicate a  
 13 full shift to complete Munson's order.

14  
 15 (b) (2), (b) (6) stated she believes she filled two boxes with the human remains. She believes she carried them out  
 16 of the visitor center to the parking lot with Munson and they put them in the trunk of his brown or dark blue  
 17 Ford Taurus. (b) (2), (b) (6) believes Munson had already moved out of government housing and was living in  
 18 Prairie du Chien. (b) (2), (b) (6) believes Munson told her he was taking the boxes to his home although her  
 19 memory is vague. Although (b) (2), (b) (6) felt uncomfortable with the process (ethically) she did not sense any  
 20 discomfort from Munson.

21  
 22 (b) (2), (b) (6) stated if Munson was actually going to do something legitimate with the remains he would have  
 23 told her, for instance, transferring them to the Midwest Archeological Center. (b) (2), (b) (6) felt he was either  
 24 going to bury them or throw them away but Munson never mentioned anything. From an ethical point of view,  
 25 considering the two choices, she hoped he'd bury them.

26  
 27 (b) (2), (b) (6) stated Munson never mentioned receiving any directives or other orders associated with his  
 28 instructions to remove the human remains.

29  
 30 **ATTACHMENTS:** None

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**United States Department of the Interior**  
**NATIONAL PARK SERVICE**  
 Division of Law Enforcement, Security and Emergency Services  
 Office of Professional Responsibility

**WARNINGS AND ASSURANCES TO EMPLOYEE REQUESTED TO PROVIDE INFORMATION ON A VOLUNTARY BASIS**

You are being asked to voluntarily answer questions pertaining to an official investigation or inquiry. Prior to responding to any questions, you should be aware of the following.

- This is a voluntary interview. Accordingly, you do not have to answer questions. No disciplinary action will be taken against you if you choose not to answer questions.
- Any statement you furnish may be used as evidence in any future criminal proceedings or agency disciplinary proceeding, or both.
- If you are willing to speak to me, you should be aware that any knowingly false or misleading answers you give to me may subject you to criminal prosecution and administrative sanctions.

**WAIVER**

I understand the warnings and assurances stated above and I am willing to make a statement and answer questions. No promises or threats have been made to me and no pressure or coercion of any kind has been used against me.

  
 Interviewer's Signature

05/16/12      08:05  
 Date/Time:

\_\_\_\_\_  
 Witness (if available)

**(b) (2), (b) (6), (b) (7)(C)**

Signature of person being interviewed  
5/16/2012      8:05  
 Date/Time:

\_\_\_\_\_  
 Location:

NPS-OPR Form W-3 (5-1-10) Voluntary Interview (Based on Garrity)  
 Based on DOJ Form III-226/2

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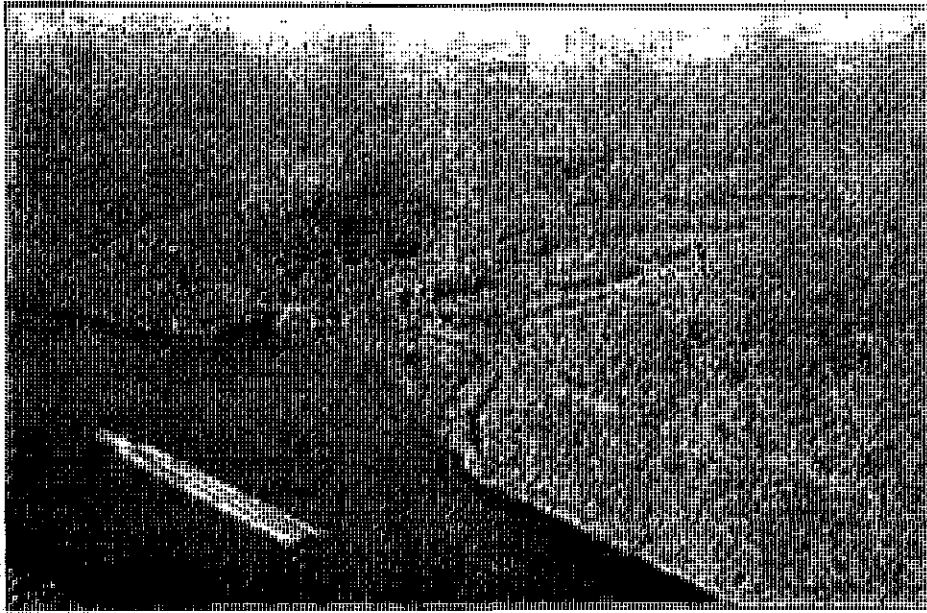
## **Federal investigation launched into missing bones at Effigy Mounds**

### **Meskwaki members say their focus is caring for ancestors' remains**

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The Effigy Mounds National Monument, situated on the bluffs along the Mississippi River in northeastern Iowa. (Liz Martin/The Gazette)

The resurfacing last summer of a box of human bone fragments has prompted a federal investigation into the mishandling of Native American remains at Effigy Mounds National Monument.

"We would hope that the powers that be do something. All we want is justice and to take care of the remains of our ancestors," said Johnathan Buffalo, historic preservation director for the Sac and Fox Tribe of the Mississippi in Iowa, also known as the Meskwaki Nation.

"The general public does not really know how serious a matter this is," said Buffalo, who is representing the Meskwaki on a committee established to monitor and participate in the investigation

Representatives of the Meskwaki and 11 other tribes with ancestral connections to Effigy Mounds "were understandably upset," said Jim Nepstad, superintendent of the National Park Service facility established to preserve and make accessible to the public more than 200 Indian burial and effigy mounds along the Mississippi River north of Marquette.

Nepstad said Tom Munson of Prairie du Chien, Wis., a former superintendent at Effigy Mounds, returned the box of bone fragments last summer. The bones, which had been removed from the museum collection at Effigy Mounds, had been stored in Munson's garage.

Munson said the bones were transferred from an Effigy Mounds storage building to his garage without his knowledge when he retired from the Park Service in 1994.

He had been living in a home at the Effigy Mounds site and the box of bones – which he described as "about the size of an apple box" – was inadvertently transported along with his personal possessions to his home in Prairie du Chien, Munson said.

When he later discovered the contents of the box, Munson said he called then-Effigy Mounds Superintendent Karen Gustin, who asked him to retain custody until an appropriate storage site could be found.



When asked about the bones last year, Munson said he promptly returned them.

Munson said he does not believe he did anything wrong and is not "feeling any pressure" from the investigation.

Ranger Bob Palmer, who worked at Effigy Mounds before transferring last year to the Herbert Hoover National Historic Site in West Branch, said the investigation started with a "very innocent general inquiry" into the whereabouts of artifacts covered by the Native American Graves Protection and Repatriation Act.

An inventory of collections and records revealed that dozens of ancient human remains had been removed from the museum collection in 1990 – the same year Congress passed the law that required the return of human bones and funerary objects to lineal descendants or tribal organizations.

"Given that a lot of time had passed (between the enactment of the law and the discovery of the missing artifacts), we were seriously at risk of losing the trust of the affiliated tribes," Nepstad said.

Accordingly, the National Park Service established "an unusually transparent procedure" for conducting its investigation, Nepstad said.

The Park Service formed an oversight committee that includes Buffalo and three other tribal representatives, as well as Iowa State Archaeologist John Doershuck, Jerome Thompson of the State Historic Preservation Office and NPS archaeologist Jeff Richner.

"This was something that really needed to be looked at carefully. It was not just neglect of paperwork," Doershuck said.

NPS Special Agent David Barland-Liles, who is leading the investigation, said his focus is on whether a crime has been committed in the mishandling of the human remains.

He said the Graves Protection and Repatriation Act may have been violated and that a crime may have been committed even before that law took effect.

Barland-Liles is also conducting a second investigation into the malfeasance of officials who built three elevated trails and a maintenance shed at Effigy Mounds without first securing clearances under Section 106 of the National Historic Preservation Act, which requires federal agencies to consider the impact of projects on "significant historic properties."

Though he declined to provide details, Barland-Liles said both investigations "are moving along well."

Nepstad said members of the human remains committee are kept fully informed of the progress of the investigation, with copies of all relevant documents.

"They can see what we see, so it can't be swept under the rug again," he said.

Nepstad said it is difficult to quantify the volume of the missing remains.

"Some are just fragments. Others are larger. The documentation often lacked specific detail," he said.

In addition to the returned box of remains, "there is still quite a bit (of the recorded artifacts) missing," he said.

Nepstad said he understands that whoever has the missing remains might be reluctant to return them out of embarrassment or fear of prosecution

"I worry that somebody might do something stupid with them," like disposing of them, he said.

"We're hoping someone will leave them where they can be found by others," he said.

Abuses by Effigy Mounds officials "have made the spirits of the natives buried in these wooded hills restless," said Tim Mason, 61, of rural McGregor, a former 19-year seasonal Effigy Mounds employee who was among the first to call attention to the violations of the National Historic Preservation Act.

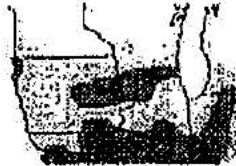
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@CSPS Hall



**United States Department of the Interior  
National Park Service  
Investigative Services Branch**



**Investigative Activity Report**

<b>Case Title: Effigy Mounds National Monument – Native American remains</b>	<b>ISB Case Number: ISB-MW-11-0404</b>		
<b>Location: Effigy Mounds National Monument</b>	<b>Case Status:</b> Open	<b>Report Date:</b> 03/07/2012	<b>Report Number:</b> 018
<b>Report Subject:</b> Interview of (b) (2), (b) (6), (b) (7)(C) – Assistant Director - Federal Preservation Institute			

1 **SUMMARY:** In April of 2011, Native American remains that once belonged in the museum collection of Effigy  
 2 Mounds National Monument (EFMO) were discovered in the garage of former Superintendent Tom Munson in  
 3 Prairie du Chien WI. Numerous attempts to locate these remains occurred throughout the 1990's after Munson  
 4 retired from the National Park Service (NPS).  
 5

6 (b) (2), (b) (6), (b) (7)(C) stated there is a possibility of (b) (2), (b) (6), (b) (7)(C), former NPS Chief Archeologist,  
 7 advising superintendents to remove Native American remains from museum collections prior to the enactment  
 8 of the Native American Graves Protection and Repatriation Act.  
 9

10 **Date/Time:** 03/07/2012 / 1:48 p.m. – 2:00 p.m. – 2:20 p.m. – 2:40 p.m.  
 11 **Location:** Telephone  
 12 **Person Interviewed:** (b) (2), (b) (6), (b) (7)(C)  
 13 **Telephone number:** (b) (2), (b) (6), (b) (7)(C)  
 14 **Present for Interview:** SA Barland-Liles  
 15

16 **DETAILS:** On Wednesday, March 7, 2012, at approximately 1348 hours, I interviewed (b) (2), (b) (6), (b) (7)(C) by  
 17 telephone. (b) (2), (b) (6), (b) (7)(C) stated he understood I was a Special Agent with the National Park Service, understood  
 18 the purpose of the interview, understood his rights and agreed to voluntarily participate. The interview was  
 19 recorded using handwritten notes.  
 20

21 (b) (2), (b) (6), (b) (7)(C) is the Assistant Director of the Federal Preservation Institute.  
 22

23 (b) (2), (b) (6), (b) (7)(C) stated in 1990 he was an archeologist for the National Park Service (NPS) working in the  
 24 Archeological Assistance Program. He was supervised by (b) (2), (b) (6), (b) (7)(C) who was the Chief Archeologist  
 25 for the NPS and the Departmental Consulting Archeologist for the Department of the Interior. (b) (2), (b) (6), (b) (7)(C)  
 26 was responsible for the national Native American Graves Protection and Repatriation Act (NAGPRA) program.  
 27 Prior to the enactment of NAGPRA (November 16, 1990) (b) (2), (b) (6), (b) (7)(C) was actively involved in consultations,  
 28 educational programs and seminars to prepare the NPS and other Federal agencies. (b) (2), (b) (6), (b) (7)(C) stated the NPS  
 29 had been preparing for the enactment of NAGPRA since at least 1983.

<b>Reporting Official/Title</b> David Barland-Liles / Special Agent	<b>Signature</b>	<b>Date</b> 03/07/2012
<b>Approving Official/Title</b> ASAC Les Seago	<b>Signature</b>	<b>Date</b>

**Distribution:** Original – Case File      Other:      Other:



1  
2 I asked (b) (2), (b) (6), (b) (7)(C) if he had any knowledge (b) (2), (b) (6), (b) (7)(C) telling any superintendent to remove Native  
3 American remains from museum collections prior to the enactment of NAGPRA. (b) (2), (b) (6), (b) (7)(C) stated he had no  
personal knowledge of any such action but added "It wouldn't surprise me if that happened." (b) (2), (b) (6), (b) (7)(C) stated  
4 he was aware of (b) (2), (b) (6), (b) (7)(C) advocating for parks and other agencies to consider the human remains within  
5 their collections to be unaffiliated in order to avoid future NAGPRA related consultations. (b) (2), (b) (6), (b) (7)(C) stated "It  
6 was clear he was looking for ways to minimize the impact of NAGPRA."  
7

8  
9 (b) (2), (b) (6), (b) (7)(C) suspected if he instructed a superintendent to remove Native American remains from a collection  
10 prior to the enactment of NAGPRA it was because he had found a "willing ear." (b) (2), (b) (6), (b) (7)(C) described  
11 (b) (2), (b) (6), (b) (7)(C) as an "obfuscator" and "cagey." (b) (2), (b) (6), (b) (7)(C) stated (b) (2), (b) (6), (b) (7)(C) would not be the one to initiate  
12 such a contact but would take advantage of any opportunity presented by a superintendent. (b) (2), (b) (6), (b) (7)(C) stated  
13 such an act required a "two to tango scenario."  
14

15 (b) (2), (b) (6), (b) (7)(C) emphasized he heard many superintendents were opposed to (b) (2), (b) (6), (b) (7)(C) stance and had the  
16 integrity to dismiss it.

17  
18 (b) (2), (b) (6), (b) (7)(C) stated (b) (2), (b) (6), (b) (7)(C) has retired from the NPS and is now the (b) (2), (b) (6), (b) (7)(C) in Tucson  
Arizona.

21 **ATTACHMENTS:** None

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**United States Department of the Interior  
National Park Service  
Investigative Services Branch**



**Investigative Activity Report**

<b>Case Title: Effigy Mounds National Monument – Native American remains</b>		<b>ISB Case Number: ISB-MW-11-0404</b>	
<b>Location: Effigy Mounds National Monument</b>	<b>Case Status: Open</b>	<b>Report Date: 03/06/2012</b>	<b>Report Number: 017</b>
<b>Report Subject:</b> Interview of (b) (2), (b) (6), (b) (7)(C) - Former Superintendent 1997–1999 – Effigy Mounds National Monument			

1 **SUMMARY:** In April of 2011, Native American remains that once belonged in the museum collection of Effigy  
 2 Mounds National Monument (EFMO) were discovered in the garage of former Superintendent Tom Munson in  
 3 Prairie du Chien WI. Numerous attempts to locate these remains occurred throughout the 1990's after Munson  
 4 retired from the National Park Service (NPS).  
 5

(b) (2), (b) (6), (b) (7)(C) stated she was not able to see the need for further investigation of Native American remains  
 missing from EFMO's collection while she was Superintendent (1997-1999). (b) (2), (b) (6), (b) (7)(C) admitted in hindsight she  
 8 should have taken more initiative. (b) (2), (b) (6), (b) (7)(C) speculated she did not advise the Native American Tribes affiliated  
 9 with EFMO about the missing Native American remains because she ran out of time.

10  
 11 **Date/Time:** 03/06/2012 / 4:53 p.m. – 6:05 p.m.  
 12 **Location:** Telephone  
 13 **Person Interviewed:** (b) (2), (b) (6), (b) (7)(C)  
 14 **Telephone number:** (b) (2), (b) (6), (b) (7)(C)  
 15 **E-mail address:** (b) (2), (b) (6), (b) (7)(C)  
 16 **Present for Interview:** SA Barland-Liles

17  
 18 **DETAILS:**  
 19 On Tuesday, March 6, 2012, at approximately 1653 hours, I interviewed Kathleen Miller by telephone. Miller  
 20 stated she understood I was a Special Agent with the National Park Service, understood the purpose of the  
 21 interview, understood her rights and agreed to voluntarily participate. The interview was recorded using  
 22 handwritten notes.  
 23

24 On March 29, 2012, I e-mailed three documents to (b) (2), (b) (6), (b) (7)(C) for her to review in preparation for this interview.  
 25 The documents included notes she made on November 17, 1997, and November 18, 1997, after she spoke with  
 26 former Effigy Mounds National Monument (EFMO) Superintendent Thomas Munson, and a letter she wrote on  
 27 September 4, 1998, to Dr. Dale Henning.  
 28

<b>Reporting Official/Title</b> David Bariand-Liles / Special Agent	<b>Signature</b>	<b>Date 03/06/2012</b>
<b>Approving Official/Title</b> ASAC Les Seago	<b>Signature</b>	<b>Date</b>

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1 Miller stated reviewing the documents “dusted off some cobwebs” but she still has difficulty remembering  
 2 details of her tenure at EFMO. Miller stated she recognized the documents and they were written by her. She  
 3 described the language in the letter to Dr. Henning as “stilted” but explained she was writing the letter partially  
 on behalf of numerous National Park Service (NPS) employees who had reviewed and commented on a draft  
 report prepared by Henning.

6  
 7 I discussed notes Miller made after a telephone conversation with Thomas Munson on November 17, 1997. I  
 8 explained the date she had the conversation was the same day Dr. Henning arrived at EFMO to perform an  
 9 investigation of Native American remains missing from the collection. Miller stated she was not aware the  
 10 events occurred on the same day but speculates Dr. Henning’s arrival was why she called Munson. (b)(2),(b)(6),(b)(7)(C)’s  
 11 notes included, “As I understood what Tom was telling me, the items were deaccessioned in 1990. The  
 12 materials were stored in a box in a locker in the maintenance area. He said the locker was was [sic] moved  
 13 outside and eventually junked – and the box probably went out with it.” (b)(2),(b)(6),(b)(7)(C) stated, “I know I pretty much  
 14 accepted the line that they are gone and nobody can do anything about it.”

16 (b)(2),(b)(6),(b)(7)(C) stated she is more fully educated now and can see Munson was describing a very troubling circumstance.  
 17 She stated she is not trying to weasel out of any responsibility over this matter but stated at the time all of the  
 18 knots had not been untied related to this riddle. (b)(2),(b)(6),(b)(7)(C) expressed for her there was not one moment where a big  
 red flag went off and she recognized the need for a law enforcement investigation. (b)(2),(b)(6),(b)(7)(C) added “It just didn’t  
 happen for me” and “I regret this mystery could have been resolved earlier.”

21  
 22 (b)(2),(b)(6),(b)(7)(C) mentioned she had a cultural resources background and knew numerous NPS staff affiliated with cultural  
 23 resources management were relieved her experience would be utilized during her tenure at EFMO. (b)(2),(b)(6),(b)(7)(C)  
 24 explained she was sorry if she let those people down. She stated she now understands there were many red  
 25 flags. At the time her day to day concerns were associated with professionalizing EFMO staff and shaking them  
 26 out of the “doldrums” to ensure the mission of the NPS was the focus of their daily efforts. (b)(2),(b)(6),(b)(7)(C) stated she  
 27 also focused her efforts toward identifying the Native American Tribes affiliated with EFMO and establishing  
 28 positive relationships with them. Toward the end of her tenure she felt these efforts culminated with the first  
 29 Native American Heritage Festival at EFMO.

31 Despite the improvements with EFMO’s operation and tribal relationships, (b)(2),(b)(6),(b)(7)(C) volunteered she never felt she  
 32 had an employee that would confide in her. She described them as guarded about disclosing information related  
 33 to EFMO’s history and previous operational practices. (b)(2),(b)(6),(b)(7)(C) stated this was particularly true with her  
 34 Administrative Assistant, (b)(2), (b)(6), (b)(7)(C) (b)(2),(b)(6),(b)(7)(C) described her as unhelpful and a source of frustration. (b)(2),(b)(6),(b)(7)(C)  
 35 stated she never took the initiative to discuss the missing remains issue with any EFMO employee, “eyeball to  
 36 eyeball,” and no employee ever volunteered any information beyond unsubstantiated rumors.

38 (b)(2),(b)(6),(b)(7)(C) stated cultural resources personnel live in a, “very compartmentalized world,” and very few are able to,  
 39 “bridge the gap,” when a violation occurs. (b)(2),(b)(6),(b)(7)(C) stated she was still confused by the numerous rumors related  
 40 to the remains. These rumors included transfers to the Midwest Archeological Center and/or the State of Iowa  
 41 and an additional rumor of the remains secretly buried within EFMO. (b)(2),(b)(6),(b)(7)(C) stated there were so many  
 42 unknowns she could not decisively know what happened to the human remains. (b)(2),(b)(6),(b)(7)(C) stated this does not let  
 43 her off the hook for not taking more initiative. (b)(2),(b)(6),(b)(7)(C) stated, “I just feel really sad that I wasn’t smart enough  
 44 and more astute looking into things that caught my attention instead of just a muddle.”

46 I asked (b)(2),(b)(6),(b)(7)(C) why the information from her telephone conversations with Munson were not included in the  
 47 report completed by Dr. Dale Henning. (b)(2),(b)(6),(b)(7)(C) stated she did not know and added, “I apparently did not connect

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1 those dots." (b)(2),(b)(6),(b)(7)(C)) stated she also had more faith in EFMO's filing system than she should have and added, "It  
2 wasn't like I wouldn't give him everything I had." I asked (b)(2),(b)(6),(b)(7)(C)) if the information may have been withheld  
3 due to the detrimental effects it could have on her efforts to establish relationships with the affiliated tribes.  
(b)(2),(b)(6),(b)(7)(C)) stated, "I don't think I ever had that thought that this would not be strategic." (b)(2),(b)(6),(b)(7)(C)) added, "I'm not a  
4 devious or calculating person."

5  
6  
7 I asked (b)(2),(b)(6),(b)(7)(C)) to review the letter she wrote to Dr. Henning on September 4, 1998. I referred to the second  
8 paragraph which includes, "I am so pleased with your dedicated effort on this project and the useful results it  
9 has produced. The reports will be at my right hand over the next several months as we proceed with NAGPRA  
10 consultations. I greatly appreciate the clear and useable presentation of your findings and the inclusion of  
11 sufficient narrative to enable future readers to understand how you arrived at your conclusions." I asked (b)(2),(b)(6),(b)(7)(C))  
12 why the NAGPRA consultations did not occur and why the Affiliated Tribes were not presented with the  
13 findings of the report. (b)(2),(b)(6),(b)(7)(C)) stated she would not have presented the findings while the report was still in the  
14 form of a draft. (b)(2),(b)(6),(b)(7)(C)) stated she does not remember receiving the finalized report and speculated she may have  
15 been so busy organizing the Native American Heritage Festival at the end of her EFMO tenure that she did not  
16 have time to take appropriate action.

17  
18 **ATTACHMENTS:** November 17, 1997 notes (Munson telephone interview), November 18, 1997 notes  
(Munson telephone interview), September 4, 1998 letter to Dr. Dale Henning.

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Reporting Agent \_\_\_\_\_



**United States Department of the Interior  
National Park Service  
Investigative Services Branch**



**Investigative Activity Report**

<b>Case Title: Effigy Mounds National Monument – Native American remains</b>	<b>ISB Case Number: ISB-MW-11-0404</b>		
<b>Location: Effigy Mounds National Monument</b>	<b>Case Status:</b> Open	<b>Report Date:</b> 02/16/2012	<b>Report Number:</b> 015
<b>Report Subject:</b> Interview of (b) (2), (b) (6), (b) (7)(C) – Administrative Officer – Effigy Mounds National Monument			

1 **SUMMARY:** In April of 2011, Native American remains that once belonged in the museum collection of Effigy  
 2 Mounds National Monument (EFMO) were discovered in the garage of former Superintendent Tom Munson in  
 3 Prairie du Chien WI. Numerous attempts to locate these remains occurred throughout the 1990's after Munson  
 4 retired from the National Park Service (NPS).  
 5

(b) (2), (b) (6), (b) (7)(C) stated she had no knowledge of the removal of human remains from EFMO's collection and was never informed of the incident from her Administrative Assistant, (b) (2), (b) (6), (b) (7)(C)

8  
 9 **Date/Time:** 02/16/2012 / 8:25 a.m. – 10:13 a.m.  
 10 **Location:** Telephone  
 11 **Person Interviewed:** (b) (2), (b) (6), (b) (7)(C)  
 12 **Present for Interview:** SA Barland-Liles

13  
 14 **DETAILS:** On Wednesday, February 16, 2012, at approximately 0825 hours, I interviewed (b) (2), (b) (6), (b) (7)(C)  
 15 (b) (2), (b) (6), (b) (7)(C) by telephone. (b) (2), (b) (6), (b) (7)(C) stated she understood I was a Special Agent with the National Park Service,  
 16 understood the purpose of the interview, understood her rights and agreed to voluntarily participate. The  
 17 interview was recorded using handwritten notes.

18  
 19 (b) (2), (b) (6), (b) (7)(C) stated she had been the Administrative Officer at Effigy Mounds National Monument (EFMO) since  
 20 1989.

21  
 22 I sent (b) (2), (b) (6), (b) (7)(C) a July 16, 1990 Report of Survey from EFMO and asked her to review it. (b) (2), (b) (6), (b) (7)(C) stated she had  
 23 never seen it before and asked me to describe what the accession and catalogue numbers on the survey's  
 24 attached form represent. I told her they were Native American remains. (b) (2), (b) (6), (b) (7)(C) stated "Why would they do  
 25 that?" (b) (2), (b) (6), (b) (7)(C) added "There is no way in God's green earth that I would have done something like that!" I asked  
 26 (b) (2), (b) (6), (b) (7)(C) why she was not involved as the administrative officer. (b) (2), (b) (6), (b) (7)(C) stated she had previously worked as the  
 27 administrative officer of the Midwest Archeological Center (MWAC) and speculated she may have been "kept  
 28 out of the loop" because of the experience she had with people who work with archeological collections. (b) (2), (b) (6), (b) (7)(C)  
 29 added it would be highly unusual for her position to have any involvement in EFMO's collections.

<b>Reporting Official/Title</b> David Barland-Liles / Special Agent	<b>Signature</b>	<b>Date</b> 02/16/2012
<b>Approving Official/Title</b> ASAC Les Seago	<b>Signature</b>	<b>Date</b>

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1  
2 (b) (2), (b) (6), (b) (7)(C) stated she remembers hearing rumors of human bones kept in "boxes" from that time and another rumor  
3 that something was buried within the park by NPS staff. (b) (2), (b) (6), (b) (7)(C) stated she speculated it had something to do  
with NAGPRA but had no additional information.

4  
5  
6 I asked Wiles if she remembers ever hearing of former Superintendent Thomas Munson discussing driving to  
7 MWAC to deliver items from EFMO's museum collection. (b) (2), (b) (6), (b) (7)(C) said no. I asked if she ever received a  
8 shipment from MWAC of museum collection items. (b) (2), (b) (6), (b) (7)(C) said no. I asked her if EFMO Administrative  
9 Assistant ever discussed her involvement with removing Native American remains from the museum collection.  
10 (b) (2), (b) (6), (b) (7)(C) said no.

11  
12 (b) (2), (b) (6), (b) (7)(C) stated she does not remember work related to this matter during Superintendent Karen Gustin's tenure but  
13 does remember Superintendent Katherine Miller drafting a scope of work for a collections research project  
14 performed by Dr. Dale Henning and remembers writing the service order for that project.

15  
16 **ATTACHMENTS: None**

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Reporting Agent \_\_\_\_\_





**United States Department of the Interior  
National Park Service  
Investigative Services Branch**



**Investigative Activity Report**

<b>Case Title: Effigy Mounds National Monument – Native American remains</b>		<b>ISB Case Number: ISB-MW-11-0404</b>	
<b>Location: Effigy Mounds National Monument</b>	<b>Case Status: Open</b>	<b>Report Date: 02/16/2012</b>	<b>Report Number: 016</b>
<b>Report Subject:</b> Interview of (b) (2), (b) (6), (b) (7)(C) – Former Regional Anthropologist – Midwest Region			

1 **SUMMARY:** In April of 2011, Native American remains that once belonged in the museum collection of Effigy  
 2 Mounds National Monument (EFMO) were discovered in the garage of former Superintendent Tom Munson in  
 3 Prairie du Chien WI. Numerous attempts to locate these remains occurred throughout the 1990's after Munson  
 4 retired from the National Park Service (NPS).  
 5

(b) (2), (b) (6), (b) (7)(C) (formerly (b) (2), (b) (6), (b) (7)(C)) stated she does not remember any issues related to Native  
 American remains missing from EFMO's museum collection. (b) (2), (b) (6), (b) (7)(C) reviewed numerous documents and  
 8 concluded she must have been the author of the documents but does not remember writing them. (b) (2), (b) (6), (b) (7)(C)  
 9 stated much of the advice in those documents provided to EFMO Superintendent's related to the missing  
 10 remains was poor.  
 11

12 **Date/Time:** 02/16/2012 / 12:15 p.m. – 2:10 p.m.  
 13 **Location:** H & H Chevrolet – Omaha NE  
 14 **Person Interviewed:** (b) (2), (b) (6), (b) (7)(C)  
 15 **Present for Interview:** SA Barland-Liles, Steve Hinchcliff  
 16

17 **DETAILS:** On Wednesday, February 16, 2012, at approximately 1215 hours, I interviewed (b) (2), (b) (6), (b) (7)(C)  
 18 (formerly (b) (2), (b) (6), (b) (7)(C)) at (b) (2), (b) (6), (b) (7)(C) in Omaha. (b) (2), (b) (6), (b) (7)(C) stated she understood  
 19 I was a Special Agent with the National Park Service, understood the purpose of the interview, understood her  
 20 rights and agreed to voluntarily participate. The interview was recorded using handwritten notes.  
 21

22 I handed (b) (2), (b) (6), (b) (7)(C) a July 16, 1990 Report of Survey from Effigy Mounds National Monument (EFMO).  
 23 Hinchcliff stated she had never seen the report before. I told her I have seen a 1996 facsimile of the Report of  
 24 Survey from EFMO's superintendent to her. (b) (2), (b) (6), (b) (7)(C) stated she did not remember it. I asked (b) (2), (b) (6), (b) (7)(C) to  
 25 examine the Report of Survey. (b) (2), (b) (6), (b) (7)(C) stated there are many problems with the document.  
 26

27 We discussed some of my findings with the investigation related to the 1990 "deaccession" of Native American  
 28 remains in EFMO's collection. (b) (2), (b) (6), (b) (7)(C) studied the Report of Survey and read out loud the findings and  
 29 determinations statement and stated "That's wrong." (b) (2), (b) (6), (b) (7)(C) also pointed out the "abandoned" box in the

<b>Reporting Official/Title</b> David Barland-Liles / Special Agent	<b>Signature</b>	<b>Date</b> 02/16/2012
<b>Approving Official/Title</b> ASAC Les Seago	<b>Signature</b>	<b>Date</b>

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1 recommended disposition section is checked on the form. (b) (2), (b) (6), (b) (7)(C) stated it is impossible to officially  
 2 abandon human remains in a museum collection.  
 3

4 I showed an April 23, 1996 memorandum from (b) (2), (b) (6), (b) (7)(C) to EFMO Superintendent Karen Gustin. (b) (2), (b) (6), (b) (7)(C)  
 5 stated "I can't recall this." (b) (2), (b) (6), (b) (7)(C) reviewed the document. She stated she was perplexed by the heading on  
 6 the memorandum ("KAREN, VOID THIS MEMO PLEASE; FEED IT TO THE BIRDS") and reiterated  
 7 she does not remember writing the memorandum. (b) (2), (b) (6), (b) (7)(C) read through the document and stopped at the top  
 8 of page 4. Hinchcliff pointed to and read out loud an entry that stated "All twenty accessions listed in the  
 9 Fisher/Schermer (n.d.) report were apparently deaccessioned by EFMO prior to November 16, 1990, and thus  
 10 were not required to be reported under NAGPRA." (b) (2), (b) (6), (b) (7)(C) stated the advice was not entirely accurate.  
 11

12 I pointed out in paragraph three of page 4 an entry that included "These accessions, or uncataloged and/or  
 13 cataloged portions of these accessions, were apparently deaccessioned from EFMO on 7/16/90. However,  
 14 there is no evidence as to the disposition or whereabouts of these deaccessioned materials. EFMO is  
 15 unsure of the location or disposition of them." I pointed out the "deaccession date match the date on the  
 16 Report of Survey and indicated she must have seen the document in 1996 to complete the memorandum.  
 17 (b) (2), (b) (6), (b) (7)(C) stated she still does not remember writing the memorandum. I asked her if someone else could have  
 18 written it. (b) (2), (b) (6), (b) (7)(C) stated it must have been her and nobody "framed" her, she just cannot remember writing  
 19 it. (b) (2), (b) (6), (b) (7)(C) added "I feel awful" and spoke for some time about what she does remember from that time. She  
 20 stated she remembers the intensity and volume of the work and the positive relationships she was making,  
 21 particularly with tribal members throughout the U.S. She also remembers being selected to represent the  
 22 National Park Service (NPS) at an event in Germany because she is bilingual. (b) (2), (b) (6), (b) (7)(C) stated she is not sure  
 23 why she cannot remember the circumstances related to the EFMO issue or the documents but believes she is the  
 24 author of these documents.  
 25

26 I showed (b) (2), (b) (6), (b) (7)(C) a May 13, 1998 e-mail from her to EFMO Superintendent Katherine Miller. (b) (2), (b) (6), (b) (7)(C)  
 27 read a paragraph I had highlighted, "Also, if it is known that certain skeletal remains and other objects in your  
 28 collections cannot be accounted for, then they should be deaccessioned (after the fact), which is completely  
 29 acceptable." (b) (2), (b) (6), (b) (7)(C) stated she does not remember writing the e-mail and stated she is troubled by the  
 30 advice. I asked her if it was unusual for a cultural anthropologist to provide advice on collections management  
 31 or NAGPRA to superintendents. (b) (2), (b) (6), (b) (7)(C) said Dr. Michael Evans "...was the only NPS employee in the  
 32 Midwest that was versed enough to know what to do about NAGPRA." (b) (2), (b) (6), (b) (7)(C) admitted "This is bad  
 33 advice." (b) (2), (b) (6), (b) (7)(C) added guidance on museum collections came primarily from Evans as well as the Regional  
 34 Curator Carolyn Wallingford, with additional input from Archeologists Tom Thiessen and Jan Dial-Jones.  
 35

36 (b) (2), (b) (6), (b) (7)(C) stated she felt like people were pointing the finger at her. (b) (2), (b) (6), (b) (7)(C) stated "I was adequately  
 37 advised and I trusted the people I went to for advice and leadership." (b) (2), (b) (6), (b) (7)(C) added "I know we were all  
 38 working like crazy to get things done and to follow the law."  
 39

40 (b) (2), (b) (6), (b) (7)(C) admitted "I should recall some of this and I don't."  
 41

42 ATTACHMENTS: July 16, 1990 Report of Survey, April 23, 1996 Memorandum, May 13, 1998 e-mail.

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**United States Department of the Interior  
National Park Service  
Investigative Services Branch**



**Investigative Activity Report**

<b>Case Title: Effigy Mounds National Monument – Native American remains</b>	<b>ISB Case Number: ISB-MW-11-0404</b>		
<b>Location: Effigy Mounds National Monument</b>	<b>Case Status:</b> Open	<b>Report Date:</b> 02/15/2012	<b>Report Number:</b> 013
<b>Report Subject:</b> Interview of (b) (2), (b) (6), (b) (7)(C) – Former Regional Curator – Midwest Region			

1 **SUMMARY:** In April of 2011, Native American remains that once belonged in the museum collection of Effigy  
 2 Mounds National Monument (EFMO) were discovered in the garage of former Superintendent Tom Munson in  
 3 Prairie du Chien WI. Numerous attempts to locate these remains occurred throughout the 1990's after Munson  
 4 retired from the National Park Service (NPS).  
 5

(b) (2), (b) (6), (b) (7)(C) managed the museum collections program for the Midwest Region. In the mid-1990's she  
 attempted to assist EFMO with raising their collections management to a more professional level. (b) (2), (b) (6), (b) (7)(C)  
 8 stated NPS cultural resource personnel did not provide the proper advice to EFMO to interpret and react to the  
 9 improper removal of Native American remains from their collection.  
 10

11 **Date/Time:** 02/15/2012 / 09:30 a.m. – 12:00 p.m.  
 12 **Location:** (b) (2), (b) (6), (b) (7)(C)  
 13 **Person Interviewed:** (b) (2), (b) (6), (b) (7)(C)  
 14 **Present for Interview:** SA Barland-Liles  
 15

16 **DETAILS:** On Wednesday, February 15, 2012, at approximately 0930 hours, I interviewed (b) (2), (b) (6), (b) (7)(C)  
 17 (b) (2), (b) (6), (b) (7)(C) at her residence. (b) (2), (b) (6), (b) (7)(C) stated she understood I was a Special Agent with the National Park  
 18 Service, understood the purpose of the interview, understood her rights and agreed to voluntarily participate.  
 19 The interview was recorded using handwritten notes.  
 20

21 (b) (2), (b) (6), (b) (7)(C) stated she had worked in the regional curatorial office since 1983 and had recently retired from the  
 22 National Park Service (NPS). Her title was the Regional Collections Program Manager. (b) (2), (b) (6), (b) (7)(C) stated one  
 23 of her responsibilities was to review annual inventories of museum property for all 56 NPS units in the Midwest  
 24 Region. (b) (2), (b) (6), (b) (7)(C) stated she was a "bulldog about 100% inventories" of collections in NPS units.  
 25

26 (b) (2), (b) (6), (b) (7)(C) stated she had been to EFMO in the mid-1990's [Aug. 20-23, 1996] with a "Curatorial Strike  
 27 Team" at the request of the park due to a "laundry list" of issues related to their museum collection. (b) (2), (b) (6), (b) (7)(C)  
 28 stated her team attempted to address many issues related to basic museum collection management which the  
 29 park fundamentally lacked. One of the issues was related to concerns associated with previous deaccession

<b>Reporting Official/Title</b> David Barland-Liles / Special Agent	<b>Signature</b>	<b>Date</b> 02/15/2012
<b>Approving Official/Title</b> ASAC Les Seago	<b>Signature</b>	<b>Date</b>

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1 procedures. (b) (2), (b) (6), (b) (7)(C) stated her team ran out of time to work on that issue but hoped to return. She was  
 2 unable to return due to (b) (2), (b) (6), (b) (7)(C)'s final stages of terminal cancer.  
 3

(b) (2), (b) (6), (b) (7)(C) stated in early May of 2011, she was approached by her supervisor, Associate Regional Director  
 Steve Adams, who received a call from EFMO's superintendent (Nepstad) stating a box of human remains was  
 6 recovered by NPS staff. Adams asked (b) (2), (b) (6), (b) (7)(C) to travel to EFMO to inspect the remains. (b) (2), (b) (6), (b) (7)(C)  
 7 travelled to the park with the regional staff curator, Keeley Rennie-Tucker.  
 8

9 Upon arriving they were brought to the EFMO collections room by (b) (2), (b) (6), (b) (7)(C) EFMO's Administrative  
 10 Assistant. (b) (2), (b) (6), (b) (7)(C) asked (b) (2), (b) (6), (b) (7)(C) for EFMO's deaccession records. (b) (2), (b) (6), (b) (7)(C) stated they were locked up in  
 11 a safe and she did not have access. (b) (2), (b) (6), (b) (7)(C) admitted she was "feeling her way in the dark" and had never  
 12 been involved in a similar issue or worked with human remains. (b) (2), (b) (6), (b) (7)(C) stated she and Tucker spent three  
 13 concentrated, disturbing and focused days working with the remains to determine what was recovered.  
 14

(b) (2), (b) (6), (b) (7)(C) stated she was able to use accession records and a 1988 report by Dr. Dale Henning (*Accession  
 16 History and Status of Accessioned Materials and 1986 & 1990 Deaccessioned Items and Objects*) to determine  
 17 the recovered remains were approximately half of the remains removed from EFMO's collection in 1990.  
 18 (b) (2), (b) (6), (b) (7)(C) stated she had not previously reviewed Dr. Henning's report because she is not an archeologist.  
 19 (b) (2), (b) (6), (b) (7)(C) and Tucker completed a spreadsheet documenting their findings. (b) (2), (b) (6), (b) (7)(C) stated she felt a  
 20 responsibility to be as meticulous and reverent as possible.  
 21

22 I showed (b) (2), (b) (6), (b) (7)(C) a July 16, 1990 Report of Survey from EFMO and explained the relationship between the  
 23 document and the remains she inspected last May. (b) (2), (b) (6), (b) (7)(C) stated she had never seen the first page of the  
 24 report. She stated it was obvious to her the Report of Survey did not represent a legal "deaccession." She  
 25 stated a deaccession of human remains would document the forfeiture of "title" or custodial control of those  
 26 items from one rightful entity to another. The Report of Survey clearly shows these items were being  
 27 abandoned by the NPS which is impossible to legally do. She also described the findings and determinations  
 28 statement as "sketchy." (b) (2), (b) (6), (b) (7)(C) stated in 1990 there was no process to "deaccession" human remains from  
 29 museum collections.  
 30

31 I showed (b) (2), (b) (6), (b) (7)(C) a May 13, 1998 email from Regional Anthropologist Michelle Watson to EFMO  
 32 Superintendent Katherine Miller. The email refers to Watson's review of the report by Dr. Dale Henning. I had  
 33 (b) (2), (b) (6), (b) (7)(C) read the following statement, "Also, if it is known that certain skeletal remains and other objects in  
 34 your collection cannot be accounted for, then they should be deaccessioned (after the fact), which is completely  
 35 acceptable." (b) (2), (b) (6), (b) (7)(C) stated this statement was "wiggly" and the advice is an "incomplete instruction based  
 36 on incomplete understanding."  
 37

38 I showed (b) (2), (b) (6), (b) (7)(C) a July 2, 1998 Memorandum from Michelle Watson to Sue Thompson which is a review  
 39 of the second draft of Dr. Dale Henning's report. Within the memorandum Watson states, "If, after careful  
 40 review, items cannot be located in park collections, they may need to be considered as "lost accessions." Until  
 41 a missing item (that is not yet on the NAGPRA Summary or Inventory) can be found, it remains a collections  
 42 management issue not a NAGPRA issue." (b) (2), (b) (6), (b) (7)(C) stated Watson should have shared and discussed this  
 43 information with other cultural resource disciplines in order to provide the superintendent with the proper tools  
 44 needed to address these issues. (b) (2), (b) (6), (b) (7)(C) stated it is clearly an interdisciplinary issue (Curator, NAGPRA  
 45 coordinator, archeologist, anthropologist) and the advice is incorrect.  
 46  
 47

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- 1 ATTACHMENTS: Wallingford/ Rennie-Tucker spreadsheet, EFMO Report of Survey July 16, 1990, May 13,
- 2 1998 e-mail, July 2, 1998 Memorandum.

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3 of 3.

Reporting Agent \_\_\_\_\_





**United States Department of the Interior  
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Investigative Services Branch**



**Investigative Activity Report**

<b>Case Title: Effigy Mounds National Monument – Native American remains</b>		<b>ISB Case Number: ISB-MW-11-0404</b>	
<b>Location: Effigy Mounds National Monument</b>	<b>Case Status: Open</b>	<b>Report Date: 02/08/2012</b>	<b>Report Number: 012</b>
<b>Report Subject:</b>			
Interview of (b) (2), (b) (6), (b) (7)(C) – Former Cultural Resource Specialist – Effigy Mounds National Monument			

1 **SUMMARY:** In April of 2011, Native American remains that once belonged in the museum collection of Effigy  
 2 Mounds National Monument (EFMO) were discovered in the garage of former Superintendent Tom Munson in  
 3 Prairie du Chien WI. Numerous attempts to locate these remains occurred throughout the 1990's after Munson  
 4 retired from the National Park Service (NPS).  
 5

(b) (2), (b) (6), (b) (7)(C) was aware of Native American remains missing from the museum collection at EFMO. St. Clair was told by (b) (2), (b) (6), (b) (7)(C) the remains were removed from the collection and disappeared.

8  
 9 Date/Time: 02/08/2012 / 10:20 a.m. – 11:36 a.m.  
 10 Location: Telephone  
 11 Person Interviewed: (b) (2), (b) (6), (b) (7)(C)  
 12 Present for Interview: SA Barland-Liles

14 **DETAILS:** On Wednesday, February 8, 2012, at approximately 1020 hours, I interviewed (b) (2), (b) (6), (b) (7)(C)  
 15 by telephone. (b) (2), (b) (6), (b) (7)(C) stated she understood I was a Special Agent with the National Park Service, understood  
 16 the purpose of the interview, understood her rights and agreed to voluntarily participate. The interview was  
 17 recorded using handwritten notes.

19 (b) (2), (b) (6), (b) (7)(C) was the Cultural Resource Specialist of EFMO from 1999 – 2001. The EFMO museum collection was  
 20 under her purview during her tenure. Shortly after arriving at EFMO, (b) (2), (b) (6), (b) (7)(C) remembers making a trip to the  
 21 Midwest Archeological Center (MWAC) in Lincoln Nebraska. She learned from their archeological staff of  
 22 Native American remains missing from EFMO's collection. She understood attempts were made to locate the  
 23 remains without success and the matter was considered "water under the bridge."  
 24

25 Upon returning to EFMO, (b) (2), (b) (6), (b) (7)(C) stated she had a conversation with (b) (2), (b) (6), (b) (7)(C) EFMO's Administrative  
 26 Assistant. (b) (2), (b) (6), (b) (7)(C) stated "She did tell me that they packed them up and when they came to get the boxes they  
 27 were gone." I asked St. Clair if (b) (2), (b) (6), (b) (7)(C) specified the individuals involved or knew who "they" were or where  
 28 they were from or affiliated with. (b) (2), (b) (6), (b) (7)(C) said no and added "I assumed she [(b) (2), (b) (6), (b) (7)(C)] was involved somehow  
 29 but didn't know how." (b) (2), (b) (6), (b) (7)(C) stated (b) (2), (b) (6), (b) (7)(C) did not volunteer any additional information.

<b>Reporting Official/Title</b> David Barland-Liles / Special Agent	<b>Signature</b>	<b>Date</b> 02/09/2012
<b>Approving Official/Title</b> ASAC Les Seago	<b>Signature</b>	<b>Date</b>

Distribution: Original – Case File      Other:      Other:



1 (b) (2), (b) (6), (b) (7)(C) stated she remembers conversations with NPS employees over time where the consensus was "Munson  
2 is the kind of guy that would just bury them himself." (b) (2), (b) (6), (b) (7)(C) was unable to remember specifically whom she  
3 heard this from.

4 (b) (2), (b) (6), (b) (7)(C) stated while she was at EFMO she read a report written by Archeologist Dr. Dale Henning which  
5 indicated the Native American remains had disappeared.  
6

7  
8 (b) (2), (b) (6), (b) (7)(C) stated she did not look into the matter any further and, in retrospect, had the impression the NPS did  
9 not want her to look into it, possibly because she is enrolled in the Seminole Nation of Oklahoma. (b) (2), (b) (6), (b) (7)(C)  
10 stated she was never told not to look into the matter but she had the impression the NPS felt there was no reason  
11 too. (b) (2), (b) (6), (b) (7)(C) stated she was busy with other EFMO cultural resource issues.  
12

13 (b) (2), (b) (6), (b) (7)(C) stated her tenure at EFMO was cut short by a "hostile work environment" she believes was created by  
14 EFMO's Superintendent, Phyllis Ewing. (b) (2), (b) (6), (b) (7)(C) stated Ewing marginalized her position and removed  
15 responsibilities to the point where she was merely performing curatorial work that was far below her training,  
16 experience, and position description. In 2001 she left EFMO for a position at Grand Teton National Park.  
17

18 **ATTACHMENTS: None**

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Reporting Agent \_\_\_\_\_



**United States Department of the Interior  
National Park Service  
Investigative Services Branch**



**Investigative Activity Report**

<b>Case Title: Effigy Mounds National Monument – Native American remains</b>		<b>ISB Case Number: ISB-MW-11-0404</b>	
<b>Location: Effigy Mounds National Monument</b>	<b>Case Status: Open</b>	<b>Report Date: 02/03/2012</b>	<b>Report Number: 011</b>
<b>Report Subject:</b>			
Interview of (b) (2), (b) (6), (b) (7)(C) – Former Chief Ranger – Effigy Mounds National Monument			

**SUMMARY:** In April of 2011, Native American remains that once belonged in the museum collection of Effigy Mounds National Monument (EFMO) were discovered in the garage of former Superintendent Tom Munson in Prairie du Chien WI. Numerous attempts to locate these remains occurred throughout the 1990's after Munson retired from the National Park Service (NPS).

(b) (2), (b) (6), (b) (7)(C) remembers several attempts to locate missing Native American remains during her tenure at EFMO (1995 – 1999). (b) (2), (b) (6), (b) (7)(C) was told by (b) (2), (b) (6), (b) (7)(C) the remains were shipped to the State of Iowa for reburial prior to the enactment of the Native American Graves Protection and Repatriation Act (NAGPRA).

Date/Time: 02/03/2012 / 11:20 a.m. – 12:30 p.m.

Location: Telephone

Person Interviewed: (b) (2), (b) (6), (b) (7)(C)

Present for Interview: SA Barland-Liles

**DETAILS:** On Friday, February 3, 2012, at approximately 1120 hours, I interviewed (b) (2), (b) (6), (b) (7)(C) by telephone. (b) (2), (b) (6) stated she understood I was a Special Agent with the National Park Service, understood the purpose of the interview, understood her rights and agreed to voluntarily participate. The interview was recorded using handwritten notes.

(b) (2), (b) (6) was the Chief Ranger of EFMO from 1995 – 1999. The EFMO collection was under her purview during her tenure. In 1995 and 1996 (b) (2), (b) (6) remembers some concern from regional employees related to human remains that were no longer in the collection. (b) (2), (b) (6) remembers being advised by EFMO's Administrative Assistant, (b) (2), (b) (6), (b) (7)(C) the human remains were removed from the collection prior to the enactment of NAGPRA. (b) (2), (b) (6), (b) (7)(C) told her the collection was transferred to the State of Iowa for reburial.

(b) (2), (b) (6) stated (b) (2), (b) (6), (b) (7)(C) did not tell her specifically when the human remains were removed and assumed it occurred in conjunction with activities that occurred in the mid-1980s. (b) (2), (b) (6) was not aware of a Board of Survey from July 1990 and its relation to the remains; therefore, she did not specifically ask (b) (2), (b) (6), (b) (7)(C) any questions related to that "deaccession." (b) (2), (b) (6), (b) (7)(C) did not volunteer any information or clarifications.

<b>Reporting Official/Title</b> David Barland-Liles / Special Agent	<b>Signature</b>	<b>Date 02/03/2012</b>
<b>Approving Official/Title</b> ASAC Les Seago	<b>Signature</b>	<b>Date</b>

Distribution: Original – Case File      Other:      Other:

1 (b) (3), (b) (6) stated she was unaware of any research related to the EFMO collection and had never heard of Dr. Dale  
2 Henning who researched the collection and produced a report in 1997-98.  
3

**ATTACHMENTS: None**

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*Reporting Agent* \_\_\_\_\_





**United States Department of the Interior  
National Park Service  
Investigative Services Branch**



**Investigative Activity Report**

<b>Case Title: Effigy Mounds National Monument – Native American remains</b>		<b>ISB Case Number: ISB-MW-11-0404</b>	
<b>Location: Effigy Mounds National Monument</b>	<b>Case Status: Open</b>	<b>Report Date: 01/30/2012</b>	<b>Report Number: 010</b>
<b>Report Subject:</b>			
Interview of (b) (2), (b) (6), (b) (7)(C) – Former Chief Ranger – Effigy Mounds National Monument			

1 **SUMMARY:** In April of 2011, Native American remains that once belonged in the museum collection of Effigy  
 2 Mounds National Monument (EFMO) were discovered in the garage of former Superintendent Tom Munson in  
 3 Prairie du Chien WI. Numerous attempts to locate these remains occurred throughout the 1990's after Munson  
 4 retired from the National Park Service (NPS).  
 5

6 (b) (2), (b) (6), (b) (7)(C) stated he worked with the Midwest Archeological Center (MWAC) and Iowa Office of the State  
 7 Archeologist to properly identify and store the archeological collection of EFMO during the 1980's. David  
 8 stated directions from MWAC in 1989 were clear that the EFMO collection would remain properly stored  
 9 pending the enactment of the Native American Graves Protection and Repatriation Act.

10  
 11 **Date/Time:** 01/30/2012 / 1:39 p.m. – 2:31 p.m.  
 12 **Location:** Telephone  
 13 **Person Interviewed:** (b) (2), (b) (6), (b) (7)(C)  
 14 **Present for Interview:** SA Barland-Liles

15  
 16 **DETAILS:** On Monday, January 30, 2012, at approximately 1349 hours, I interviewed (b) (2), (b) (6), (b) (7)(C) by telephone.  
 17 (b) (2), (b) (6), (b) (7)(C) stated he understood I was a Special Agent with the National Park Service, understood the purpose of the  
 18 interview, understood his rights and agreed to voluntarily participate. The interview was recorded using  
 19 handwritten notes.

20  
 21 (b) (2), (b) (6), (b) (7)(C) stated he was the Chief Ranger of Effigy Mounds National Monument (EFMO) from 1980 to 1989.

22  
 23 (b) (2), (b) (6), (b) (7)(C) stated during his tenure he worked to improve the monument's collection. Collection items were poorly  
 24 stored under the auditorium of the visitor center in deteriorating cardboard boxes and paper bags. (b) (2), (b) (6), (b) (7)(C) stated  
 25 he worked closely with the Midwest Archeological Center (MWAC) to hire Shirley Schermer from the state of  
 26 Iowa (Office of the State Archeologist) who was able to identify the collection items found in EFMO and  
 27 separate them from other Iowa archeological research.  
 28

<b>Reporting Official/Title</b> David Barland-Liles / Special Agent	<b>Signature</b>	<b>Date</b> 01/30/2012
<b>Approving Official/Title</b> ASAC Les Seago	<b>Signature</b>	<b>Date</b>

**Distribution:** Original – Case File      Other:      Other:

ISB Case Number: ISB-MW-11-0404

1 (b) (2), (b) (6), (b) (7)(C) stated after Schermer's work was complete MWAC staff made it clear the EFMO collection needed to  
2 remain at the monument and be properly stored. (b) (2), (b) (6), (b) (7)(C) was made aware of the pending enactment of a new  
3 law, the Native American Graves Protection and Repatriation Act (NAGPRA), by MWAC who stated further  
action would be determined by that law.

4  
5  
6 I asked (b) (2), (b) (6), (b) (7)(C) if he remembered any discussions with MUNSON regarding NAGPRA. (b) (2), (b) (6), (b) (7)(C) stated he could  
7 not remember any discussions. (b) (2), (b) (6), (b) (7)(C) stated he did not talk to MUNSON much during the last few years of his  
8 EFMO tenure. (b) (2), (b) (6), (b) (7)(C) described MUNSON as being "retired-in-place" with a "vulture style" of management  
9 which created a great deal of friction between them. (b) (2), (b) (6), (b) (7)(C) stated MUNSON was also "hitting the bottle pretty  
10 hard" which exacerbated the strains on their working relationship. (b) (2), (b) (6), (b) (7)(C) stated MUNSON's often did not show  
11 up for work and was not functional as a Superintendent. (b) (2), (b) (6), (b) (7)(C) stated he was looking to transfer to any  
12 available NPS job to remove him from the EFMO situation.

13  
14 (b) (2), (b) (6), (b) (7)(C) stated everything he did related to the collection was with the coordination and oversight of MWAC and  
15 had little involvement from MUNSON.

16  
17 **ATTACHMENTS: None**

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**United States Department of the Interior  
National Park Service  
Investigative Services Branch**



**Investigative Activity Report**

<b>Case Title: Effigy Mounds National Monument – Native American remains</b>		<b>ISB Case Number: ISB-MW-11-0404</b>	
<b>Location: Effigy Mounds National Monument</b>	<b>Case Status: Open</b>	<b>Report Date: 01/26/2012</b>	<b>Report Number: 008</b>
<b>Report Subject:</b>			
Interview of (b) (2), (b) (6), (b) (7)(C) – Manager – Midwest Archeological Center			

1 **SUMMARY:** In April of 2011, Native American remains that once belonged in the museum collection of Effigy  
 2 Mounds National Monument (EFMO) were discovered in the garage of former Superintendent Tom Munson in  
 3 Prairie du Chien WI. Numerous attempts to locate these remains occurred throughout the 1990's after Munson  
 4 retired from the National Park Service (NPS).  
 5

(b) (2), (b) (6), (b) (7)(C), the Manager of the Midwest Archeological Center (MWAC), stated the missing Native American remains were never transferred to MWAC.

8  
 9 **Date/Time:** 01/26/2012 / 3:02 p.m. – 4:10 p.m.

10 **Location:** Telephone

11 **Person Interviewed:** (b) (2), (b) (6), (b) (7)(C)

12 **Present for Interview:** SA Barland-Liles

13  
 14 **DETAILS:** On Friday, January 26, 2012, at approximately 1502 hours, I interviewed (b) (2), (b) (6), (b) (7)(C) by  
 15 telephone. (b) (2), (b) (6), (b) (7)(C) stated he understood I was a Special Agent with the National Park Service, understood the  
 16 purpose of the interview, understood his rights and agreed to voluntarily participate. The interview was  
 17 recorded using handwritten notes.

18  
 19 (b) (2), (b) (6), (b) (7)(C) stated he became the Manager of the Midwest Archeological Center (MWAC) in 1996. Prior to that, he  
 20 worked for the National Park Service (NPS) as an archeologist.

21  
 22 (b) (2), (b) (6), (b) (7)(C) stated MWAC has had a tangential involvement with attempts to locate the Native American remains  
 23 removed from the Effigy Mounds National Monument's (EFMO) collection. (b) (2), (b) (6), (b) (7)(C) stated discussions at  
 24 MWAC related to the missing remains have occurred numerous times during his tenure as other NPS employees  
 25 have been told, primarily by MUNSON, the missing EFMO remains were transferred to MWAC. (b) (2), (b) (6), (b) (7)(C) stated  
 26 it is an "absolute impossibility" the remains were transferred to MWAC.  
 27

28 (b) (2), (b) (6), (b) (7)(C) stated he had very little contact with MUNSON and has no memory of MUNSON ever being at the  
 29 MWAC office. However, based on the few correspondences he did have with MUNSON, he was left with the

<b>Reporting Official/Title</b> David Barland-Liles / Special Agent	<b>Signature</b>	<b>Date</b> 01/26/2012
<b>Approving Official/Title</b> ASAC Les Seago	<b>Signature</b>	<b>Date</b>

**Distribution:** Original – Case File      Other:      Other:



1 impression MUNSON did not value archeology or the role MWAC had in the Midwest Region as a subject  
 2 matter expert to park managers. (b) (2), (b) (6), (b) (7)(C) stated he remembers "very specifically" asking MUNSON what could  
 3 have happened to the remains. (b) (2), (b) (6), (b) (7)(C) paraphrased MUNSON's response as "I guess we'll never know."  
 (b) (2), (b) (6), (b) (7)(C) stated although he remembers asking MUNSON this question he cannot remember when or where it  
 took place.

7 (b) (2), (b) (6), (b) (7)(C) discussed a former MWAC Archeologist, (b) (2), (b) (6), (b) (7)(C). (b) (2), (b) (6), (b) (7)(C) stated out of all of the staff at MWAC,  
 8 (b) (2), (b) (6), (b) (7)(C) was one that developed a relationship with MUNSON beyond "professionally polite." (b) (2), (b) (6), (b) (7)(C) believed  
 9 MUNSON and (b) (2), (b) (6), (b) (7)(C) shared a bond and were "kindered in their feelings of isolation and paranoia." (b) (2), (b) (6), (b) (7)(C)  
 10 stated he would be very surprised if (b) (2), (b) (6), (b) (7)(C) did not discuss concerns related to the Native American Graves  
 11 Protection and Repatriation Act (NAGPRA) and EFMO's collection with (b) (2), (b) (6), (b) (7)(C) during the late 1980's and  
 12 early 1990's. (b) (2), (b) (6), (b) (7)(C) stated "If MUNSON talked to anyone it would have been (b) (2), (b) (6), (b) (7)(C)

14 (b) (2), (b) (6), (b) (7)(C) discussed the period following MUNSON's tenure at EFMO stating he is surprised there appears to be a  
 15 lack of effort to advise affiliated Native American tribes about the missing remains. (b) (2), (b) (6), (b) (7)(C) believes there is a  
 16 requirement within NAGPRA to ensure it happens and the responsibility fell upon EFMO's Superintendent(s).  
 17 (b) (2), (b) (6), (b) (7)(C) stated oversight from the regional office on such matters was nonexistent.

18 (b) (2), (b) (6), (b) (7)(C) added "The one conclusion that can't be argued by anyone is our lack of competence as an agency." He  
 stated this issue is "...the most glaring" example of that incompetence.

22 I reviewed my interview notes with (b) (2), (b) (6), (b) (7)(C) and he stated they were accurate.

24 **ATTACHMENTS: None**

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**United States Department of the Interior  
National Park Service  
Investigative Services Branch**



**Investigative Activity Report**

<b>Case Title: Effigy Mounds National Monument – Native American remains</b>		<b>ISB Case Number: ISB-MW-11-0404</b>	
<b>Location: Effigy Mounds National Monument</b>	<b>Case Status: Open</b>	<b>Report Date: 01/19/2012</b>	<b>Report Number: 006</b>
<b>Report Subject:</b>			
Interview of (b) (2), (b) (6), (b) (7)(C) – Administrative Assistant of Effigy Mounds National Monument			

1 **SUMMARY:** In April of 2011, Native American remains that once belonged in the museum collection of Effigy  
 2 Mounds National Monument (EFMO) were discovered in the garage of former Superintendent Tom Munson in  
 3 Prairie du Chien WI. Numerous attempts to locate these remains occurred throughout the 1990's after Munson  
 4 retired from the National Park Service.  
 5

(b) (2), (b) (6), (b) (7)(C) was ordered by Superintendent Munson to remove the human remains from EFMO's collection  
 and give them to him. (b) (2), (b) (6), (b) (7)(C) stated she filled out the 1990 Report of Survey after removing the remains.  
 8 (b) (2), (b) (6), (b) (7)(C) stated Munson wanted the remains removed prior to the enactment of the Native American Graves  
 9 Protection and Repatriation Act. (b) (2), (b) (6), (b) (7)(C) stated she never saw the remains again and never told anyone what  
 10 she did until this interview.  
 11

12 **Date/Time:** 01/18/2012 / 08:30 a.m. – 11:25 a.m.  
 13 **Location:** Effigy Mounds National Monument – Visitor Center Basement  
 14 **Person Interviewed:** (b) (2), (b) (6), (b) (7)(C)  
 15 **Telephone Numbers:** (b) (2), (b) (6), (b) (7)(C)  
 16 **Present for Interview:** SA Barland-Liles  
 17

18 **DETAILS:**  
 19 On Wednesday, January 18, 2012, at approximately 0830 hours, I interviewed (b) (2), (b) (6), (b) (7)(C) in her office in  
 20 reference to this investigation. (b) (2), (b) (6), (b) (7)(C) stated she understood I was a Special Agent with the National Park  
 21 Service, understood the purpose of the interview, reviewed and understood her rights and agreed to voluntarily  
 22 participate. The interview was recorded using handwritten notes.  
 23

24 (b) (2), (b) (6), (b) (7)(C) stated she started working in Effigy Mounds National Monument (EFMO) in 1987 as a seasonal  
 25 interpretation ranger. During the summer seasons of 1987 - 1990 she was present to overhear a series of  
 26 conversations between Superintendent Thomas Munson and the Chief Ranger, Jim David, as they expressed "a  
 27 fear of some sort" about the pending enactment of the Native American Graves Protection and Repatriation Act  
 28 (NAGPRA). The discussions primarily concerned a desire to remove Native American remains from EFMO's

<b>Reporting Official/Title</b> David Barland-Liles / Special Agent	<b>Signature</b>	<b>Date</b> 01/19/2012
<b>Approving Official/Title</b> ASAC Les Seago	<b>Signature</b>	<b>Date</b>

**Distribution:** Original – Case File      Other:      Other:



1 collection prior to the enactment of NAGPRA. (b) (2), (b) (6), (b) (7)(C) described this concern as "A big black cloud that  
2 was NAGPRA."  
3

(b) (2), (b) (6), (b) (7)(C) stated during the summer season of 1990, Munson ordered her to go through EFMO's collection  
4 and pull out the items identified as human remains. (b) (2), (b) (6), (b) (7)(C) stated she "Had absolutely no background in  
5 collections or archeology." (b) (2), (b) (6), (b) (7)(C) stated she used collections or transfer documents created by Shirley  
6 Schermer (Iowa Office of the State Archeologist), during a previous study of EFMO's collection, to identify the  
7 human remains. (b) (2), (b) (6), (b) (7)(C) stated she placed the remains in at least one box, possibly two, and gave them to  
8 Munson.  
9

10  
11 (b) (2), (b) (6), (b) (7)(C) typed a Report of Survey (July 16, 1990) that included an attached list of the catalog and accession  
12 numbers associated with the removed human remains. I showed (b) (2), (b) (6), (b) (7)(C) a copy of the Report of Survey and  
13 she stated she typed everything on the report. (b) (2), (b) (6), (b) (7)(C) pointed out two handwritten notations on the attached  
14 list. (b) (2), (b) (6), (b) (7)(C) stated she wrote both additions which included the catalog number 7331 to Accession 132  
15 which appears as, "Acc. 132 - 7249, 7331" and catalogue number 110 added to the bottom of the page which  
16 appears as, "Also deaccessioned are catalog portions of Accession numbers 1, 5, 8, 16, 53, 70, 78, 95, 106, 107,  
17 109 110 111, and 132." (b) (2), (b) (6), (b) (7)(C) stated she believes Munson instructed her to mark the "Abandon" box on  
18 the recommended disposition section of the report. We discussed the employee signatures that appear on the  
19 Report of Survey. (b) (2), (b) (6), (b) (7)(C) stated she believes "in my heart" that Thomas Sinclair (Chief of Maintenance)  
20 knew human remains were being removed from the collection. (b) (2), (b) (6), (b) (7)(C) stated it was likely Don  
21 Wollenhaupt (Chief Ranger) did not understand or was not accurately told what was being removed.  
22

23 (b) (2), (b) (6), (b) (7)(C) stated Munson told her the remains were to be removed from the collection due to the pending  
24 enactment of NAGPRA. (b) (2), (b) (6), (b) (7)(C) stated "I remember feeling bad" and added "What do you do when you're  
25 a seasonal ranger when the Superintendent tells you?" (b) (2), (b) (6), (b) (7)(C) believed Munson would bury the remains  
26 somewhere or throw them away but Munson never told her what he was going to do and she never asked.  
27 (b) (2), (b) (6), (b) (7)(C) stated Munson ensured EFMO was isolated from any NPS oversight or involvement therefore, she  
28 had no network or mentor to speak with when she felt something was not right.  
29

30 I asked (b) (2), (b) (6), (b) (7)(C) if the remains got the respect they deserved, (b) (2), (b) (6), (b) (7)(C) stated "Not at all. No."  
31 (b) (2), (b) (6), (b) (7)(C) restated she remembers being uncomfortable and added "I blindly listened to Tom tell me to do it."  
32

33 Munson retired from the National Park Service (NPS) in 1994 and was replaced by Superintendent Karen  
34 Gustin. I showed (b) (2), (b) (6), (b) (7)(C) an April 23, 1996 memorandum written by NPS Anthropologist Michelle Watson  
35 to Gustin. (b) (2), (b) (6), (b) (7)(C) stated she recognized the memorandum and believed it was e-mailed to Gustin because it  
36 lacked a routing sticker commonly attached to postal deliveries at EFMO. (b) (2), (b) (6), (b) (7)(C) believed the  
37 memorandum was seen by Gustin. (b) (2), (b) (6), (b) (7)(C) stated she remembers GUSTIN calling Munson and asking  
38 where the remains were located. (b) (2), (b) (6), (b) (7)(C) stated Gustin told her Munson does not know where the remains  
39 are.  
40

41 In 1997, Gustin was replaced by Superintendent Katherine Miller. During Miller's tenure an Archeologist  
42 (Dale Henning) was contracted by the NPS to search EFMO's files and collection to attempt to locate the  
43 missing Native American remains. (b) (2), (b) (6), (b) (7)(C) stated she provided Henning with access to EFMO's files and  
44 the collection. I asked (b) (2), (b) (6), (b) (7)(C) if she ever volunteered to tell Henning that she removed the remains from  
45 the collection on the order of Munson. (b) (2), (b) (6), (b) (7)(C) stated "I probably did not tell Dale that I was ordered to  
46 remove the bones. But I did not withhold information, I was not specifically asked." (b) (2), (b) (6), (b) (7)(C) stated she  
47 liked Munson and was protecting him, adding "I didn't want to rat him out." (b) (2), (b) (6), (b) (7)(C) stated she wanted

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1 Henning to find out through his own independent study. (b) (2), (b) (6), (b) (7)(C) stated "There was a whole world more I  
2 could have done or should have done."  
3

4 (b) (2), (b) (6), (b) (7)(C) expressed she has worked with the affiliated tribes of EFMO in the subsequent years and developed  
5 many positive relationships. (b) (2), (b) (6), (b) (7)(C) stated "I want this to be resolved."  
6

7 I showed (b) (2), (b) (6), (b) (7)(C) a handwritten notation on the top of the Report of Survey ("Keep S G 11-17-97").  
8 (b) (2), (b) (6), (b) (7)(C) stated she knows she wrote the notation because it was her handwriting but she does not remember  
9 doing it. I told her 11/17/1997 was the day Henning came to EFMO to begin his research.  
10

11 (b) (2), (b) (6), (b) (7)(C) remembered receiving Henning's final report which arrived in 1998. The report was two volumes  
12 and two original copies of those volumes were mailed to EFMO by Henning. (b) (2), (b) (6), (b) (7)(C) stated one of the  
13 copies went onto the Superintendent's bookshelf and the other was stored in EFMO's collections room.  
14 (b) (2), (b) (6), (b) (7)(C) stated she believed Superintendent Miller read the report but she never had any discussions with her  
15 related to it. (b) (2), (b) (6), (b) (7)(C) stated she never heard any discussions with other EFMO employees regarding the  
16 report's findings. (b) (2), (b) (6), (b) (7)(C) stated during Miller's tenure she was not in charge of EFMO's collections which  
17 were managed by Park Ranger Chris Harmon and Chief Ranger Mardi Butt-Arce. (b) (2), (b) (6), (b) (7)(C) added Miller  
18 "Put me in my place" and left her out of management team discussions so she would focus on her  
administrative duties.

19  
20  
21 In 1999, Superintendent Miller was replaced by Phyllis Ewing. (b) (2), (b) (6), (b) (7)(C) stated she brought the Henning  
22 report to the attention of Ewing. (b) (2), (b) (6), (b) (7)(C) believes no work was done related to the missing remains during  
23 Ewing's tenure and the reports returned to and remained on the Superintendent's bookshelf.  
24

25 (b) (2), (b) (6), (b) (7)(C) stated when a box was found in Munson's garage in Prairie du Chien and returned to EFMO by  
26 Park Ranger Bob Palmer she noticed it contained a black, plastic garbage bag. (b) (2), (b) (6), (b) (7)(C) stated when she  
27 originally placed the Native American remains into the box (or boxes) she gave to Munson she did not use a  
28 garbage bag which led her to believe someone else has been in the box and added the garbage bag.  
29

30 (b) (2), (b) (6), (b) (7)(C) learned Schermer (Iowa Office of the State Archeologist), who had the best knowledge of EFMO  
31 collection during the 1980's, had looked at the remains brought back to EFMO and believed half of the remains  
32 removed in 1990 from the collection were not included in the box. (b) (2), (b) (6), (b) (7)(C) speculated if she did need two  
33 boxes to store the remains when she removed them from the collection in 1990 that may explain why only half  
34 returned since the other box is still missing. (b) (2), (b) (6), (b) (7)(C) stated in the mid-1990's she heard a rumor of a box of  
35 remains found on a shelf behind a maintenance shed by a maintenance employee. (b) (2), (b) (6), (b) (7)(C) thought Thomas  
36 Sinclair may know more about it. (b) (2), (b) (6), (b) (7)(C) also speculated that a former MWAC Archeologist, (b) (2), (b) (6), (b) (7)(C),  
37 who was a good friend of Munson, may have the other half because she heard he believed they should not be  
38 repatriated due to their scientific value.  
39

40 I reviewed my interview notes with (b) (2), (b) (6), (b) (7)(C) and she stated they were accurate.  
41

42 ATTACHMENTS: None

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Reporting Agent \_\_\_\_\_



**United States Department of the Interior**  
**NATIONAL PARK SERVICE**  
 Division of Law Enforcement, Security and Emergency Services  
 Office of Professional Responsibility

**WARNINGS AND ASSURANCES TO EMPLOYEE REQUESTED TO PROVIDE INFORMATION ON A VOLUNTARY BASIS**

You are being asked to voluntarily answer questions pertaining to an official investigation or inquiry. Prior to responding to any questions, you should be aware of the following.

- This is a voluntary interview. Accordingly, you do not have to answer questions. No disciplinary action will be taken against you if you choose not to answer questions.
- Any statement you furnish may be used as evidence in any future criminal proceedings or agency disciplinary proceeding, or both.
- If you are willing to speak to me, you should be aware that any knowingly false or misleading answers you give to me may subject you to criminal prosecution and administrative sanctions.

**WAIVER**

I understand the warnings and assurances stated above and I am willing to make a statement and answer questions. No promises or threats have been made to me and no pressure or coercion of any kind has been used against me.

*[Handwritten Signature]*  
 Interviewer's Signature

(b) (2), (b) (6), (b) (7)(C)

Signature of person being interviewed

1/18/12 5:30  
 Date/Time:

1/18/2012 8:39 AM  
 Date/Time:

\_\_\_\_\_  
 Witness (if available)

VC EFMO  
 Location:

NPS-OPR Form W-3 (5-1-10) Voluntary Interview (Based on Garrity)  
 Based on DOJ Form III-2262





**United States Department of the Interior  
National Park Service  
Investigative Services Branch**



**Investigative Activity Report**

<b>Case Title: Effigy Mounds National Monument – Native American remains</b>		<b>ISB Case Number: ISB-MW-11-0404</b>	
<b>Location: Effigy Mounds National Monument</b>	<b>Case Status: Open</b>	<b>Report Date: 01/18/2012</b>	<b>Report Number: 007</b>
<b>Report Subject:</b> Interview of Thomas Munson -- Former Superintendent of Maintenance of Effigy Mounds National Monument			

**1 SUMMARY:**

2 In April of 2011, Native American remains that once belonged in the museum collection of Effigy Mounds  
3 National Monument (EFMO) were discovered in the garage of former Superintendent Tom Munson in Prairie du  
4 Chien WI. Numerous attempts to locate these remains occurred throughout the 1990's after Munson retired from  
the National Park Service (NPS).

7 Munson stated in 1990 he received a directive from the National Park Service to remove the Native American  
8 remains from EFMO's collection in order to repatriate them. Munson did not know how or where to repatriate  
9 them. Munson believes NPS Archeologist at the Midwest Archeological Center removed some of the remains  
10 and returned what was left to EFMO where they were stored in a multi-use garage. During a move from NPS  
11 housing to his home in-Prairie du Chien Munson believes the remains were accidentally mixed with his  
12 belongings. Munson stated he attempted to have EFMO staff pick up the remains numerous times.

14 Date/Time: 01/18/2012 / 3:00 p.m. – 5:38 p.m.  
15 Location: Residence  
16 Person Interviewed: Thomas A. Munson  
17 DOB: (b) (2), (b) (6), (b) (7)(C)  
18 SSN: (b) (2), (b) (6), (b) (7)(C)  
19 Address: (b) (2), (b) (6), (b) (7)(C) Prairie du Chien, WI 53821  
20 Telephone Numbers: (b) (2), (b) (6), (b) (7)(C)  
21 Present for Interview: SA Barland-Liles

**23 DETAILS:**

24 On Wednesday, January 18, 2012, at approximately 1500 hours, I interviewed Thomas Munson at his home in  
25 reference to this investigation. MUNSON stated he understood I was a Special Agent with the National Park  
26 Service, understood the purpose of the interview, understood his rights and agreed to voluntarily participate.  
27 The interview was recorded using handwritten notes. MUNSON refused to allow the interview to be recorded.  
28

<b>Reporting Official/Title</b> David Barland-Liles / Special Agent	<b>Signature</b>	<b>Date 01/18/2012</b>
<b>Approving Official/Title</b> ASAC Les Seago	<b>Signature</b>	<b>Date</b>

Distribution: Original – Case File      Other:      Other:



1 MUNSON stated he became the Superintendent of Effigy Mounds National Monument (EFMO) in 1971 or '72.  
 2 He stated he retired from the National Park Service (NPS) in 1994 and has since lost interest in the agency and  
 3 the monument.

4 MUNSON stated the bones he had Park Ranger Bob Palmer pick up from his house on April 28, 2011 were  
 5 animal bones. I showed MUNSON a copy of a report, *THE ANALYSIS OF HUMAN SKELETAL REMAINS*  
 6 *FROM THE MUSEUM COLLECTION AT EFFIGY MOUNDS NATIONAL MONUMENT*, written by Alton K.  
 7 Fisher and Shirley J. Schermer from the Iowa Office of the State Archeologist in the mid-1980's. This report  
 8 was contracted by the NPS during MUNSON's tenure as Superintendent of EFMO. I also showed him a July  
 9 16, 1990 Report of Survey from EFMO and pointed out page two which is an item description list of property to  
 10 be "deaccessioned" and includes accession and catalog numbers of human remains in EFMO's museum  
 11 collection. I told MUNSON all of the catalog numbers correspond to items described as human remains in the  
 12 Fisher/Schermer report and there are no descriptions of animal bones. MUNSON looked at the Report of  
 13 Survey, pointed at the catalog numbers, and stated he did not know what they meant.  
 14

15  
 16 MUNSON stated sometime near 1990 he received a "directive" from Washington D.C. to remove all Native  
 17 American remains from EFMO's collection to repatriate them. MUNSON stated "There is no paper" associated  
 18 with the directive and he can't remember if it was verbal from Washington D.C. or if it came to him from the  
 NPS Regional Office.

21 MUNSON stated he did not know of any appropriate place to repatriate the remains and he had no EFMO  
 22 subject matter expert nor was he provided the funding to hire an expert to work on the collection or provide  
 23 solutions. MUNSON stated the only cemetery available to repatriate the remains, that he knew of, was in  
 24 Wisconsin but the remains in the EFMO collection were from Iowa with the Mississippi River being a dividing  
 25 feature separating tribes.  
 26

27 I again showed MUNSON a July 16, 1990, Report of Survey. We discussed the report. MUNSON stated his  
 28 signature appears in three locations on the report and added "If you have your name on a piece of paper it's the  
 29 truth, but it ain't." I asked MUNSON if he directed (b) (2), (b) (6), (b) (7)(C) an EFMO Seasonal Park Ranger (in 1990),  
 30 to remove the Native American remains from the EFMO collection. MUNSON stated he did in order to fulfill  
 31 the directive from Washington D.C. MUNSON added "(b) (2), (b) (6), (b) (7)(C) was following instructions." I asked him why a  
 32 Report of Survey was prepared to document the removal of the remains. MUNSON stated the Board of Survey  
 33 process was the only way to get the remains out of the collection. I asked MUNSON if he could not find a  
 34 proper place to repatriate the remains then what was he going to do with them. MUNSON replied "Store  
 35 them."  
 36

37 I told MUNSON half of the remains listed on the Report of Survey were not included in the box he handed over  
 38 to Park Ranger Palmer. MUNSON stated when the directive came from Washington D.C. to repatriate the  
 39 Native American remains the NPS Archeologists at the Midwest Archeological Center (MWAC) in Lincoln  
 40 Nebraska "Fought it tooth and nail." MUNSON stated he remembers taking a carload of "stuff" to Lincoln and  
 41 leaving it on their doorstep. I asked MUNSON if he drove the remains to Lincoln, he stated "That would be my  
 42 guess." MUNSON stated some NPS staff, which he was unable to name, removed the items from his vehicle.  
 43 MUNSON speculated the MWAC staff removed the remains they wanted from what he delivered and returned  
 44 the remaining items to EFMO. MUNSON was unable to tell me which NPS employee removed the bones but  
 45 he told me the names of several employees who worked at MWAC (Calabrese, Nickel, Lynott, Richner and  
 46 Dial-Jones).  
 47

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ISB Case Number: ISB-MW-11-0404

1 MUNSON stated the remains must have been returned to EFMO where they were stored on a shelf in a garage  
2 that he used for his personal car but was also used by numerous maintenance staff to store equipment, including  
3 items to be surveyed. MUNSON stated he did not know who stored the remains there. Suddenly, for reasons  
4 MUNSON did not understand, the NPS forced him to leave his government home on short notice. MUNSON  
5 was restoring a home in Prairie du Chien. MUNSON stated he hired some high school students and seasonal  
6 NPS maintenance staff to load his belongings into a U-Haul truck, transfer them to Prairie du Chien, and off-  
7 load them. MUNSON stated seasonal maintenance worker, (b) (2), (b) (6), (b) (7)(C) was driving the U-Haul. MUNSON  
8 stated a box of the human remains must have accidentally been removed from the garage and loaded with his  
9 belongings. Since his Prairie du Chien home was being painted he had the high school students leave his  
10 belongings on his side-lawn. Later, a "spring tornado warning" forced him to move the belongings into his  
11 garage.  
12

13 I showed MUNSON a Housing Occupancy/Vacancy Inspection Form that indicates his NPS home was  
14 inspected on July 13, 1990, indicating he had already vacated the residence. MUNSON admitted his signature  
15 was on the form. I showed him the date on the Report of Survey indicating the Native American remains were  
16 "deaccessioned" on July 16, 1990. I pointed out his story of what happened to the remains could not have  
17 occurred based on the dates printed on the forms since he left his NPS home prior to the "deaccession."  
18 MUNSON stated he left his NPS home in 1994. I reminded MUNSON he retired in 1994 and he moved out of  
19 his NPS residence in 1990. MUNSON agreed but stated "Dates on the forms don't mean anything." MUNSON  
20 added "I can't explain all of those discrepancies."  
21

22 I asked MUNSON why he waited until 2011 to hand the box over to the NPS. MUNSON stated he tried to get  
23 every Superintendent who replaced him to come over and pick up the box. MUNSON stated when he found it  
24 the first time Karen Gustin was the Superintendent (1994 – 1997). Gustin told him they had no place for it due  
25 to a Visitor Center rehabilitation project and asked him to keep the box in his garage. Gustin was replaced by  
26 Katherine Miller and the "pattern was repeated." MUNSON added Miller showed no interest. Miller was  
27 replaced by Phyllis Ewing, who, through Park Ranger Palmer, expressed she was interested in repatriating the  
28 remains but there was no action.  
29

30 MUNSON stated since Palmer picked up the remains MUNSON found in his garage he has gone through his  
31 garage two or three times and there are no additional human remains. MUNSON stated the garage is not that  
32 big and it was easy to do.  
33

34 MUNSON stated he was still of the opinion the remains went to MWAC and were returned to EFMO without  
35 some of the remains. MUNSON added "My memory is bad."  
36

37 I asked MUNSON where the other Native American remains were located. He answered "I don't know" while  
38 shrugging his shoulders.  
39

40 I asked MUNSON if he had any paranoia about NAGPRA or Native American tribes. MUNSON replied his  
41 paranoia is with bureaucrats. MUNSON stated "WASO [Washington Office] could take a simple situation and  
42 drive you bats."  
43

44 I asked MUNSON if he could do anything different what would he change. MUNSON stated he would have  
45 loaded the box into the temporary trailer EFMO staff were using during Gustin's tenure (due to the Visitor  
46 Center rehabilitation project) when he first found it in his garage.  
47

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**ISB Case Number: ISB-MW-11-0404**

1 MUNSON stated the employees at WASO should have handled the NAGPRA situation and not bothered  
2 individual park units with it.

3  
4  
5 MUNSON added WASO should find more cemeteries to repatriate remains and put them in more convenient  
6 locations.

7 I reviewed my interview notes with MUNSON and he stated they were accurate.

8  
9 **ATTACHMENTS: None**

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*Reporting Agent* \_\_\_\_\_





**United States Department of the Interior  
National Park Service  
Investigative Services Branch**



**Investigative Activity Report**

<b>Case Title: Effigy Mounds National Monument – Native American remains</b>		<b>ISB Case Number: ISB-MW-11-0404</b>	
<b>Location: Effigy Mounds National Monument</b>	<b>Case Status: Open</b>	<b>Report Date: 01/17/2012</b>	<b>Report Number: 005</b>
<b>Report Subject:</b> Interview of (b) (2), (b) (6), (b) (7)(C) – Chief of Maintenance of Effigy Mounds National Monument			

1 **SUMMARY:** In April of 2011, Native American remains that once belonged in the museum collection of Effigy  
 2 Mounds National Monument (EFMO) were discovered in the garage of former Superintendent Tom Munson in  
 3 Prairie du Chien WI. Numerous attempts to locate these remains occurred throughout the 1990's after Munson  
 4 retired from the National Park Service (NPS).  
 5

(b) (2), (b) (6), (b) (7)(C) has been the Chief of Maintenance at EFMO since the early 1980's. (b) (2), (b) (6), (b) (7) stated his signature as a Board Chairperson appears on a July 16, 1990 Report of Survey but he does not remember signing it and has no knowledge of EFMO performing a Board of Survey on Native American remains.

10 Date/Time: 01/17/2012 / 08:30 a.m. – 9:45 a.m.  
 11 Location: Effigy Mounds National Monument – Chief of Maintenance Office  
 12 Person Interviewed: (b) (2), (b) (6), (b) (7)(C)  
 13 Present for Interview: SA Barland-Liles

15 **DETAILS:**

16 On Tuesday, January 17, 2012, at approximately 0830 hours, I interviewed (b) (2), (b) (6), (b) (7)(C) in his office in  
 17 reference to this investigation. (b) (2), (b) (6), (b) (7)(C) stated he understood I was a Special Agent with the National Park  
 18 Service, understood the purpose of the interview and agreed to voluntarily participate. The interview was  
 19 recorded using handwritten notes.  
 20

21 I showed (b) (2), (b) (6), (b) (7)(C) a July 16, 1990 Report of Survey from Effigy Mounds National Monument (EFMO).  
 22 Sinclair inspected the report and stated one of the signatures (Signature of Board Chairperson) was "obviously  
 23 my signature." (b) (2), (b) (6), (b) (7)(C) stated the attached item description list (Accession and Catalogue numbers) and the  
 24 Board of Survey findings and determinations ("Miscellaneous material that does not fit the Scope of Collection  
 25 Statement for artifact/museum storage at Effigy Mounds NM. Deaccession [sic] from collection") "means  
 26 nothing to me."  
 27

28 (b) (2), (b) (6), (b) (7)(C) stated he does not remember having a formal board of survey during Munson's tenure and does not  
 29 recall signing this particular survey document.

<b>Reporting Official/Title</b> David Barland-Liles / Special Agent	<b>Signature</b>	<b>Date 01/17/2012</b>
<b>Approving Official/Title</b> ASAC Les Seago	<b>Signature</b>	<b>Date</b>

Distribution: Original – Case File      Other:      Other:

1  
2 I explained to (b) (2), (b) (6), (b) (7)(C) the items associated with the Report of Survey were Native American remains.  
3 (b) (2), (b) (6), (b) (7)(C) stated "A Board of Survey about human remains I would remember." (b) (2), (b) (6), (b) (7)(C) speculated he  
4 was unaware what items were associated with the Report of Survey when he signed it.

5  
6 I asked (b) (2), (b) (6), (b) (7)(C) how the process of a Board of Survey would normally be conducted. (b) (2), (b) (6), (b) (7)(C) reiterated  
7 he does not remember having a "formal" Board of Survey while Munson was Superintendent. Since Munson's  
8 tenure, EFMO's management team has convened as the Board of Survey. They inspect the items, have an  
9 employee available to explain the items, and a decision is made regarding disposal or replacement. (b) (2), (b) (6), (b) (7)(C)  
10 stated he can remember government property formally surveyed during the tenures of Superintendent Gustin,  
11 Miller, Ewing, Evans and Nepstad, but not Munson.

12  
13 (b) (2), (b) (6), (b) (7)(C) stated he has no idea why Munson would want to "deaccession" Native American remains.

14  
15 (b) (2), (b) (6), (b) (7)(C) stated Munson had a great deal of "paranoia" related to Native American Tribes associated with  
16 EFMO and was very insular in regards to EFMO's operation and any NPS regional operational oversight.  
17 (b) (2), (b) (6), (b) (7)(C) stated in Munson's mind "a good day, month, week is when no calls came from the Regional  
18 Office" and there were no "outside interference or questions" from groups affiliated with EFMO. Munson  
19 would also dissuade his staff from accepting additional funding from the Regional Office since additional  
20 oversight may be an unintended result.

21  
22 (b) (2), (b) (6), (b) (7)(C) stated Munson's paranoia with Native American Tribes was based on his fear that they intended to  
23 acquire the monument. SINCLAIR stated EFMO used to have only one phone line and Munson would tie it up  
24 for hours talking to the Superintendent of Pipestone National Monument, Vince Halverson (now deceased),  
25 about this fear.

26  
27 I told (b) (2), (b) (6), (b) (7)(C) about rumors of Native American remains being repatriated "on the sly" by the NPS.  
28 (b) (2), (b) (6), (b) (7)(C) stated he has also heard those rumors and an additional rumor of a mound being built by the NPS to  
29 help justify the purchase/donation of the Founders Pond portion of the monument. (b) (2), (b) (6), (b) (7)(C) stated those  
30 rumors were started before his tenure at EFMO. SINCLAIR stated has never seen or heard any information to  
31 substantiate the rumors. (b) (2), (b) (6), (b) (7)(C) stated he only knows of three repatriations (performed during  
32 Superintendent Ewing's tenure). These repatriations are well documented.

33  
34 (b) (2), (b) (6), (b) (7)(C) stated he and six or seven EFMO maintenance employees helped Munson move from his EFMO  
35 home to Prairie du Chien in June or July of 1990. (b) (2), (b) (6), (b) (7)(C) stated the move occurred in one evening and was  
36 chaotic because Munson did not have all of his belongings packed, which was frustrating to (b) (2), (b) (6), (b) (7)(C)  
37 (b) (2), (b) (6), (b) (7)(C) stated there may have been some items moved after he helped.

38  
39 I reviewed my interview notes with (b) (2), (b) (6), (b) (7)(C) and he stated they were accurate.

40  
41 **ATTACHMENTS: None**

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Reporting Agent \_\_\_\_\_





**United States Department of the Interior  
National Park Service  
Investigative Services Branch**



**Investigative Activity Report**

<b>Case Title: Effigy Mounds National Monument – Native American remains</b>		<b>ISB Case Number: ISB-MW-11-0404</b>	
<b>Location: Effigy Mounds National Monument</b>	<b>Case Status: Open</b>	<b>Report Date: 01/10/2012</b>	<b>Report Number: 004</b>
<b>Report Subject:</b> Interview of (b) (2), (b) (6), (b) (7)(C)– Author of <i>Accession History and Status of Accessioned Materials and 1986 &amp; 1990 Deaccessioned Items and Objects (1998)</i>			

1 **SUMMARY:** In April of 2011, Native American remains that once belonged in the museum collection of Effigy  
 2 Mounds National Monument (EFMO) were discovered in the garage of former Superintendent Tom Munson in  
 3 Prairie du Chien WI. Numerous attempts to locate these remains occurred throughout the 1990's after Munson  
 4 retired from the National Park Service.

7 One of those attempts occurred in 1997-98 by (b) (2), (b) (6), (b) (7)(C) who was contracted by the National Park  
 8 Service. (b) (2), (b) (6), (b) (7)(C) concluded the missing remains "disappeared."

9 **Date/Time:** 01/05/2012 / 1:10 p.m. – 1:35 p.m. – 01/10/2012 / 2:45 p.m. – 2:54 p.m.

10 **Location:** Telephone

11 **Person Interviewed:** (b) (2), (b) (6), (b) (7)(C)

12 **Telephone Numbers:** (b) (2), (b) (6), (b) (7)(C)

13 **Email:** (b) (2), (b) (6), (b) (7)(C)

14 **Present for Interview:** SA Barland-Liles

16 **DETAILS:** On Thursday, January 5, 2012, at approximately 1310 hours, I interviewed (b) (2), (b) (6), (b) (7)(C) by  
 17 telephone in reference to this investigation. (b) (2), (b) (6), (b) (7)(C) stated he understood I was a Special Agent with the  
 18 National Park Service, understood the purpose of the interview and agreed to participate. The interview was  
 19 recorded using handwritten notes.

21 In 1997, (b) (2), (b) (6), (b) (7)(C) was contracted by the National Park Service (NPS) to investigate the loss of Native  
 22 American remains from the Effigy Mounds National Monument (EFMO) collection. (b) (2), (b) (6), (b) (7)(C) was working  
 23 for the Illinois State Museum Society and had previously accepted research projects from the NPS through the  
 24 Midwest Archeological Center.

26 (b) (2), (b) (6), (b) (7)(C) worked exclusively with (b) (2), (b) (6), (b) (7)(C) who provided access to EFMO's files and  
 27 museum/curatorial collections. (b) (2), (b) (6), (b) (7)(C) stated he remembers a level of hesitancy from (b) (2), (b) (6), (b) (7)(C) but has no  
 28 explanation why he sensed it.

<b>Reporting Official/Title</b> David Barland-Liles / Special Agent	<b>Signature</b>	<b>Date</b> 01/11/2012
<b>Approving Official/Title</b> ASAC Les Seago	<b>Signature</b>	<b>Date</b>

**Distribution:** Original – Case File      Other:      Other:



1  
2 (b) (2), (b) (6), (b) (7)(C) stated as his investigation evolved "I got the feeling that these bones arrived [returned to EFMO  
3 from Iowa's Office of the State Archeologist] and were disposed of."

4 (b) (2), (b) (6), (b) (7)(C) added he never visited with EFMO's former Superintendent, Thomas Munson, during the  
5 investigation because "I didn't think it would be fruitful" due to Munson's unhelpful reputation.

6  
7  
8 (b) (2), (b) (6), (b) (7)(C) stated he had no explanation why any NPS employee would want to dispose of the bones. He stated  
9 they have no commercial value since remains recovered from mounds tend to be in "terrible shape" and are not  
10 presentable. However, the value of the remains to archeological research is extremely high.

11  
12 I began to ask (b) (2), (b) (6), (b) (7)(C) what he remembered about sending the final report to the National Park Service.  
13 (b) (2), (b) (6), (b) (7)(C) stated it would be helpful if he could review the report to help jog his memory. I sent him an  
14 electronic copy.

15  
16 On Tuesday, January 10, 2012, at approximately 1425 hours, I was contacted by (b) (2), (b) (6), (b) (7)(C) who stated he had  
17 reviewed his report. (b) (2), (b) (6), (b) (7)(C) remembers mailing the original to the National Park Service in September of  
18 1998 but could not remember if it went to EFMO, the Regional Office or the Midwest Archeological Center.  
19 He never heard from or was consulted by any NPS employee regarding his findings and assumed the report was  
20 never reviewed.

21  
22 **ATTACHMENTS: None**

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**United States Department of the Interior  
National Park Service  
Investigative Services Branch**



**Investigative Activity Report**

<b>Case Title: Effigy Mounds National Monument – Native American remains</b>		<b>ISB Case Number: ISB-MW-11-0404</b>	
<b>Location: Effigy Mounds National Monument</b>	<b>Case Status: Open</b>	<b>Report Date: 01/04/2012</b>	<b>Report Number: 003</b>
<b>Report Subject:</b> Interview of (b) (2), (b) (6), (b) (7)(C) – EFMO Superintendent: 1994–1997			

**SUMMARY:** In April of 2011, Native American remains that once belonged in the museum collection of Effigy Mounds National Monument (EFMO) were discovered in the garage of former Superintendent Tom Munson in Prairie du Chien WI. Numerous attempts to locate these remains occurred throughout the 1990's after Munson retired from the National Park Service.

(b) (2), (b) (6), (b) (7)(C) was the Superintendent of EFMO from October 1994 to January of 1997. During her tenure NPS staff unsuccessfully attempted to locate the missing remains. (b) (2), (b) (6), (b) (7)(C) claims she never saw a 1996 memorandum from Michelle Watson, an NPS Anthropologist, detailing the efforts to locate the remains.

**Date/Time:** 01/03/2012 / 5:30 p.m. – 6:10 p.m. – 01/04/2012 / 11:05 a.m. – 11:15 a.m.

**Location:** Telephone

**Person Interviewed:** (b) (2), (b) (6), (b) (7)(C)

**Telephone Numbers:** (b) (2), (b) (6), (b) (7)(C)

**Present for Interview:** SA Barland-Liles

**DETAILS:** On Wednesday, January 4, 2012, at approximately 1105 hours, I interviewed Karen GUSTIN by telephone in reference to this investigation. (b) (2), (b) (6), (b) (7)(C) stated she understood I was a Special Agent with the National Park Service, understood the purpose of the interview and agreed to participate. The interview was recorded using handwritten notes.

(b) (2), (b) (6), (b) (7)(C) arrived at Effigy Mounds National Monument (EFMO) in Oct. 1994. She replaced long-time Superintendent Munson and it was her first superintendent assignment.

Prior to this interview (12/15/2011), I sent (b) (2), (b) (6), (b) (7)(C) a copy of a memorandum dated April 23, 1996. This memorandum appears to have been sent to the Superintendent of EFMO (b) (2), (b) (6), (b) (7)(C) from an Anthropologist of the Great Plains Systems Support Office (believed to be (b) (2), (b) (6), (b) (7)(C)). The memorandum addresses issues related to the EFMO museum collection and any associated inventory relevant to the Native American Graves Protection and Repatriation Act.

<b>Reporting Official/Title</b> David Barland-Liles / Special Agent	<b>Signature</b>	<b>Date</b> 01/04/2012
<b>Approving Official/Title</b> ASAC Les Seago	<b>Signature</b>	<b>Date</b>

**Distribution:** Original – Case File      Other:      Other:



1 (b) (2), (b) (6), (b) (7)(C) stated she reviewed the six page memorandum and had never seen it before. (b) (2), (b) (6), (b) (7)(C) stated on (b) (2), (b) (6), (b) (7)(C)  
2 (b) (2), (b) (6), (b) (7)(C), so she most likely was not  
3 available when the memorandum arrived at EFMO.

4 (b) (2), (b) (6), (b) (7)(C) stated the memorandum provides a chronology that details numerous correspondences she allegedly  
5 had related to the EFMO museum collection. (b) (2), (b) (6), (b) (7)(C) stated she recognizes some entries, for instance a  
6 03/14/1996 entry to Shirley Schermer of the Iowa Office of the State Archeologist, "looks like me." However,  
7 numerous other entries, particularly detailed information concerning specific museum accessions, must have  
8 been done on her behalf by an EFMO employee, most likely (b) (2), (b) (6), (b) (7)(C) (b) (2), (b) (6), (b) (7)(C) stated "A lot of the  
9 language is not how I say things." (b) (2), (b) (6), (b) (7)(C) added she does not recall digging into any of EFMO's museum  
10 collections or accessions with the detail documented in the memorandum because it was not her job and she did  
11 not have the time.  
12

13 (b) (2), (b) (6), (b) (7)(C) recalls issues related to human remains from EFMO which were stored at the Midwest Archeological  
14 Center (MWAC). These remains were an emphasis during her 2 ½ year tenure at EFMO because the park had  
15 yet to build any relationships with any affiliated Native American Tribes. (b) (2), (b) (6), (b) (7)(C) stated she devoted a great  
16 deal of time and energy establishing those relationships in hopes the MWAC remains could one day be  
17 repatriated.  
18

19 (b) (2), (b) (6), (b) (7)(C) stated when she arrived at EFMO there were two additional issues that may have prevented her from  
20 seeing the memorandum. EFMO's headquarters building was being completely remodeled which forced her  
21 staff to empty the building and transfer to temporary trailers. This move disrupted normal operations for the  
22 better part of one year. In addition, the filing skills of EFMO's Administrative Assistant, (b) (2), (b) (6), (b) (7)(C) was  
23 described by (b) (2), (b) (6), (b) (7)(C) as an "atrocious mess." (b) (2), (b) (6), (b) (7)(C) stated EFMO operations often suffered from it and,  
24 although (b) (2), (b) (6), (b) (7)(C) worked hard to make a positive change, she remained unsatisfied with (b) (2), (b) (6), (b) (7)(C) progress  
25 when she left EFMO in January of 1997.  
26

27 On January 4, 2012, I emailed a copy of a 1998 report written by Dale Henning to (b) (2), (b) (6), (b) (7)(C) Within the report  
28 are many documents Henning recovered from EFMO files which include handwritten notes attached to  
29 correspondences referred to in the April 23, 1990 memorandum. On January 4, 2012, at approximately 1105  
30 hours, (b) (2), (b) (6), (b) (7)(C) called me and stated she had reviewed the Henning report and confirmed her handwritten notes  
31 were located on page 57, 58, 61, 63 and 70. (b) (2), (b) (6), (b) (7)(C) stated the handwritten notes on pages 64 and 65 were not  
32 hers.  
33

34 (b) (2), (b) (6), (b) (7)(C) stated the report has helped her remember her tenure at EFMO and she now realizes she delved into  
35 the issue of missing Native American remains more than she previously remembered.  
36

37 (b) (2), (b) (6), (b) (7)(C) stated the 1998 Henning report shows that the April 23, 1996 memorandum has a factual time-line and  
38 does accurately represent her involvement with attempts to locate Native American remains at EFMO.  
39 However, GUSTIN still does not remember the memorandum.  
40

41 (b) (2), (b) (6), (b) (7)(C) commented on a header that appears on top of the April 23, 1996 memorandum ("KAREN, VOID  
42 THIS MEMO PLEASE; FEED IT TO THE BIRDS"). (b) (2), (b) (6), (b) (7)(C) stated the header was "offensive" and stated  
43 she would definitely remember it if she had ever seen it.  
44

45  
46 ATTACHMENTS: None

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Reporting Agent \_\_\_\_\_





**United States Department of the Interior  
National Park Service  
Investigative Services Branch**



**Investigative Activity Report**

<b>Case Title: Effigy Mounds National Monument – Native American remains</b>		<b>ISB Case Number: ISB-MW-11-0404</b>	
<b>Location: Effigy Mounds National Monument</b>	<b>Case Status: Open</b>	<b>Report Date: 12/30/2011</b>	<b>Report Number: 002</b>
<b>Report Subject:</b> Interview of (b) (2), (b) (6), (b) (7)(C) – EFMO Chief Ranger: 1990–1996			

1 **SUMMARY:**

2 In April of 2011, Native American remains that once belonged in the museum collection of Effigy Mounds  
3 National Monument (EFMO) were discovered in the garage of former Superintendent Tom Munson in Prairie du  
4 Chien WI. Numerous attempts to locate these remains occurred throughout the 1990's after Munson retired from  
5 the National Park Service.

6 (b) (2), (b) (6), (b) (7)(C) was the Chief Ranger of EFMO in July of 1990. His signature appears on a Report of Survey  
7 form used to "Deaccession" Native American remains from EFMO's museum collection. (b) (2), (b) (6), (b) (7)(C) stated  
8 he signed the Report of Survey after Munson told him the items to be removed from the collection were animal  
9 bone fragments.  
10

11  
12 Date/Time: 12/30/2011 / 1:00 p.m. – 1:37 p.m.  
13 Location: Telephone  
14 Person Interviewed: (b) (2), (b) (6), (b) (7)(C)  
15 Telephone Numbers: (b) (2), (b) (6), (b) (7)(C)  
16 Present for Interview: SA Barland-Liles  
17

18 **DETAILS:**

19 On Friday, December 30, 2011, at approximately 1300 hours, I interviewed (b) (2), (b) (6), (b) (7)(C) by  
20 telephone in reference to this investigation. (b) (2), (b) (6), (b) (7)(C) stated he understood I was a Special Agent with  
21 the National Park Service, understood the purpose of the interview and agreed to participate. The interview was  
22 recorded using handwritten notes.  
23

24 (b) (2), (b) (6), (b) (7)(C) stated he arrived in Effigy Mounds National Monument in June of 1990. He was hired  
25 as the Monument's new Chief Ranger and had transferred from Ft. Scott National Historic Site in Kansas.  
26 (b) (2), (b) (6), (b) (7)(C) stated the Chief Ranger position at Effigy Mounds was a non-commissioned position that  
27 primarily focused on interpretation.  
28

<b>Reporting Official/Title</b> David Barland-Liles / Special Agent	<b>Signature</b>	<b>Date 12/27/2011</b>
<b>Approving Official/Title</b> ASAC Les Seago	<b>Signature</b>	<b>Date</b>

Distribution: Original – Case File      Other:      Other:

**ISB Case Number: ISB-MW-11-0404**

1 (b) (2), (b) (6), (b) (7)(C) stated he lived in a hotel for approximately two weeks prior to moving into government  
2 housing adjacent to park headquarters. He moved into government quarters on July 6, 1990.

3 (b) (2), (b) (6), (b) (7)(C) stated there were two houses available and he was assigned the eastern unit. The western  
4 unit was assigned to a maintenance employee named (b) (2), (b) (6), (b) (7)(C). (b) (2), (b) (6), (b) (7)(C) residence was  
5 formerly assigned to Superintendent Munson who had recently moved to nearby Prairie du Chien.

6 (b) (2), (b) (6), (b) (7)(C) stated (b) (2), (b) (6), (b) (7)(C) was already living in his residence when he was moving in on July 6<sup>th</sup>.

7  
8 Prior to this interview (on 12/12/2011) I sent a Report of Survey form to (b) (2), (b) (6), (b) (7)(C) to review.

9 (b) (2), (b) (6), (b) (7)(C) stated he received the document and recognized it as a Report of Survey form from Effigy  
10 Mounds that he signed on July 16, 1990. He stated the form was given to him to sign by Superintendent  
11 Munson who explained the items to be surveyed ("Deaccessioned") were animal bone fragments that were not  
12 needed in the park's museum collection. (b) (2), (b) (6), (b) (7)(C) stated he never inspected the bones (which were  
13 listed by accession numbers on page two of the Report of Survey) and signed the document as a survey board  
14 member based on the information provided by Munson.

15  
16 **ATTACHMENTS: EFMO Report of Survey - July 16, 1990.**

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Reporting Agent \_\_\_\_\_





**United States Department of the Interior  
National Park Service  
Investigative Services Branch**



**Investigative Activity Report**

<b>Case Title: Effigy Mounds National Monument – Native American remains</b>	<b>ISB Case Number: ISB-MW-11-0404</b>		
<b>Location: Effigy Mounds National Monument</b>	<b>Case Status:</b> Open	<b>Report Date:</b> 12/27/2011	<b>Report Number:</b> 001
<b>Report Subject:</b> Interview of (b) (2), (b) (6), (b) (7)(C) – EFMO Superintendent: 1997–1999			

**SUMMARY:**

In April of 2011, Native American remains that once belonged in the museum collection of Effigy Mounds National Monument (EFMO) were discovered in the garage of former Superintendent Tom Munson in Prairie du Chien WI. Numerous attempts to locate these remains occurred throughout the 1990's after Munson retired from the National Park Service.

The following is an interview with former EFMO Superintendent, Kathleen Miller.

Date/Time: 12/27/2011 / 10:00 a.m. – 11:10 a.m.

Location: Telephone

Person Interviewed: (b) (2), (b) (6), (b) (7)(C)

Telephone Numbers: (b) (2), (b) (6), (b) (7)(C)

Present for Interview: (b) (2), (b) (6), (b) (7)(C)

**NARRATIVE:**

(b) (2), (b) (6), (b) (7)(C) was the Superintendent of Effigy Mounds National Monument from 1997–1999. She replaced Superintendent (b) (2), (b) (6), (b) (7)(C). Upon arriving, (b) (2), (b) (6), (b) (7)(C) advised (b) (2), (b) (6), (b) (7)(C) of numerous issues that were affecting EFMO. One of the issues involved Native American remains that were missing from the parks museum collection. (b) (2), (b) (6), (b) (7)(C) stated during her tenure she worked with the Midwest Archeological Center (MWAC) to have an outside entity research the records associated with these missing remains.

(b) (2), (b) (6), (b) (7)(C) stated MWAC contracted with an archeologist, Dale Henning, from nearby Luther College to perform the investigation. (b) (2), (b) (6), (b) (7)(C) stated EFMO staff, particularly (b) (2), (b) (6), (b) (7)(C) worked closely with a Luther College Archeologist named (b) (2), (b) (6), (b) (7)(C) who paged through the records in EFMO's archives in an attempt to locate evidence of where the remains may have gone. (b) (2), (b) (6), (b) (7)(C) remembered (b) (2), (b) (6), (b) (7)(C) being confounded by the lack of continuity in the cataloging and numbering system of the parks collection. (b) (2), (b) (6), (b) (7)(C) admitted there was a long history of "loosey-goosey" practices at EFMO caused primarily by a lack of funding for cultural resource

<b>Reporting Official/Title</b> David Barland-Liles / Special Agent	<b>Signature</b>	<b>Date</b> 12/27/2011
<b>Approving Official/Title</b> ASAC Les Seago	<b>Signature</b>	<b>Date</b>

Distribution: Original – Case File      Other:      Other:



1 specialists positions and unspecialized, overworked employees performing collateral duties without proper  
2 training.

4 Since the Luther College team was being funded through MWAC, (b) (2), (b) (6), (b) (7)(C) was kept somewhat removed from the  
5 findings of the team. The results of the investigation were not shared with her prior to her leaving the National  
6 Park Service in 1999.

7  
8 I described to (b) (2), (b) (6), (b) (7)(C) a July 1990 Report of Survey form recently found at EFMO that indicates the missing  
9 Native American remains were "abandoned" by Superintendent Munson. (b) (2), (b) (6), (b) (7)(C) stated she has never seen or  
10 heard of such a document. (b) (2), (b) (6), (b) (7)(C) added "I am aghast" that such a process would be used for human remains.  
11 She stated such a critical document would have been to provide answers if she or (b) (2), (b) (6), (b) (7)(C) were aware of  
12 it.

13  
14 (b) (2), (b) (6), (b) (7)(C) stated she had coffee once with Munson shortly after arriving at EFMO. The meeting was primarily  
15 social to discuss his long tenure as Superintendent. (b) (2), (b) (6), (b) (7)(C) also had a list of items of concern given to her by  
16 (b) (2), (b) (6), (b) (7)(C) which included the missing remains and she was looking for Munson's thoughts and input. (b) (2), (b) (6), (b) (7)(C)  
17 stated after the meeting she was walking to her car and laughing as she realized the meeting was useless. She  
18 described Munson as "colossally unhelpful." She stated in retrospect she did not think he was being sinister and  
19 does not remember any specific answers to any questions she may have asked related to the Native American  
20 remains. I asked (b) (2), (b) (6), (b) (7)(C) if Munson may have lied to her and she said "I can't tell you if he did or he didn't."

21  
22 (b) (2), (b) (6), (b) (7)(C) stated during her tenure at EFMO she would occasionally hear references and "little jokes around the  
23 edges" from longtime EFMO employees of severe conflicts between Munson and a former park historian.  
24 Wrapped within these comments she would hear references of park staff building fake burial mounds to secretly  
25 rebury remains at different locations in the park. (b) (2), (b) (6), (b) (7)(C) could never verify the stories and once asked EFMO's  
26 Chief of Maintenance, (b) (2), (b) (6), (b) (7)(C), about the stories. (b) (2), (b) (6), (b) (7)(C) told her he did not know anything. (b) (2), (b) (6), (b) (7)(C)  
27 stated she believes meeting with (b) (2), (b) (6), (b) (7)(C) would provide more insight into the former historian and the stories of  
28 secret burials.

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Reporting Agent \_\_\_\_\_

# Skeletons in the garage? Effigy Mounds faces new revelations of possible mishandling of ancient bones

By Trudy Balcom

According to Effigy Mounds Superintendent Jim Nepstad, the monument will be undergoing a thorough review of their museum collection records starting next

week. The review process was initiated after it was discovered that some artifacts, including human bone fragments, went missing from the museum collections. A box of human and perhaps some animal bone fragments

collected at the Monument in the 1950s went missing from the Monument's museum records in 1987. The human bone fragments are estimated to be 1,000 to 2,000 years

See REMAINS, page 2

## REMAINS, from page 1

old, and were found at various locations in the park, according to Nepstad.

Nepstad said his office became aware of the problem as the result of a routine request for information about the museum collections Effigy Mounds received from an affiliated tribe in April.

Like most National Park Service monument sites, Effigy Mounds maintains a museum as well as a collection of artifacts from the site that are not displayed. National Monuments are a special type of National Park designed to protect archeological resources.

Tom Munson, of Prairie du Chien, was Superintendent of Effigy Mounds from 1971 to 1994. Munson said that the box of bone fragments in question was never really missing. He said the items were de-accessioned from the Monument's collection, and stored in lockers with other discarded items when he was moving from Park Service housing at the Monument when he retired in 1994. He said the box was loaded up with other items he was moving. He said the box was not removed from the Monument on purpose. But it ended up in his garage.

"I knew where they were. I knew they were there," Munson said. According to Munson, the bones were mostly fragments that were collected on the surface of the ground from various sites in the park, and may include animal bones.

Munson was contacted by Effigy Mounds Law Enforcement officer Bob Palmer, after the gap in the Monument's museum records was discovered. Munson said he had mentioned the box to Palmer at some point in the past when they both worked at Effigy Mounds. The box of bone fragments was returned to the Monument.

"We were able to quickly identify them as part of the park's museum collection by the [accession] numbers on them," Nepstad said.

"The whole issue is unfortunate. That said, the Park Service is pleased [Munson] brought them to our attention, and did the right thing," Nepstad added.

It remains unclear whether the box of bones was actually de-accessioned, as Munson alleges, or went missing, as Effigy Mounds staff say. Nepstad said that currently there is no formal investigation underway.

"The future of this matter will largely be determined when we do this complete inventory," Nepstad explained.

Tues June 28, 2011 JN, RP, ME, SG (NRS)

HC - Bill George Sac + Fox of KS Edmore

Today of KS + NE - Patt Shakopee - Leonard

Sa Roka - Sac + Fox

Johnathon - Sac + Fox

9:10 AM

Prayer - PM

JN - explains background on missing remains  
future - inventory

EG - fragments or recognizable pieces  
full disclosure - these were ↑ and are missing.

LW - customary to take "work" home

Sm - Why not returned when no longer  
employee.

BP - mWAC ↔ EFMU discrepancy

Tom's possession -

lived in Park 1970's → ~1991

moved to PDC - garage combined  
w/ private + gov

box of pig/cow dog box FTP site

@ PM - Identifying marks - how  
could he think it was pig/dog  
bones

BP - Tom saw it was bone and  
closed box + left alone

Sm - how do we know Tom doesn't  
have missing material

BP - Tom examined garage +  
didn't find anything else



EL - inventory of missing material?  
JB - remember times, loose movement  
of HR's in past  
GG - really troubling -  
super - suffer abuse - should be  
higher ups presenting info &  
PE flung around & did a good job  
at one she did  
bones under federal protection  
Tom MWR regional director was to be here  
PM - very disappointed no rep from MWR  
should not have had mtg. w/o rep  
I'm w/ george in how it should be handled  
looks to me like were not imp enough  
to warrant his presence  
EC - any issue of notice of violation  
DN - guarantee by publicator in Fed. reg.  
correction to inventory  
PM - items deaccessioned? how/ records  
DN - all remains were deaccessioned <sup>once formally part of</sup> collection  
JB - caught b/t US+ & EFMO? <sup>Accol.</sup>  
PM - can't just deacc w/o paperwork  
where & to who  
trail no one followed. someone should  
have looked at the trail & pursued  
this sooner. other parks across country  
it stinks

sm: it has to be held somewhere when it is deaccessioned

SN: ultimately, it is the superintendent's responsibility

BP: investigation sent to U.S. off in DEER they will determine criminal chg.

BQ: you contacted us in a timely manner & feel a felony has been committed. why are we wasting time w/ an ancestor in a box? Investigation should be known

JM: EFMO needs to have house in order before I accuse anybody

BQ - clean a crime scene?

JM - want to make sure there has been a crime

BQ - Records not being hidden/destroyed. documentation of consultation

Record of "cleaning house"

History - unjustly handled - you have our remains & we want them back in ground

JM - want to be transparent but don't want to accuse someone if we might have an old collection

offered for my tribal rep to be there

PM - That's a necessity

already established remains were in wrong place - missing can be handled separately

pm - were still 2nd class. He should  
be in crevice invest. now.  
PE investigate - why not w/ this one,  
GG - when NPS forms when NAGPRA began  
how was inventory compiled. Why not in  
reports

ME - 1994 hired to be NAGPRA rep  
Nov/1990 - 1995

Summary of sacred objects, dug  
parks compiled

Inventory of trace remain 1995 -

Catalog records were used. -

Most parks record poor -

Parks were not given much time.

+ no consultation was done because  
no one knew how to do that.

mwac was responsible for compiling - sending  
to WASSO -

Early attempts are being improved upon

pm - any other items in <sup>md</sup> parks decades &  
unaccounted for

ME - Not NAGPRA related

break

ME - didn't fully answer?

mwro did not do anything, partly  
because they weren't told & didn't  
rise to level of consciousness



BQ - ? for Bob - did u get to his site or did he bring them in.

BP - I went + got them in

BQ - why would suply thing he had bones from arches & I

BP - up rap a site + covered w/ full FTD site used as dump not unreasonable for archeologists surface collect + put in box + PM good expln but doesn't set w/ me

If they came to my house + I brought in half or remains they'd have search warrant @ my house

BP - great explan + - No - plausible

BQ - can't fathom a super know Hk missing from park. not questioning needs to be asked

Are we going to meet him - see if his sincere well we get an apology. nikh amends how did they get from collectors to a garage.

LW. - when he moved were there boxes left behind.

BP - imp to remember - garage was coming w/ park stuff

BP - How could it get in garage -  
box was to go to MWAC, placed in vehicle  
and not transferred - put in garage  
SO - trace from acc. to deacc. got lost  
no one took responsibility

BO - were they were originally in  
a container.

BP - Not sure what they came back  
in from OSA, but cup board on  
SM - seems to be they were treated  
like garbage - still HR - still needs  
to be taken care of

GG - Black marked - could have had

BP - Imp to state park did not have  
approval framed CR special to  
oversee.

BO - do they have one now

JN - 2 new items

JB - what can we do w/ found

JN - not intent to hold up  
found items - begin NAGPRA disc

LD - cont rebury until criminal  
investigation? what about previous  
repatriation

part rebury, part found, part missing?

ME - inventory - match w/ part artifacts

NIC can then be drafted may end  
of being evidence

ME - discussions about rep + reburial

PM - Has it been turned over to US att.

BP - NO

PM - Why not.

BP - ~~still~~ spoke w/ JM again about missing

PM - ~~still~~ know who had them, who took them then returned them.

Ask that it be done very soon?

ME: an investigation will be done waiting for itemized list of what's missing

GC - crossed state lines

PM - can't understand why US att not notified

ME - can't be defended

PM - then don't

Not you ~~purview~~ to decide when to pursue this

JM - may be partly my resp. - I've been ~~conscientious~~ cautious - want to make sure remains are truly missing

PM - when will it be done - the legal part carried forward  
Process should be carried forward immediately

BP - I'm LE officer - I have report etc largely based on records. I will



BP - talk to my supervisor - w/c this week I will pursue.

PM - ~~to~~ any one outside of MWR know of this.

BP - talked w/ LE in Regon + whether this was something to go to US Atty

PM - Was it worthy of moving forward

BP - ~~is~~ Not sure what process it will be but may go thru to

PM - make it plan we are adamant about carrying it forward, immed. Not our decision what the facts are. facts

EG - provide NAGPRA notifications?

BP - US Atty will want to know what level of intent is.

EG - goes back to NAGPRA

Chris? <sup>Goodwill</sup> - does not have to be criminal intent for it to be a violation of NAGPRA

BO - If it was innocence mistake, what in agency contributed - legal issue can take place along w/ NAGPRA.

8

JN - what will it take to repair credit  
to agency. List of items that will help  
but us ensure doesn't happen again  
? - is a violation of NAGPRA - Solicitor's  
office should pursue civil suits  
US Attorney may not pursue. need  
to go both routes.

PM - have to insist things happen  
according to the rules

→ - Follow the Rules

JN Solicitors - advisor -

JB - head on a plate

can't do it b/c they don't work for PPS

~~can't~~ EPM's head on plate - don't want that.  
want individual.

GG - been nice so far, could have had  
press conf - continue to pursue legal  
regardless of whether he's retired

? - tribes could consider filing their  
own charges

me - you have that option

? - statute of limitation began upon discovery

PM - who will do complete inventory  
who qualified - JN - Shuler  
Park services should ask  
her immediately to do complete inv.

ME - discussed w/ Reg & Washington - are aware of it + awaiting further info

? - What additional info they waiting for  
ME - inventory correction, PAKK is not in violation of NAGPRA now

PM - like exception to beginning down expedient inventory should have done 1st.

lunch

GG - put Hwy 13 away a long time ago

JN - Acc 8 fragmented into 3 subjects portion missing, portion returned to park

LW - half record where those remains were returned

JB - Sac + for

don't claim cultural affiliation area considered aboriginal rights feel obligated for cultural unidentified

JN - assumption - future applicability

- update NAGPRA inventory

prepare Fed. Reg. notice

Submit in consulta w/ tribes

30 day waiting period

PM - do we do notice in connection

ME - advice was to do now (from <sup>WPA</sup>)

GG - don't believe in cultural unid work together - do this as quickly as possible



ME - group did this b/c; no reason to say  
GG - want to see it as a judicial  
& affiliated.

GG - Contract w/ UW system for  
forensic anthropologist.

ME - Shirley is quickest

JW - how long to get draft comments  
back to park.

GG - overnight forward to me.

PM - when will we find out if there  
were grave goods

have problem w/ others determining  
what is funerary objects.

BD - what is process & who determines -

ME - now if assoc. w/ burial or v/i burial  
site. funerary objects easy - can't  
determine cultural patrimony or  
sacred objects

#1

GG - make them associated again

PM - can we get all things moving  
quickly to get them reburied at  
same time.

JW - move ahead to reburial  
realizing then we have MTO & procedure  
to follow. consult w/ SHPO

GG - South Unit - agreed JB, PM, JW

Kris - ? input on how not to have the  
agency - Agency needs to look at this  
JNL - that's what agency will have to find  
out. it now cannot guarantee the case  
happen again.

will have to be similar to IG investigation  
of sec. 106 practices  
reasonable for this to happen or <sup>shg</sup> NADPA  
issue.

Pin - should correct problem parkservice  
wide

FINAL VERSION

Effigy Mounds Consultation Meeting

NAGPRA Discussions

June 28, 2011

Present – Bill Quackenbush (Ho-Chunk Nation), George Garvin (Ho-Chunk Nation), Edmore Green (Sac and Fox Nation of Missouri in Kansas and Nebraska), Patt Murphy (Iowa Tribe of Kansas and Nebraska), Leonard Wabasha (Shakopee Mdewakanton Sioux Community of Minnesota), Emily Smith (Winnebago of Nebraska), Sandra Massey (Sac and Fox Nation of Oklahoma), Johnathan Buffalo (Sac and Fox of the Mississippi in Iowa), Kris Goodwill (Ho-Chunk Nation)

NPS - Jim Nepstad, Michael Evans, Bob Palmer, Sharon Greener

Meeting began at 9:10 am with prayer by Patt Murphy.

Jim Nepstad (JN) – explained background on missing human remains. Mentioned future process of 100% museum inventory.

Edmore Green (EG) – Asked if the remains are fragments or recognizable pieces. If these were recognizable pieces then in the interest of full disclosure, let it be known that these were recognizable pieces that are missing.

JN – Much of it consists of bone fragments, but there are some recognizable pieces.

Leonard Wabasha (LW) – Is it customary for park employees to take work, such as collection material, home?

JN – No, not collection material.

Sandra Massey (SM) – Why was material not returned to the park when the individual was no longer an employee?

Bob Palmer (BP) – explained that Mr. Munson had lived in park housing from the 1970's till approximately 1991. A garage attached to that residence was shared by the superintendent and the park. There were park and private materials co-mingled in that garage. When Mr. Munson moved out of park facilities many boxes from that garage were moved to his new residence in Prairie du Chien, WI. Over time as Tom went through boxes he discovered the box of bones. He thought it was a box of pig or dog bones that had been recovered from the FTD site. The FTD site is off park land but was excavated in the 1980's by staff from Luther College. The site had been used as a farm dump for many years. Several area farmers disposed of their livestock carcasses there.

Patt Murphy (PM) – Are there no identifying marks on the bones? How could he think it was pig/dog bones?

BP – Tom opened the box, saw it was bone, assumed it was the FTD material, closed the box and left it alone.



FINAL VERSION

SM – How do we know that Tom Munson doesn't have the missing material?

BP – Tom was asked to look for the material again. He indicated that he checked his garage again and did not find anything else.

EG – asked if there was an inventory of the missing material.

Michael Evans (ME) – we only have a summary.

Johnathan Buffalo (JB) – we must remember the times, there has been loose movement of human remains in the past. Material moved freely.

George Garvin (GG) – this is really troubling. Superintendents suffer the abuse and are hung out to dry by the agency. There should be higher ups presenting this information. Phyllis Ewing was flung around but she did a good job at what she did. The bones were under federal protection.

JN – explained that MW Regional Director was to have been here on Wednesday but had been called to Washington. He has only been on the job for a month, and there is a backlog of urgent issues requiring his attention due to the length of time senior leadership positions in the region had been vacant.

PM – it's very disappointing that no representatives from the regional office are here. There should not have been a meeting without representation. I'm with George in how it should be handled. Looks to me like we're not important enough to warrant his (RD) presence.

JN – I've spoken to him about this issue, and he takes it very seriously. He has assured me that he is committed to meeting with you on this issue in person.

EG – has there been any issue of a notice of violation?

There was a general discussion of NAGPRA civil penalties, and the fact that federal agencies are not subject to them.

JN – I can give a guarantee of publication in the Federal Register with a correction to the inventory.

PM – was the material deaccessioned? How was that recorded?

JN – all the remains were once formally part of the collection and accessioned. The remains were then deaccessioned. I have not seen the paperwork – only the work "Deaccessioned" written on catalog records. There is a chance they were deaccessioned incorrectly or inappropriately. Explained transfer between Office of the State Archeologist and EFMO for report purposes.

JB – seems responsibility was caught between OSA and EFMO.

JN – Paperwork is very clear that EFMO received all of the remains back from OSA.

FINAL VERSION

PM – You can't just deaccession without paperwork. Where and to whom did they go? This is a trail no one followed. Someone should have looked at the trail and pursued this sooner. Maybe this is happening in other parks across the country. It stinks.

SM – the material has to be held somewhere when it is deaccessioned. Someone has to be responsible for it.

JN – Ultimately it is the Superintendent's responsibility.

BP – The matter will be discussed with the U.S. Attorney's office in Cedar Rapids. They will determine if criminal charges will be filed.

Bill Quackenbush (BQ) – you contacted us in a timely manner but I feel a felony has been committed. Why are we wasting time while our ancestors are in a box? Investigation should be ongoing now.

JN – EFMO needs to make sure its own house is in order before I ask for others to be investigated for a potential crime.

BQ – Do you mean clean house as in clean a crime scene?

JN – I want to make sure there has been a crime.

BQ – I hear you say clean house as in destroying records or evidence. I want documentation of this consultation to show record of cleaning house. History has unjustly handled us. You have our remains and we want them back in the ground.

JN – We're not cleaning house in that sense. Nothing is being destroyed; simply an inventory. I want to be transparent but don't want to accuse someone if we might have the missing material in our collection. Any tribal member that would like to observe the inventory process is certainly welcome.

PM – that's a necessity. We've already established that the some of the remains were in the wrong place. The missing remains can be handled separately. We're still 2<sup>nd</sup> class. He should be in a criminal investigation now. Phyllis Ewing was investigated why not with this one.

GG – When NAGPRA began how was inventory compiled. Why not in reports?

ME – I was hired in 1994 to be MWR NAGPRA coordinator. Parks compiled lists of sacred objects, objects of cultural patrimony through examination of catalog records. In 1995, inventory of human remains was also done through the use of catalog records. For most parks, records were poor. Parks were also not given much time to compile information and no consultation was done because no one knew how to do that. MWAC was responsible for compiling the park inventories and forwarding them to WASO. Copies of those inventories went to all Federally recognized tribes at that time. These early attempts are being improved upon.

PM – any other items in MW parks deaccessioned and unaccounted for?

ME – not NAGPRA related.

FINAL VERSION

Break

ME – not sure if I fully answered the question before the break. MWRO did not do anything about the missing remains; partly because they weren't told and it didn't rise to their level of consciousness.

BQ – I have a question for Bob. Did you go to his place or did he bring them in?

BP – I went and got them.

BQ – Why would a superintendent think he had bones from an archeological site?

BP – The site was rip rapped and covered with fill. The FTD site was used as a dump and it would not have been unreasonable for an archeologist to surface collect material and put it in a box.

PM – That's a good explanation but it doesn't set with me. If someone came to my house and I brought in half of the remains, they would have a search warrant at my house in no time.

BP – it may not be a great explanation but it is a plausible one – yes.

BQ – I can't fathom a superintendent knowing human remains are missing from a park and not questioning. It needs to be asked. Are we going to meet him, to see if he's sincere? Will we get an apology? Will he try to make amends? How could the material get from the collections to his garage?

LW – When he moved, were there boxes left behind?

BP – It's important to remember that his stuff in the garage was co-mingled with the park's. How did it get in the garage? Well, he claims the material was to go to MWAC in a vehicle, but that was never done. It just stayed in the garage.

JB – the trace got lost between the accession and the deaccession, it got lost, no one took responsibility.

BQ – were they originally in a container?

BP – not sure how they came back from OSA. They were in in a cardboard box in the garage.

SM – Seems to me they were treated like garbage. They are still human remains, whether deaccessioned or not, they still needed to be taken care of.

JN – Agreed.

GG – What about the black market? They could have been sold.

BP – It's important to note that the park did not have appropriately trained cultural resource professionals to oversee the collections.

BQ – Do they have one now?

JN – It's in the works. Actually may be two new hires.



FINAL VERSION

JB – What can we do until we find the missing remains? Will this delay dealing with what we have?

JN - there is no intent to hold up the items we currently possess. We can begin NAGPRA discussions immediately.

LW – can we rebury before the criminal investigation is complete? What about previous repatriations?

ME – When we do the inventory, we can match with past catalog #'s. A notice of inventory completion can then be drafted but the material may end up being evidence. We can have discussions about repatriation and reburial but criminal investigations may delay actual reburial.

PM – Has it been turned over to the U.S. Attorney's office?

BP – No

PM – Why not?

BP – I have spoken with Tom about the missing material, and looked at background information. I can discuss with my superiors about expediting the process.

PM – We know who had them, who took them, and he returned them. We ask that it be done very soon.

ME – an investigation will be done. Waiting for itemized list of what's missing.

GG – material crossed state lines.

PM – Can't understand why the U.S. Attorney's office has not been notified.

ME – agree that actions can't be defended.

PM – then don't. Not your purview to decide when to pursue this.

JN –this is my responsibility. I've been cautious, and want to make sure remains are truly missing before pursuing it as a criminal matter.

PM – When will it be done? The legal part carried forward? The process should be carried forward immediately.

BP – I am the LE officer at the park. I have a report, largely based on records. I will talk to my superiors. Within the week, I could pursue this.

PM – Anyone outside of MWRO know of this?

BP – I have talked with LE in MWRO and discussed whether this is something that should go to the U.S. Attorney's office.

PM – Was it worthy of moving forward?

FINAL VERSION

BP – yes, not sure what form the process will take but may go through the Inspector General's (IG) office.

PM – make it plain, we are adamant about carrying it forward immediately. Not our decision what he did; the facts are the facts.

BP – U.S. Attorney's office will want to know what the level of intent was. Was there criminal intent?

Kris Goodwill (KG) – there does not have to be criminal intent for it to be a violation of NAGPRA.

BQ – if it was an innocent mistake, what in the agency contributed to it? The legal issue of criminal charges can take place along with NAGPRA.

JN – What will it take to repair credibility to agency? Can we compile a list of items that will help us ensure it doesn't happen again?

KG – it is a violation of NAGPRA. The solicitor's office should pursue civil suits. U.S. Attorney may not pursue but need to go both routes.

PM – We have to insist that things happen according to the rules.

JN – the solicitors generally function in an advisory capacity.

JB – We need a head on a plate. We can't do it because he doesn't work for the NPS. EFMO head on a plate – we don't want that. We want the individual responsible.

GG – we've been nice so far, could have had a press conference. Continue to pursue legal action regardless of whether he has retired.

KG – tribes could consider filing their own charges.

ME – you have that option.

KG – The statute of limitations began upon disclosure. Disclosure was just a few weeks ago.

PM – Who will do complete NAGPRA inventory? Who is qualified?

JN – Shirley Schermer.

PM – park service should ask her immediately to do complete inventory.

ME – I have discussed this issue with the MWRO and Washington. They are aware of the issue and are awaiting further information.

KG – what additional information are they waiting for?

ME – an inventory correction, Park is not currently in violation of NAGPRA.

PM – I take exception to being expeditiously handled. Inventory should have been done first.

FINAL VERSION

Lunch break

GG – I thought we put HWY 13 Rockshelter away a long time ago.

JN – Acc. 8 fragmented into three subsets. A portion is missing, portion recently returned to the park and a portion previously repatriated and reburied.

LW – do you have a record of where those remains were reburied?

JN – Yes.

JB – Sac and Fox don't claim cultural affiliation. We want to be respected for our aboriginal rights. We feel obligated to speak on behalf of the culturally unidentified.

JN – We'd like to work with this under the Future Applicability rule of NAGPRA. We'll update the NAGPRA inventory, prepare the Federal Register notice, and submit the draft to the tribes for consultation. Then we have to abide by the 30 day waiting period.

PM – do we have a notice of inventory completion or a correction?

ME – advice from Washington was to do a new inventory otherwise we would have to do corrections to all three previous notices.

GG – I don't believe in the term culturally unidentified. We need to work together to do this as quickly as possible.

ME – this group has done this before, no reason to change if everyone agrees.

GG – We want to see it adjudicated and affiliated.

PM – Who can do this inventory for the park if Shirley can't make it?

ME – MWR does not have any forensic anthropologists that could do the work.

GG – Park could contract with the UW system for a forensic anthropologist.

ME – Shirley would be the quickest.

JN – how long would it take you to get the draft notice comments back to the park?

GG – overnight, forward them to me for compiling.

PM – When will we find out if there are grave goods? I have a problem with others determining what a funerary object is.

BQ – what is the process and who determines that?

ME – now if they are associated with a burial or burial site they are funerary objects. That is easy. We can't determine sacred items and items of cultural patrimony.



FINAL VERSION

PM – do we have to make a claim for the funerary objects?

ME – yes

PM – Then we'll make that.

BQ – can we add an educational component to this so it doesn't happen again?

JN – Yes. We can commit to preparing a presentation or paper at a future conference.

GG – We would like to make them associated again.

PM – can we get all things moving quickly to get them reburied at the same time.

JN – we can move ahead to reburial but you must realize that once we leave repatriation and NAGPRA the reburial is a different issue. We then will have Section 106 procedures to work with and will need to consult with the SHPO.

GG – the South unit was a good place. (agreed verbally JB, PM, LW)

KG – the agency needs to look at this and determine how not to have it happen again. Input needs to be taken.

JN – I agree we need to figure out how to ensure this won't happen again. The investigation may wind up being similar to the IG's investigation of the past Section 106 practices here at EFMO. It is reasonable to envision this type of investigation for the NAGPRA issue also.

PM – need to correct this problem park service wide.

**List of NPS commitments - from flip chart:**

- Follow the rules
- Discuss issue with Solicitor's Office
- Get Inventory corrected (begin drafting immediately)
- Discuss Issue with Regional Directory – other parks with same issue?
- Ask Regional Director to consider ordering a region-wide review and correct NAGPRA inventories, with an eye especially for parks that are failing to report missing materials
- Investigate all deaccessions – did materials actually go where reported?

**Steps toward reburial - from flip chart:**

- Inventory will be updated (draft) by July 31
- Draft will be reviewed by tribes and comments submitted by August 15

FINAL VERSION

- Reburial will be in South Unit
- Section 106 work for reburial will be complete by end of September
- Will draft a PA to address funerary objects that may still be in park collection, or ones that may be identified in the future
- Will present this case history at a conference or Review Board meeting



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June 8, 2011

James A. Nepstad, Superintendent  
Effigy Mounds National Monument  
151 Highway 76  
Harpers Ferry IA 52146

Re: *Examination of recently returned "missing" human remains from Effigy Mounds National Monument collections*

Dear Superintendent Nepstad:

In 1986-1987, at the request of Effigy Mounds National Monument (EFMO), the Office of the State Archaeologist Burials Program examined and inventoried human remains that had been pulled from existing EFMO collections. The OSA temporarily took physical possession of the remains for the purpose of completing that project.

Human remains from the following accessions were involved in the 1986-1987 work:

From sites/accessions outside EFMO boundaries: Accession 13 (New Albin Rockshelter), Accession 14 (Elephant Terrace, 13AM59), Accession 44 (from unknown location), Accession 48 (Waukon Jct. Rockshelter, 13AM266—later corrected in OSA site records to 13AM268), Accession 49 (Spike Hollow Rockshelter, 13AM47), Accession 50 (Guttenberg Burial), Accession 51 (Quandahl Rockshelter, 13WH35), Accession 70 (Marquette Rockshelter), Accession 77 (Karnopp Mound Group, Prairie du Chien, Crawford County, Wisconsin), Accession 87 (from unknown location).

From sites/accessions inside EFMO boundaries: Accession 1 (Mound 55, 13AM82), Accession 5 (Sny Magill, Mound 7, 13CT18), Accession 8 (Highway 76 Rockshelter, 13CT231), Accession 16 (either Mound 36 or 37, 13AM190), Accession 53 (Mound 18, 13AM207), Accession 78 (Mound 12, 13AM101), Accession 106 (Mound 33, 13AM190), Accession 107 (Mound 39, 13AM190), Accession 109 (Mound 38, 13AM190), Accession 111 (Mound 41, 13AM190).

The agreement at the time was remains from sites within EFMO boundaries would be returned to EFMO, while remains from sites outside of EFMO boundaries would be reburied in the appropriate state cemetery by OSA. The remains from outside of EFMO boundaries were reburied by OSA, except for Accession 77 (Karnopp Mound Group, Prairie du Chien, Wisconsin). Those remains (Accession 77) were returned to Wisconsin. In 1987, the remains from sites within EFMO boundaries were returned to EFMO (loan form with James David's signature acknowledging the receipt of the remains we were to return to Effigy Mounds, dated May 1, 1987; reference in May 12, 1987 EFMO staff meeting minutes; letter dated February 28, 1990).

At some point between May 1987 and July 1995, these remains went "missing." Attempts by EMFO and the Midwest Archeological Center in the 1990s and 2000s to relocate them were unsuccessful. This spring (2011) some human remains, believed to be the missing remains, were found in the garage of former superintendent Tom Munson and returned to EFMO. I was asked to examine those remains and compare them to the inventories compiled by OSA in 1986-1987 (OSA *Contract Completion*



Report 245). Except for one small hand-written note, there was no documentation present with the materials. Some remains did have accession or site numbers written on the bones themselves. The remains had been placed in two large black plastic bags and a few smaller ziplock bags. One of the black plastic bags had commingled remains from several accessions. Most of the remains are fragmented, and there is evidence of "recent" breakage of some of the remains, most likely occurring due to handling and storage conditions. The remains were removed from the plastic bags, sorted by accession, and placed in specimen trays. Unlabeled, but identifiable, bone elements and fragments were compared to the descriptions in the 1987 inventories and text reports. In addition, I counted the small, miscellaneous unlabeled (and un-assignable) bone fragments. The numbers correspond, for the most part, to the numbers listed in the "miscellaneous" categories in the inventories of the various accessions that I was able to account for. At the conclusion of my examination, the specimen trays containing the remains were placed in a locked cabinet within a secure area of the EFMO repository.

I was able to determine that:

- 1) The remains from Accession 5, Accession 16, Accession 53, Accession 78, Accession 107, and Accession 111 could mostly be accounted for in the returned remains.
- 2) Approximately half of Accession 8 could not be accounted for in the returned material.
- 3) Remains from Accession 1, Accession 106, and Accession 109 are not included in the returned material.
- 4) Included in the returned remains was a facial portion of a cranium labeled "13CT26." This incomplete cranium had been included with the Accession 8 material in 1986-1987 and is briefly described in the OSA 1987 report.
- 5) Two bones, an innominate labeled "1940" and a badly gnawed long bone shaft labeled "1941," were also included in the returned remains. A check of the EFMO deaccession records indicate these remains were from Accession 95. My check of the OSA report as well as hand-written notes in our files did not find any reference to either of these catalog numbers.

I am including an accession-by-accession account of my May 19-20, 2011, examination of the recently returned remains.

In 1986-1987, the location of the Highway 76 Rockshelter, 13CT231 (Accession 8) was believed to be within EFMO boundaries (OSA site sheet and EFMO records). Recent research by EFMO staff indicates this rockshelter is located just outside EFMO boundaries. Even though outside park boundaries, OSA defers to EFMO to handle repatriation and reburial of these remains.

Please let me know if you have any questions.

Sincerely,

Shirley J. Schermer  
Director, Burials Program  
319-384-0740  
[shirley-schermer@uiowa.edu](mailto:shirley-schermer@uiowa.edu)

**May 19-20, 2011 Examination of Recently Returned Human Remains Believed to be from the Missing Accessions Originally Returned to EFMO by OSA in 1987**

**Accession 1 (Mound 55, 13AM82):** The remains from this accession could not be accounted for in the material examined and are not included in the returned material. The three pages of the 1987 accession inventory indicate a number of fragments were labeled "Md. 55" or "AM47," but no fragments with this label were found during the 2011 examination. Plus there were no bone elements or fragments that matched the inventory descriptions or were not assigned to other accessions.

**Accession 5 (Sny Magill, Mound 7, 13CT18):** This accession appears to be accounted for. Five fragments labeled "Md 7 SM" or "SM Md 7" were found mixed in with remains from Accession 53, Mound 18—two cranial fragments, one possible cranial fragment, one fragment of an articular surface (possibly femur), and one long bone fragment. In a separate unlabeled bag (that also seemed to contain Accession 111 bones) were 17 small cranial fragments and 20 small long bone fragments, several tiny fragments, and one cancellous tissue fragment.

**Accession 8 (Highway 76 Rockshelter, 13CT231):** Only approximately half of this accession could be accounted for in the returned remains. The bones are in excellent condition and labeled with catalog numbers. The following catalog numbers were present and are accounted for: 4592, 4593, 4594, 4600, 4633, 4679, 4685, 4686 (2), 4691, 4694, 4696, 4715, 4776, 4788, 4789, 4790, 4791, 4795 (2), 4800, 4801, 4817, 4822, 4859, 4869, 4870, 4878, 4885, 4889, 4920 (2), 4925, 4927, 4939, 4940, 4945 (2), 4946 (2), 4947, 4949 (2), 4950 (8), 4951 (2), 4952 (2), 4953, 4954, 4955 (3), 4956, 4958, 4960, 4963, 4966, 4971, 4972, 4980, 4981 (2), 4998 (2), 5020 (2), 5021, 5025, 5026, 5028, 5032 (4), 5033, 5034, 5038, 5041 (2), 5042, 5047 (4), 5051 (4), 5056, 5072, 5093 (6), 5096, 5097, 5098, 5099, 5103, 5108, 5109, 5111, 5115 (1 of 2), 5116 (1 of 3), 5121, 5122 (1 of 2), 5123, 5124, 5127, 5132 (2), 5147, 5148, 5153 (2), 5156, 5188, 5189 (2), 5190, 5206 (3), 5220 (2), 5225, 5227 (2), 5231, 5233 (2), 5236, 5239 (4 + 1 non-human fragment with that number), 5362 (2), 5394, 5427, 5430, 5434, 5473 (2), 5474, 5475, 5476 (3), 5477, 5478, 5479, 5480 (2), 5481, 5482, 5483, 5484 (3), 5520, 5558, 5586, 5589 (2), 5594 (2), 5636, 5695, 5707.

However, there were several missing catalog numbers when compared to the numbers on the 1986-1987 loan form. And, when compared to the 1987 inventory, teeth, cranial remains, vertebrae, ribs, some long bones, innominate, and pubic bones could not be accounted for. Remains from this EFMO accession were listed on the EFMO 2008 NAGPRA summary. However, the catalog numbers listed on that 2008 summary do not match any of the catalog numbers on the 1986-1987 loan form. **The catalog numbers that could not be accounted for are:** 4606, 4638, 4659, 4692 (5), 4769, 4773, 4775 (2), 4779 (2), 4806, 4820 (5), 4845, 4846, 4847, 4848 (4), 4849, 4861 (2), 4867, 4884, 4924, 4928, 4929, 4930 (3), 4959, 4961, 4962 (2), 4964 (2), 4965, 4970, 5000, 5002, 5012, 5013, 5014, 5016 (2), 5017, 5018, 5019, 5088 (4), 5089, 5090, 5091, 5100, 5101, 5102, 5104, 5105, 5106, 5107, 5112, 5113, 5114, 5115 (1 of 2), 5116 (1 of 3), 5117, 5118, 5119, 5122 (1 of 2), 5179 (2), 5180 (2), 5181, 5187 (2), 5200, 5213, 5219, 5221, 5232, 5341, 5378, 5379, 5393, 5425, 5426, 5428, 5471, 5486, 5494, 5516, 5555 (2), 5582. The loan form also notes "one sack skull fragments." Some of the unlabeled cranial fragments in the bags of recently returned remains could possibly belong to this accession; but in terms of counts of these fragments and similarities to remains in the other accessions for which I was able to make positive assignments, it is more likely the fragments in the "one sack skull fragments" are not among the returned remains for Accession 8.

Accession 16 (either Mound 36 or 37, 13AM190): The remains from this accession are accounted for. Some bone fragments are labeled and match the numbers on the 1990 EFMO deaccession list. These fragments and unlabeled bones match the descriptions in the 1987 report text inventory.

Accession 53 (Mound 18, 13AM207): This accession is mostly accounted for. A number of the bones/fragments had "Mound 18" written on the bone surface. The bones/fragments were assigned to Mound 18 based on the inventory description. A number of miscellaneous, unlabeled burned cranial fragments from the black plastic bag of commingled remains were assigned to this accession. What could not be accounted for, based on the inventory descriptions, are one mandible fragment (burned, right gonial angle) and three of 4 femur proximal epiphyseal fragments (unburned). It is possible these fragments were fragmented beyond recognition during handling/storage in the intervening years or lost as remains were transferred at some point from their original bags and boxes into the black plastic bags.

Accession 78 (Mound 12, 13AM101): The remains from this accession are mostly accounted for. The still missing, or unaccounted for, fragments include one frontal fragment (lateral portion of left orbit and zygomatic process, unburned), one humerus shaft fragment (partially burned); one patellae (incomplete, burned), one vertebral body fragment (burned), and one very small box of burned earth with very tiny fragmented bone. There was a small plastic bag, unlabeled, that could have been the burned earth with tiny fragments mentioned in the 1987 report. And it is possible that the other unaccounted for fragments could have been badly fragmented or lost post-inventory during the "missing" years due to handling, storage conditions, or transferring from their original bags and boxes.

Accession 106 (Mound 33, 13AM190): **The remains from this accession could not be accounted for in the material examined and are not included in the returned material.** The 1987 report states that most bones from this accession were marked "Md. 33 E R-3." No bones or fragments in the recently returned remains had this label. The remains listed in the three pages of the 1987 inventory for this accession are not present, except for possibly three calcaneus fragments that could not be assigned/were not missing from the other accounted for accessions. The Accession 109 inventory also lists calcanei, so some or all of these calcaneus fragments could belong to that accession.

Accession 107 (Mound 39, 13AM190): The remains from this accession are most likely accounted for. The 1987 inventory listed the remains from this accession as consisting of "20 small fragments of small-sized long bones and three small fragments of cancellous bone." While none of the unlabeled small fragments can be assigned with certainty to this accession, it is likely, based on counts of unlabeled fragments and assignments to other accounted for accessions, that the remains from this accession are present in the recently returned remains.

Accession 109 (Mound 38, 13AM190): **The remains from this accession could not be accounted for in the material examined and are not included in the returned material.** Based on the descriptions in the two pages of the 1987 inventory and the report text, the remains from this accession could not be accounted for in the recently returned remains, except for possibly three calcaneus fragments that could not be assigned/were not missing from the other accounted for accessions. The Accession 107 inventory also lists calcanei, so some or all of these calcaneus fragments could belong to that accession.



Accession 111 (Mound 41, 13AM190): The remains from this accession are accounted for. Four shaft fragments were in a bag with remains labeled "Accession 8." These shafts were not labeled and were in a different state of preservation. These shaft fragments matched the description in the 1987 report of the Accession 111 remains.

**From:** (b) (2), (b) (6)  
**To:** Jim Neustad  
**Subject:** Notes on accessions and NAGPRA activities at EFMO  
**Date:** 05/23/2011 11:11 AM  
**Signed by:** CN=(b) (2), (b) (6) OU=EFMO/O=NPS

---

Jim,  
Here is what I can determine from our records:

**Accession 1 (13AM82), Md.55 Nazekaw Terrace**

Computer records show no deaccessions from this collection. There is nothing in the accession folder that helps. Uncataloged portions were deaccessioned in 1990 according to note in Accession Book.

**Accession 8 (13CT231, HWY 76 Rockshelter)**

Portions of this accession were repatriated and reburied in August, 2008. Cataloged and uncataloged portions were deaccessioned in 1990 according to a note in Accession Book.

**Accession 106 (13AM190, Md. 33, Fire Point conical)**

Computer records show no deaccessions from this collection. There is nothing in the accession folder that helps. Uncataloged portions were deaccessioned in 1990 according to note in Accession Book.

**Accession 109 (13AM190, Md. 38, Fire Point group)**

Computer records show no deaccessions from this collection. There is nothing in the accession folder that helps. Uncataloged portions were deaccessioned in 1990 according to note in Accession Book.

Here is also a rough summary of past NAGPRA activities at EFMO:

***2001 - repatriated and reburied August, 2001***

Md. 27 (Sny Magill) - one individual

Bundle burial (13CT50, Accession 12, Devils Den) - one individual, previously on display at EFMO and later curated at MWAC.

Skull - one individual, this material was received at EFMO via USPS in a cardboard box in 1999 (not sure about the date)

Federal Register notice March 9, 2001 (originally contained Md. 57 material which was later removed by correction notice - see below).

***2002 - no repatriation or reburial***

Federal Register notice March 20, 2002 - Correction removing Md. 57 material from 2001 Federal Register notice as it was determined that this material was culturally unidentifiable and could not be repatriated at this time.

Md. 57 (Accession 165) - 12 individuals and 3 artifacts. This was the material that came back to EFMO in a suitcase in 2000.

***2005 - repatriated and reburied February, 2005***

Culturally unidentifiable

Md. 57 (Accession 165) material - 12 individuals and 3 artifacts  
Federal Register notice December 20, 2004

**2008 - repatriated and reburied August, 2008**

Culturally affiliated

HWY 76 Rockshelter (13CT231 )- 6 individuals

Spike Hollow Rockshelter (Accession 49, AM47) - one individual

Md. 66 (13CT55, Acc.60, EFMO) - one individual and one biface

Culturally unidentifiable

Waukon Junction Rockshelter (13AM268, Accession 48) - two individuals

Marquette Rockshelter (Accession 70) - three individuals

Federal Register notice July 14, 2008.

I hope this helps. Let me know if you need additional information that I may be able to help with.

(b) (2), (b) (6)

Effigy Mounds National Monument

151 HWY 76

Harpers Ferry, Iowa 52146

(b) (2), (b) (6) nps.gov

563-873-3491



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**National Park Service**  
**Rules of Behavior**  
**For Use of Information Technology**

Version 2011-1

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**Key Points to Remember!**

**Use complex passwords.**

**Report all computer security incidents.**

**Log off or lock your screen when not at your computer.**

**All data on federal computer systems is the property of the US Government.**

**Gambling, pornography and pursuing any venture for personal profit are prohibited.**

**Never use unapproved hardware, software or personal equipment on US Government systems.**

**Take the annual IT Security awareness training course and stay up-to-date with new issues.**

**Use special caution with and protect personally identifiable information.**

**Never store sensitive data on systems accessible to the public.**

**You are responsible for your computer account.**

**Don't abuse US Government resources.**

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# National Park Service Rules of Behavior For Use of Information Technology

Version 2011-1



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NPS Computer User's Acknowledgement of IT Rules of Behavior

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## **I. General Rules and Responsibilities**

The information technology (IT) resources for the National Park Service (NPS) are the property of the United States Government and must be protected. Federal law requires every user to read and sign a *Rules of Behavior* (ROB) acknowledgement prior to being granted access to a federal system. Department of the Interior (DOI) policy requires review and renewal of access agreements at least annually. This document supersedes the previous version, titled *Responsibilities for Computer Use, Version 2010-1*.

Links to current policies and directives can be found at <http://inside.nps.gov>. Search word "policies". The *NPS IT Rules of Behavior (NPS IT ROB)* applies to all employees, contractors, partners, and others using NPS IT assets.

Security procedures and appropriate use of NPS IT resources are essential in maintaining the confidentiality, integrity, and availability of NPS IT assets. The *NPS IT ROB* is derived from the published NPS and DOI security policies, combined with other regulatory documents including, but not limited to:

- The Code of Ethics for Government Employees
- Office of Personnel Management (OPM) regulations
- Office of Management and Budget (OMB) Circular A-130 Appendix III
- Standards of Conduct for Federal Employees

Depending upon the violation of the *NPS IT ROB*, penalties may include:

- | <u>Administrative</u>             | <u>Criminal</u>             |
|-----------------------------------|-----------------------------|
| • Oral and written counseling     | • Termination of employment |
| • Official written reprimands     | • Criminal prosecution      |
| • Suspension of system privileges |                             |
| • Loss of network privileges      |                             |
| • Temporary suspension from duty  |                             |
| • Removal from current position   |                             |
| • Termination of employment       |                             |

Since written guidance cannot conceive of every contingency, users are cautioned to use their best judgment and highest ethical standards to guide their choices and actions. For specific questions regarding the *NPS IT ROB*, users should contact their supervisor, ethics officer, procurement official, property manager or IT security manager (<http://inside.nps.gov/r/itsin>).

### **I.1 General Terms of Use**

Throughout this document, the term *IT asset* refers to computer hardware, software, electronically stored data, electronic communications and services. The term *User* is an authorized individual who directly accesses NPS IT systems.

- NPS IT assets shall only be used in manners which are compliant with applicable federal laws and regulations.
- NPS IT assets shall not be used in any manner that violates copyright law.
- NPS IT assets shall not be used in any manner that conflicts with the NPS mission or interests, or in any manner that may discredit the NPS.
- Users are accountable for all IT assets assigned to them and shall take reasonable steps to protect these assets, including data, from environmental and human hazards.
- Users shall not remove NPS IT assets from NPS facilities without authorization.

- Users shall not connect personally owned equipment and other devices that are not government furnished equipment (GFE) to the NPS network.
- Hardware (GFE) and software have been configured to meet the standards for the federal government use. Configurations shall not be altered except as authorized.
- Unauthorized hardware, software or firmware shall not be installed or used on GFE. Hardware and software will be approved and legally licensed for use by NPS/DOI. Users shall consult their IT support, IT security manager, or NPS OCIO about obtaining proper authorization. This includes the use of new technology devices that have not yet been approved or configured for secure implementation and use within NPS.
- Use of Peer-to-Peer (P2P) technologies is prohibited. P2P is a program which allows a group of computer users to seamlessly and transparently interconnect and share files on each other's systems and bypasses established security controls.
- Users shall either log out, lock or shut down any computer/terminal when leaving the vicinity. In addition, the password feature on automatic screen savers shall always be enabled.
- Users shall not take actions to intentionally defeat antivirus software.
- Use of Instant Messaging (IM) is limited to the NPS intranet and the authorized NPS IM software.
- Users will adhere to all DOI and NPS policies and configuration requirements for the use of wireless technologies prior to being granted wireless access. (See Section 1.11 Rules for Wireless Use.)
- Users will be alert for "social engineering" techniques and will report such attempts to their IT security manager. Social engineering is a deceptive practice by an unauthorized party who masquerades as a legitimate user to gain privileged information about a computer system.
- Users are required to have the appropriate authorization to remove personally identifiable information (PII) or other sensitive data from NPS facilities. (See Section 1.9.)
- Data on any portable storage device, including but not limited to, external hard drives, personal digital assistants (PDAs), and USB "thumb" drives must be encrypted using current federal encryption standards. Users shall consult their respective IT security manager for guidance and current standards on encryption.
- Users shall be aware that all data and files residing on NPS IT equipment are the property of the NPS. Therefore, they should have no expectation of either privacy or ownership.
- Unless specifically authorized for NPS business purposes, users shall not post NPS information of any kind to public access systems, including social media sites. (See also Sections 1.2 and 2.3.)

## 1.2 Limited Personal Use

NPS IT assets may be used for personal purposes when:

- Such use takes place during non-duty hours: either before or after the normal work day, during lunch, breaks or other non-duty times.
- The expense to the government is negligible.
- The activity is not prohibited by other policies (including those in Section 1.3 below).
- The ability of others to complete NPS-related business is not disrupted.
- Such use does not include political activities, third-party business transactions or solicitations. The prohibition against engaging in political activity does not apply to Presidential appointees who have received Senate confirmation.

- Any personal purchases made over the Internet shall not violate any federal policy or restriction. US Government regulations prohibit the mailing or shipping of personal items to a government address.
- Personal use of social networking Web sites does not indicate or imply that the user represents or speaks for the NPS. NPS e-mail addresses shall not be provided to register for personal use of these sites.

Users are reminded that there should be no expectation of privacy or ownership of any files residing on NPS IT assets. This also applies to personal data or email while using NPS IT equipment.

### 1.3 Prohibited Activities

The following activities are prohibited on any government owned or leased system at any time:

- Gambling
- Intentionally visiting or downloading material from pornographic Web sites
- Lobbying Congress or any government agency
- Campaigning for any political activity
- Online stock trading activities
- Activities that are connected with any type of outside employment
- Conducting any business for personal gain or profit
- Endorsement of any products, services or organizations
- Any non-business use of continuous audio or video streaming from commercial, private, news or financial organizations
- Disclosure of system information (i.e. hardware, software or firmware configurations) to an unauthorized person

### 1.4 IT Security Training

All users with access to NPS IT assets are required to complete annual IT Security Awareness Training. New users must complete the training within one week of their start date. In addition, NPS users are responsible for staying current with both IT security policies and requirements.

Those who do not complete their annual training requirement will be denied access to NPS IT assets until the requirement is satisfied.

### 1.5 Proper Use of User IDs

User IDs are uniquely assigned to individuals. No user shall use another's account to access NPS systems.

- Users are responsible and accountable for any actions taken under their user ID.
- Users shall not attempt to bypass or automate login procedures that require user ID and password entry. This includes not defining them by function keys nor programming them into applications.
- Users shall access and use only systems for which they have authorization. Access to an unauthorized system or data, inadvertent or otherwise, is a security breach and should be reported as soon as possible to the appropriate officials. (See Section 1.7.)
- Users shall not knowingly enter unauthorized, inaccurate, or false information into a system.
- Suspected access attempts using your user ID and password shall be reported immediately to an IT security manager or IT support staff.
- Users shall notify the system administrator whenever there is a change in an employee's role, assignment, or employment status which will affect their system access requirements.



## 1.6 Password Policy

All users are required to follow the NPS password policy. Passwords must:

- Be twelve (12) or more characters in length.
- Contain a mix of uppercase letters, lowercase letters, numerals and special (non-alphanumeric) characters.
- Not be the same as the user ID, be names, words or combinations of words.
- Be changed every 60 days.

Additionally, users are required to properly protect their passwords and access credentials from compromise:

- Never share passwords.
- Never send unencrypted passwords over the network or through e-mail.
- Never store unencrypted passwords on personal devices such as telephones, PDAs or laptops.
- Never use the same password for more than one system.
- Never use a government password on a non-government system.
- Change any vendor-supplied or default passwords.

Users of PDAs are required to implement a password of six or more alphanumeric characters on these portable devices. PDAs are "personal digital assistants" such as Blackberry.

## 1.7 Incident Reporting

Users are required to report all actual or suspected security incidents, violations, fraud, waste or misuse of NPS systems to the appropriate officials. IT security incidents are to be reported through the NPS incident reporting chain as outlined in the *NPS Computer Security Incident Response Team (CSIRT) Handbook*. The *CSIRT Handbook* is posted on the Inside NPS at <http://inside.nps.gov/csirt>. NPS users are expected to fully cooperate with any official investigation of suspected security incidents.

Any potential loss of personally identifiable information (PII) or other sensitive information should be reported immediately or as soon as possible. (See Section 1.9.)

## 1.8 Use of Government and Personal E-mail

E-mail on a government system is the property of the government and has the potential to become a part of an official record.

E-mail filters are in place on the NPS Internet e-mail gateways to automatically prevent the majority of incoming items that have malicious intent, such as SPAM, viruses, worms, Trojans, restricted file types, and excessively-large files.

Users may use their government-issued e-mail account to send personal e-mail, provided that:

- Messages are not sent to more than five addresses (no mass mailings).
- Personal broadcast transmissions are not made.
- Fraudulent, harassing, or sexually explicit messages are neither sent nor saved.
- NPS e-mail addresses are not provided to register for personal use of social networking or other Internet sites.

Users may use commercially provided personal e-mail accounts with the following restrictions:

- Do not send or receive government data using personal e-mail accounts unless authorized.

- Do not install software or open/download attached files received via personal e-mail accounts.
- Ensure that no malicious software is introduced into the NPS IT environment through the use of personal e-mail.

### 1.9 Sensitive Data, Privacy Data and Financial Data

Sensitive data is any information, the loss, misuse, unauthorized access to or modification of which could adversely affect the national interest or the conduct of federal programs, or the privacy to which individuals are entitled. All employees using NPS systems are responsible for identifying sensitive data, which includes personally identifiable information (PII), on their individual portable devices or removable media.

Users shall protect sensitive data, including PII, by:

- Encrypting all portable storage devices, including but not limited to, external hard drives, personal digital assistants (PDAs), and USB "thumb" drives using current federal encryption standards. Users shall consult their IT support or respective IT Security Manager for guidance and current standards on encryption.
- Physically securing portable media containing sensitive data.
- Disposing of media in accordance with approved procedures.
- Encrypting sensitive data sent via e-mail.
- Physically securing sensitive data sent to a printer or any sensitive printed material.
- Never storing sensitive data on systems accessible to the public.
- Never storing sensitive data on personally owned computers.
- Following procedures for accessing data, and only using the data for which they have authorization.
- Obtaining authorization before distributing any data to a non-federal entity.
- If PII or sensitive information is lost or stolen, it must be reported immediately or as soon as possible per NPS Incident Reporting procedures. (See Section 1.7.)

#### 1.9.1 Personally Identifiable Information (PII)

PII includes an individual's name, social security number, date and place of birth, mother's maiden name, biometric records, etc., including any other personal information which is linked to an individual.

PII is any information about an individual maintained by an agency, including but not limited to:

- Home address and home telephone number
- Education
- Financial information and transactions
- Medical history
- Criminal history
- Employment history

Users shall never access or disclose PII or other sensitive data unless it is necessary to perform their official duties. See DOI OClO Directive 2006-16 for additional information regarding PII. This document is located at <http://www.mydoi.doi.net/ocio/directives.html>. Additional policy and guidance on proper handling of PII can be found at <http://privacy.nps.gov>.

### 1.9.2 Financial Systems and Data

Users with access to financial systems have the added responsibility of protecting both the monetary assets of NPS and the personal data of employees, as well as vendor information. Financial systems used by NPS include FFS, FPPS, AFS III, GovTrip, IDEAS, as well as other regional or local systems.

Users of financial applications are responsible for the appropriate use and protection of financial data to which they have authorized access. These users shall comply with the following additional security requirements:

- During sessions with the National Business Center (NBC) and other financial applications, computer hardware, programs and data shall be dedicated to work-related activities. No personal use of government equipment is allowed while connected to financial systems.
- Users shall log off financial applications when not actively working on those systems.
- Users shall follow password complexity rules when changing passwords on financial applications.
- Users shall immediately change an exposed or compromised password. IT incidents should be reported per NPS Incident Reporting procedures. (See Section 1.7.)

### 1.10 Remote Users, Telecommuters and Travelers

NPS defines remote access as "access to agency resources from a location not physically under the direct control of the National Park Service." New technical solutions have been implemented to secure and protect NPS data, especially if removed from NPS physically protected areas. With these new technologies also come new responsibilities for user behavior regarding the protection of NPS data.

NPS users authorized to work in remote locations shall:

- Ensure all remote access to government systems and to the Internet is via the DOI Virtual Private Network (VPN). Use the DOI-Access card for two-factor authentication (login) if available.
- Physically protect security tokens. A security token is typically a physical device that an authorized user is given to provide additional higher level security and to verify the user when logging into a system. DOI-Access cards are a form of security token.
- Ensure that data storage and transmissions on remote and portable devices are secure and encrypted. Users should refer to their IT support or IT security manager for questions about current standards and approved methods for encrypting and erasing data.
- Avoid transferring and storing privacy or other sensitive information except when required for business purposes.
- Ensure that privacy and other sensitive data extracted during remote access sessions is erased within 90 days or sooner if no longer needed.
- Ensure that NPS standard antivirus software is installed and operational on all remote systems. The software must be current and updated with the latest virus definitions.
- Ensure that security, system, and application patches are up to date.
- Use the NPS standard software firewall to protect the remote computer.
- Be alert for anomalies and vulnerabilities and report them to proper officials. Seek assistance when necessary.
- Abstain from altering the hardware, software and firmware configurations, installing software, or adding peripherals to NPS equipment unless authorized.
- Physically secure laptops, portable devices, and other GFE. If equipment must be temporarily locked in a vehicle, store it out of sight.



- Never travel with NPS equipment as checked baggage; always keep with you as carry-on luggage.
- Never leave systems unattended in publicly accessible locations.
- Adhere to all Department and NPS connection policies and configuration requirements. If using wireless technologies, this also includes the NPS Rules for Wireless Use prior to being granted wireless access. (See Section 1.11.)

#### 1.10.1 International Travel

- It is preferable to leave NPS equipment at home while traveling abroad for any purpose. If in mobile devices are essential, back up all data and remove sensitive information prior to travel.
- Expect that transmissions are being intercepted and read by foreign networks, even with encryption. Travelers should avoid processing and transmitting sensitive information. Assume that mobile wireless devices are monitored and subject to compromise.
- Power off any device when not in use.
- Be extra vigilant to physically secure equipment. Avoid risks by maintaining visual or physical contact with these devices. Don't assume that equipment is secure when locked in a hotel room or safe.
- Upon return, scan the system for malware and viruses before connecting equipment to a work or home network. Change all passwords and dispose of any removable media acquired or used during travel. If you suspect that the device has been compromised, contact your IT support about equipment sanitization or possibly replacement. IT incidents should be reported per NPS Incident Reporting procedures. (See Section 1.7.)

#### 1.11 Rules for Wireless Use

The rules below apply to users of the following wireless technologies with NPS computers:

- Connecting to a home wireless network or other wireless access point (WAP).
- Using wireless broadband card/adaptor in a laptop computer.
- Connecting to an approved internal Service wireless network at a park or office.
- Connecting a laptop computer to the Internet via a cellphone or Blackberry (i.e., tethering).

National Park Service (NPS) employees, contractors, or other personnel who are granted remote access to NPS resources through the use of wireless connections must also comply with the following:

- Wireless devices and connections used to conduct NPS business shall be utilized in a responsible and ethical manner.
- Remote wireless access to DOI/NPS networks shall be done using NPS-owned devices and only through the DOI VPN (Virtual Private Network). A secure DOI VPN session will be established and maintained as long as wireless capability on the device is enabled. Session logon will use two-factor authentication (with DOI Access Card) if available.
- Users must remove or disable the device's wireless card/capability when not in use to mitigate attacks by hackers.
- Users will not make modifications to NPS-owned and -installed wireless hardware or software.
- Users will not modify or disable approved security configurations. This includes Symantec End Point Protection (firewall and antivirus/antispysware) and McAfee Data-at-Rest (DAR) encryption, required on all NPS portable computers.
- Users must complete a designated wireless training course for permission to use wireless technology.

Other requirements for approval of wireless use and related references can be found at:

<http://inside.nps.gov/index.cfm?handler=viewnpsnewsarticle&type=Announcements&id=8119>

Users should also contact their local IT support or IT security manager for additional information.

### 1.12 Connecting Non-NPS Computing Devices

Only NPS-authorized laptops, PDAs, or other devices are permitted to connect to NPS IT assets or store NPS data.

- Non-NPS equipment will not be connected to NPS equipment or networks without prior approval from the appropriate authority.
- Prior to use, non-NPS portable media and drives will be verified free of computer viruses and malware.
- Prior to use, non-NPS portable media will be verified free of Individual Indian Trust Data (IITD). Also, the use of NPS IT assets must not involve IITD.

### 1.13 Emergency Considerations

In the event of a catastrophic event such as a widespread epidemic or a natural disaster, the *NPS IT Rules of Behavior* may be superseded by NPS, Department of the Interior, or Federal Emergency Management Agency (FEMA) procedures and protocols.

## 2. Rules and Responsibilities — Special Circumstances

This section applies to those who need IT resources for reasons other than those of the typical user.

### 2.1 Contractors, Volunteers and Partners

In addition to signing the acknowledgement of the NPS IT ROB contained in this document, contractors, volunteers, partners and other non-NPS employees are required to sign a Non-Disclosure Agreement (NDA) stating they will not divulge personal, confidential or sensitive information used in performance of their work. On behalf of the NPS, the federal employee functioning as the guest user's sponsor will maintain a copy of the signed NDA for as long as the individual works for or with the NPS. These special users:

- Shall have access only to data within the scope of their work.
- Shall acknowledge responsibility for data security by accessing the sensitive or privacy data only when it is required and that it is appropriately identified as NPS sensitive data.
- Shall ensure that any data, program code, scripting, and reports generated by their scope of work will be placed on a designated network drive to ensure proper backup.
- Shall acknowledge that Internet access provided by NPS is limited to the requirements of their scope of work.
- Are required to notify the NPS supervisor/sponsor when their assignment is completed and when their access to NPS IT assets is no longer required.

### 2.2 System Administrators

System administrators are those individuals who have enhanced rights to an NPS IT asset. System administrators are responsible for establishing security measures to ensure confidentiality, integrity and availability of data on systems. In addition to their assigned duties, they are required to:

- Immediately respond to security alerts and related requests by IT Security Managers.
- Promptly report incidents to the appropriate IT Security Manager.
- Always be alert for signs of malicious activity or attempts at unauthorized access to NPS IT assets.
- Be prepared to lead or to assist in incident response and recovery activities.
- Take appropriate action to minimize damage from security violations.

- Keep separate accounts for user and administrator (privileged).
- Never use the same password for both the privileged and the non-administrative accounts.
- Never use special privileges or their trusted position for personal business, advancement, gain or entertainment.
- Never use their trusted position or access rights to exploit system controls or access data for any reason other than in the performance of their official duty.
- Never embed passwords in programs or applications.
- Change all vendor-supplied and default passwords for applications, systems and databases.

Additional information on the role and responsibilities of system administrators is located in the DOI manual 375 DM 19.

### 2.3 Web Authors and Software Developers

The NPS maintains a broad spectrum of public-facing Web sites, which provide a wealth of information and resources on NPS parks and programs. Web authors must use Web sites only for legitimate government purposes. No software or Web developer shall circumvent security controls, create backdoor access to a system, install malicious software or otherwise cause harm to an NPS system.

Web authors shall observe the following guidelines on data provided to the public:

- Adhere to DOI and NPS policies on the use of "cookies" and other tracking tools.
- Obtain approval through established procedures before placing NPS information or representing the NPS on any publicly accessible system, including social media sites.
- Only mission-oriented information shall be placed on a publicly accessible system.
- Appropriate IT security controls must be operational prior to connection to the Internet.
- Do not use embedded passwords in code or scripts.
- Follow Department System Development Life Cycle (SDLC) requirements.

### 2.4 Labor Organizations

Union representatives may use government computers, networks and email systems in connection with labor management activities for which official time is authorized.

The DOI and NPS employ network monitoring systems to determine network utilization and bandwidth, to isolate and resolve maintenance issues, and to enforce appropriate usage of NPS IT assets. All network traffic must pass through these network monitors.

Access to electronic monitoring data of communication between union officials and bargaining unit members is limited to authorized law enforcement officials and only upon establishment of probable cause of a violation of law.



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# NPS IT Rules of Behavior

Version 2011-1

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## NPS Computer User's Acknowledgement of IT Rules of Behavior

I have read the *NPS IT Rules of Behavior 2011-1*. I understand that I am responsible for complying with the responsibilities stated in this document and that I am responsible for protecting my account information and agree to report any computer security incidents to the appropriate information security representative.

It is necessary to sign this form before you are granted a user ID to access NPS systems.\*

---

Print user's name

---

Signature

Date

---

Region or Directorate, Park/Center/Office

\*For obtaining initial access to NPS IT systems, the signed form must be provided to your supervisor for retention and for IT account administration. Retain a copy for your own records. The *NPS IT Rules of Behavior* is also part of the FISSA (Federal Information Systems Security Awareness) course in DOI Learn. Users can complete annual renewal of this agreement electronically as part of the training.

**NPS IT Security Contacts**

A list of NPS IT Security Managers is posted at <http://inside.nps.gov/ritsin>

*Unauthorized use of US Government computer systems is punishable under Title 18, United States Code, Section 1030*

Jeff Weber/Omaha/NPS  
05/26/2010 08:55 AM

To (b) (2), (b) (6) EFMO/NPS@NPS  
cc  
bcc  
Subject Re: archives for past employee

Hi (b) (2), (b) (6)

To get into an archive, you will need the users password to get into their Lotus Notes. If done "officially", we'll need a request sent to the head of messaging for NPS before you can access someone else's mail.

Jeff Weber  
National Park Service  
Midwest Regional Office  
601 Riverfront Drive  
Omaha, NE 68102  
402 661-1634

For Notes support requests, please use the MWR Notes Coordinator address  
NPS Help Desk for routine support: <http://npshelpdesk.nps.gov>  
System Status & Emergency Assistance Hotline: 402 661-1SOS (402 661-1767)  
(b) (2), (b) (6) EFMO/NPS



(b) (2), (b) (6) EFMO/NPS  
05/25/2010 09:15 AM

To Jeff Weber/Omaha/NPS@NPS  
cc Friday Wiles/EFMO/NPS@NPS  
Subject archives for past employee

Jeff,  
Our Chief of Interpretation transferred to the USFWS back in March. We need to search his lotus notes archives for record copies of files for compliance and for the administrative record. How can we access his archives (we still have them on the hard drive of his machines) to print out these record copies?  
Thanks.

(b) (2), (b) (6)  
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## Certificate Of Service

e-Appeal has handled service of the assembled pleading to MSPB and all of the Parties.

Following is the list of the Parties in the case:

Name & Address	Documents	Method of Service
MSPB: Central Regional Office	Agency File - Part 1	e-Appeal / e-Mail
(b) (2), (b) (6) Appellant	Agency File - Part 1	e-Appeal / e-Mail
William H. Roerman, Esq. Appellant Representative	Agency File - Part 1	e-Appeal / e-Mail



(b) (2), (b) (6) v. DEPARTMENT OF THE INTERIOR  
Docket # CH-0752-13-0640-I-1  
Agency File - Part 2  
Summary Page

**Case Title :** (b) (2), (b) (6) v. DEPARTMENT OF THE INTERIOR

**Docket Number :** CH-0752-13-0640-I-1

**Pleading Title :** Agency File - Part 2

**Filer's Name :** Amy Duin, Esq.

**Filer's Pleading Role :** Agency Representative

**Details about the supporting documentation**

N/A

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## Department of the Interior Departmental Manual

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**Effective Date:** 12/22/06  
**Series:** Personnel Management  
**Part 370:** Departmental Personnel Program  
**Chapter 752:** Discipline and Adverse Actions

**Originating Office:** Office of Human Resources

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### 370 DM 752

**1.1 Purpose.** This chapter establishes the policy, procedures and authority/responsibility for administering employee discipline within the Department of the Interior (Department), and for taking appropriate corrective action for disciplinary or certain non-disciplinary reasons, when it is determined that such actions will promote the efficiency of the service. Requirements stated in this chapter are consistent with law, regulations and other Department policy applicable at the time of its issuance. Actions taken through the application of this chapter must comply with the requirements of pertinent laws, rules and regulations, as well as the lawful provisions of applicable negotiated agreements for employees in exclusive bargaining units.

**1.2 Authority.** Chapter 75 of Title 5, United States Code and Part 752 of Title 5, Code of Federal Regulations.

#### 1.3 Coverage.

A. This chapter applies to all bureaus and offices of the Department. Bureaus/offices will not issue supplemental disciplinary policy, except where otherwise prescribed in this chapter. Employees covered by a collective bargaining agreement may be subject to additional procedures which may supersede/supplement those described in this chapter. Bureaus/offices may issue supplemental implementing guidance as needed.

B. The disciplinary/adverse action procedures described in this chapter do not apply to an Administrative Law Judge (ALJ), whose discipline is governed by separate statutory requirements. Additionally, only the adverse action procedures described in 1.7C of this chapter are applicable to Department appointees in the Senior Executive Service (SES), although SES employees (and ALJs) may be counseled/reprimanded for engaging in misconduct. Management must consult with the servicing Human Resources Office for guidance regarding employee/action coverage.

#### C. Employees

(1) The following employees are covered by the provisions of this chapter:



(a) An employee in the competitive service who has completed a probationary or trial period, or who is serving in an appointment that requires no probationary or trial period and who has completed one year of current continuous employment in the same or similar positions under other than a temporary appointment limited to one year or less;

(b) A preference eligible employee in the excepted service who has completed one year of current continuous employment in the same or similar positions;

(c) A non-preference eligible employee in the excepted service who has completed two years of current continuous employment in the same or similar positions under other than a temporary appointment limited to two years or less;

(d) An employee with competitive status who occupies a Schedule B position; and

(e) An employee who was in the competitive service at the time his/her position was first listed as part of the excepted service and still occupies that position.

(2) The following employees are excluded from coverage:

(a) An individual appointed by the President;

(b) An employee whose position has been determined to be of a confidential, policy-determining, policy-making, or policy-advocating character by the President, the agency head, or the Office of Personnel Management (such that the position is excepted from the competitive service – “Schedule C”);

(c) A reemployed annuitant;

(d) An employee whose appointment is made with the advice and consent of the Senate;

(e) A non-preference eligible employee serving a probationary or trial period under an initial appointment in the excepted service pending conversion to the competitive service;

(f) Administrative Law Judges;

(g) An employee in the competitive service serving a probationary or trial period; and

(h) Individuals who are otherwise excluded by the statutory provisions of Title 5, United States Code.

#### D. Actions

(1) The following actions are covered by this chapter when taken with respect to a covered employee:

- (a) Written Reprimands;
- (b) Suspensions;
- (c) Removals;
- (d) Reductions in grade;
- (e) Reductions in pay; and
- (f) Furloughs without pay for 30 days or less.

(2) The following actions are not covered by this chapter:

- (a) A reduction-in-force action;
- (b) A suspension or removal in the interest of national security;
- (c) An action taken against an Administrative Law Judge;
- (d) The reduction in grade of a supervisor or manager who fails to successfully complete a new probationary period as a supervisor or manager, if such reduction is to the grade held immediately before becoming a supervisor or manager;
- (e) An action which entitles an employee to grade retention, and an action to terminate this entitlement;
- (f) A voluntary action initiated by the employee;
- (g) Termination of appointment on the expiration date specified as a basic condition of employment at the time the appointment was made;
- (h) An action which terminates a temporary or term promotion and returns the employee to the position from which temporarily promoted, or to a different position of equivalent grade and pay, if the Department informed the employee that it was to be of limited duration;
- (i) Cancellation of a promotion to a position not classified prior to the promotion;
- (j) Reduction of an employee's rate of pay from a rate which is contrary to a rate allowed or permitted by law or regulation;

(k) Placement of an employee serving on an intermittent or seasonal basis in a temporary non-duty, non-pay status in accordance with conditions established at the time of appointment;

(l) An action imposed by the Merit Systems Protection Board;

(m) A reduction in grade or removal based solely on unacceptable performance and taken under 5 U.S.C. 4303; and

(n) An action taken or directed by the Office of Personnel Management based on a suitability determination.

(o) An action otherwise not covered by the statutory provisions of Title 5, United States Code, and the regulatory provisions of Title 5, Code of Federal Regulations.

#### 1.4 Definitions.

A. Administrative Leave. An excused absence from duty without charge to leave or loss of pay.

B. Adverse Action. For purposes of this chapter, a personnel action taken by management, appealable to the Merit Systems Protection Board (MSPB), to effect an employee's removal, suspension for more than 14 days, furlough without pay for 30 days or less, or reduction in grade or pay.

C. Day. A calendar day (except where otherwise specified).

D. Deciding Official. A Department supervisor or manager who makes a decision on a proposed adverse action or disciplinary action.

E. Disciplinary Action. For purposes of this chapter, an action taken by management, not appealable to the MSPB (i.e., written reprimand; suspension for 14 days or less) to address employee misconduct.

F. Furlough. The placement of an employee in a temporary status without duties and pay because of lack of work or funds or other non-disciplinary reasons.

G. Grade. A level of classification under a position classification system.

H. Indefinite Suspension. The placement of an employee in a temporary status without duties and pay pending investigation, inquiry, or further agency action. The indefinite suspension continues for an indeterminate period of time and ends with the occurrence of the pending conditions set forth in the notice of action which may include the completion of any subsequent administrative action.



I. Pay. The rate of basic pay fixed by law or administrative action for the position held by an employee.

J. Preponderance of the Evidence. That degree of relevant evidence which a reasonable person, considering the record as a whole, might accept as sufficient to find that a contested fact is more likely to be true than untrue.

K. Proposing Official. A Department supervisor or manager who proposes an adverse or disciplinary action.

L. Removal. The involuntary separation of an employee from employment with the Department and Federal service, except when effected due to a reduction-in-force or the expiration of an appointment.

M. Suspension. The involuntary placement of an employee in a temporary non-duty, non-pay status for disciplinary reasons.

#### 1.5 Responsibilities.

A. Heads of Bureaus and Offices are Responsible for:

- (1) Implementing, supporting and providing oversight for the effective management of employee conduct and discipline;
- (2) Communicating information to the workforce regarding conduct requirements and disciplinary parameters;
- (3) Delegating appropriate authority, establishing roles/responsibilities for policy implementation within the bureau/office, and ensuring that applicable training is provided for supervisors to properly exercise their disciplinary responsibilities;
- (4) Ensuring adherence to the policy and procedural requirements of this chapter, as well as the applicable provisions of established collective bargaining agreements; and
- (5) Providing and implementing bureau/office-wide guidance and instructions other than those outlined in this chapter, as appropriate.

B. Director, Office of Human Resources is Responsible for:

- (1) Developing and issuing Departmental policy and guidance regarding employee conduct and discipline;
- (2) Monitoring and evaluating the administration of discipline throughout the Department, and revising the disciplinary policy and procedures as appropriate;

(3) Providing advice and assistance to bureaus/offices on the provisions of this chapter (as well as related laws, rules and regulations) and on managing employee conduct and discipline;

(4) Establishing and implementing reporting requirements for actions taken under this chapter, as well as complying with reporting requirements established by OPM; and

(5) Establishing overall parameters for Department-wide conduct/discipline training and coordinating the availability of related training opportunities.

C. Servicing Human Resources Offices (HRO) are Responsible for:

(1) Advising supervisors on employee conduct issues and disciplinary options (including procedural/regulatory parameters);

(2) Drafting or reviewing all disciplinary notices prior to issuance and applicable case files, to ensure reasonableness of penalty and statutory/regulatory compliance;

(3) Advising employees and supervisors of their procedural rights and responsibilities relative to this chapter (and applicable laws, regulations and negotiated agreements);

(4) Consulting for legal sufficiency with the Office of the Solicitor on adverse action proposals and decisions, and providing technical assistance to the Office of the Solicitor on actions taken under this chapter;

(5) Maintaining disciplinary and adverse action files and an information system for tracking and periodically reporting the actions effected; and

(6) Providing operational training support to ensure the workforce is sufficiently aware of the provisions of this chapter.

D. Office of the Solicitor is Responsible for:

(1) Providing reviews for legal sufficiency and overall appropriateness of adverse actions being considered, proposed, or taken under this chapter;

(2) Representing the Department during settlement negotiations, MSPB appeals, arbitrations and other activities related to the administrative and federal personnel litigation process; in accordance with established Departmental policy, coordinating settlements of actions taken under this chapter which impose a financial obligation on the Department; and

(3) Reviewing and providing input on conduct/discipline training and related instructional guidance for Department supervisors and employees.

E. Supervisors are Responsible for:

- (1) Establishing and maintaining a safe, productive, supportive and well-ordered work environment;
- (2) Providing a work environment free of illegal discrimination;
- (3) Advising employees regarding assigned duties and conduct expectations and observing employee performance and conduct to ensure compliance with the standards of ethical conduct and other established work requirements;
- (4) Promptly investigating and documenting circumstances related to incidents of employee misconduct;
- (5) Consulting with the servicing HRO regarding employee misconduct and initiating appropriate, timely and relatively consistent corrective action as warranted; and
- (6) Recognizing and complying with the requirements of this chapter and the applicable provisions of established collective bargaining agreements.

F. Employees are Responsible for:

- (1) Having a familiarity with Federal and Departmental standards of ethical conduct, complying with all established conduct and performance requirements, and requesting clarification if necessary;
- (2) Reporting incidents of waste, fraud, abuse, corruption and other misconduct to appropriate authorities; and
- (3) Cooperating in official investigations and furnishing testimony.

1.6 **Policy.**

A. General. Employees of the Department are expected to demonstrate high standards of integrity, both on and off the job, abiding by the Department's conduct regulations (43 CFR Part 20) and other Federal and Departmental laws, rules and regulations. When established standards of conduct are violated, or the rules of the workplace are disregarded, corrective action is warranted to motivate employees to conform to acceptable behavioral standards and prevent prohibited and/or unsafe activities. Such corrective actions, when taken under this chapter, should comport with applicable laws and regulations, should be administered with relative consistency and should be taken for such cause as will promote the efficiency of the service.

B. Standard for Taking Action. Management must be able to show that the actions taken under this chapter promote the efficiency of the service. To demonstrate this, the written notices of proposal and decision must clearly specify the charge(s) or reason(s) upon which the action is based, be able to prove the specific basis for its action by a preponderance of the evidence, be able to show the connection ("nexus") between the charge(s) and promotion of the efficiency of the service, and be able to establish the reasonableness of the action taken under the



circumstances. In taking a corrective action against an appointee in the SES, management's options are limited to a written reprimand or an adverse action covered by this chapter (i.e., suspension for more than 14 days; removal from the Federal service); management may take an adverse action against an SES employee only for misconduct, neglect of duty, malfeasance, or failure to accept a directed reassignment or to accompany a position in a transfer of function.

C. Use and Choice of Discipline. Discipline should be imposed to correct improper employee conduct and to maintain order, morale and workplace safety throughout the workforce. After determining that misconduct occurred and that corrective action is warranted, discipline should be initiated as soon as practicable after the misconduct which prompted it and effected on a progressive and equitable basis as much as possible. Progressive discipline provides that in dealing with an instance of employee misconduct, the responsible management official (often the first-level supervisor) should select the minimum disciplinary/adverse action most likely to correct the specific behavioral problem, with penalties selected at an escalating level for subsequent (but not necessarily identical) offenses, when appropriate. Management officials must exercise reasonable judgment and consider all relevant factors, both mitigating and aggravating (as reflected in the guidance found at Appendix A), in determining the most appropriate corrective action for each situation. As a guide for considering disciplinary options, the Department's *Table of Offenses and Penalties* is included as Appendix B to this chapter. This *Table* does not mandate the use of specific penalties in most disciplinary situations. Supervisors/managers retain full authority, except in limited circumstances (i.e., discipline prescribed by statute or the MSPB), to set penalties as they deem appropriate, based on the particular circumstances and specifications of the offense. Consultation and close coordination with the servicing HRO should ensure that a particular penalty is proportional to the offense and employees who commit similar offenses are treated with relative consistency.

D. Delegations of Authority. Each bureau will determine the level of supervisory authority required for taking actions covered by this chapter. For actions that require the issuance of a proposal and a decision (e.g., suspensions; removals; reductions in grade/pay), ordinarily the same supervisory/management official should not serve as both the proposing and deciding official on the action. Generally, the decision on a proposed action should be made by a management official at a higher organizational level than the proposing official; if there is no higher-level official within the Bureau/Office or if it is not feasible to use the higher-level official, another management official within the Department may be delegated the decision-making authority (in such exceptional situations, determinations regarding the delegation of decision-making authority must be approved by the Bureau/Office head, with the concurrence of the Director, OHR). Bureau officials, managers and supervisors who are delegated authority for implementing the provisions of this chapter and managing the workforce are accountable for complying with and properly administering all controlling laws, rules, policies, regulations and negotiated agreements pertaining to employee conduct and discipline.

## 1.7 Procedures.

A. General. Taking a corrective action against an employee is appropriate only when the employee has engaged in identifiable misconduct adversely affecting the efficiency of the service. Before initiating such action, management should conduct a thorough inquiry into any

apparent offense (collecting information to the greatest extent practicable directly from the subject employee) to ensure the objective consideration of all relevant facts and aspects of the situation. Ordinarily, this inquiry will be conducted by the appropriate line supervisor, with guidance from the servicing HRO. However, certain situations (particularly those involving possible criminal activity) warrant an investigation by the Office of Inspector General and/or internal Bureau law enforcement/criminal investigation offices. Once it is established that an employee engaged in misconduct necessitating corrective action, a supervisor or other management official (using the guidance at Appendices A and B, and in consultation with the servicing HRO) must determine the action/penalty required to deter the recurrence of the unacceptable behavior.

Minor misconduct may be corrected if the supervisor informally counsels the employee about the problem promptly after the first instance. The supervisor also may rely on notices of warning/admonishment to convince the employee to change the undesirable behavior. These actions are less severe than the disciplinary and adverse actions described below, are less subject to review by third parties, and do not become part of the employee's permanent official employment record. Notices of warning/admonishment document the employee's misconduct, place the employee on notice regarding the behavior expected by management, and advise the employee that more serious corrective action (e.g., reprimand; suspension; removal) will result if the unacceptable behavior is not corrected. The use of such corrective actions does not constitute a "prior penalty" for disciplinary purposes, as alluded to in Appendix B, to enhance the severity of penalty for a subsequent offense; however, such corrective actions may be viewed as "prior notice" (in consideration of factor 9, Appendix A).

B. Disciplinary Action.

(1) Written Reprimand

(a) This is a written notice issued to an employee by an authorized management official (usually the immediate or higher-level supervisor) when the employee's conduct warrants a corrective action more serious than a counseling or warning but without involving a loss of pay. Unlike a notice of counseling, warning or admonishment, a written reprimand is a formal penalty for disciplinary purposes (under Appendix B).

(b) The servicing HRO will assist management in the preparation and issuance of the reprimand, which should specify: the reason(s) prompting the action; the period of time a copy of the reprimand will be maintained in the employee's Official Personnel Folder (OPF); for progressive disciplinary purposes, the possibility of taking more serious action for any subsequent offenses(s); and, the employee's right to file a grievance in accordance with the applicable administrative/negotiated grievance procedures.

(c) A copy of the reprimand will be filed on the temporary side of the employee's OPF for a period not-to-exceed two years or where applicable, the time specified by an established negotiated agreement; the time period will be appropriately recorded and tracked by the servicing HRO. The employee's supervisor may elect to withdraw the reprimand from the

OPF earlier than the period specified, in which case the supervisor will inform the employee, after consulting with the servicing HRO.

(2) Suspension (14 days or less)

(a) A disciplinary suspension is a management directed absence from work for an employee (excluding all SES appointees), with forfeiture of pay for the time specified. Since suspensions result in a loss of productivity and represent a financial loss to employees, they should be imposed only after lesser corrective actions have proven ineffective in improving employee behavior or when an employee has engaged in serious misconduct.

(b) An employee against whom a suspension of 14 days or less is initiated is entitled to receive a written proposal stating the specific reason(s) for the proposed action (including aggravating/mitigating factors referenced in Appendix A) in sufficient detail to enable the employee to answer the charge(s). The notice of proposed suspension (issued by the immediate supervisor or other management official, with the advice and assistance of the servicing HRO), shall state the proposed length of the suspension, as well as the employee's entitlement to: review the material relied upon by management in proposing the suspension (upon request); 7 days to answer orally and/or in writing the proposal (and furnish affidavits and other documentary evidence) before a decision is made; representation by an attorney or other representative; and a written decision (explaining the specific reasons for that decision) at the earliest practicable date. The notice also shall identify the name of the deciding official (generally, a higher-level manager) and, if different, the name of the official designated to receive the oral and/or written answer (if such an official is designated, that individual may provide a recommendation to the deciding official regarding the disposition of the proposed action). After issuing the notice of proposed suspension, management can amend the proposal notice (or cancel and reissue it at a later date) to allow for the consideration of any additional misconduct which becomes known to management prior to the issuance of a decision.

(c) The employee's representative must be designated, in writing, to the deciding official prior to any oral and/or written answer. Employees serving in a legal capacity within the Department (e.g., attorneys with the Office of the Solicitor and Office of Hearings and Appeals) may not represent another Department employee with regard to actions taken under this chapter. Additionally, Department management may disallow, as an employee's representative, an individual whose activities as a representative could cause a conflict of interest or of position, or an employee of the Department whose release from his/her official position would result in unreasonable costs or whose priority work assignments preclude his/her release for representational duties.

(d) The employee's answer(s) to the proposed suspension should be provided to the deciding official (or designee) within 7 days following the date the employee receives the proposal notice. The employee is entitled to a reasonable amount of official time (normally a matter of hours, not days) to prepare and present an oral and/or written answer. If the employee wishes additional time to answer, the employee (or designated representative) must submit an extension request, in writing, to the deciding official (or designee) before the expiration of the answer period, stating the reason for the request and the amount of additional



time needed. The deciding official shall respond to the employee, in writing, either granting or denying (fully or partially) the time extension request.

(e) The right to answer orally does not include the right to a formal hearing and the appearance of witnesses will not be permitted. Although oral replies are generally conducted in a face-to-face meeting, when this is impractical, audio or video conferencing may be used. When practicable, a representative from the servicing HRO should be present during the presentation of the oral answer, to assist and provide procedural guidance to the deciding official (or designee) and employee (or representative). If the employee makes an oral answer, the deciding official (or designee), shall prepare a written summary for the record (no verbatim transcript of the oral answer is required). A draft of the summary should be provided to the employee (or representative) for the opportunity to comment before it is made part of the record. The final summary of the oral answer and any comment made by the employee (or representative) regarding the summary shall become part of the official disciplinary case file maintained by the servicing HRO.

(f) The deciding official will obtain (from the servicing HRO) and review a copy of the entire case file, which should contain all the evidence relied upon by the proposing official (including the proposal notice and all supporting documents), before making a decision on the proposed suspension. Upon request, the employee also may review this file, which should contain only the material relied upon to support the action; information that cannot be disclosed to the employee shall not be used as a basis for taking any action.

(g) The deciding official shall issue a written decision at the earliest practicable date after receipt of the employee's answer(s), or following expiration of the answer period. The notice of decision must be delivered to the employee (or representative) at or before the time any action is to be effected (or in accordance with applicable provisions of any negotiated agreement). The servicing HRO will assist the deciding official in making the appropriate decision and preparing and issuing the decision notice. In arriving at a decision, the deciding official should consider only the information, evidence and communication available to the employee for comment or answer throughout the disciplinary process, as well as the employee's answer(s), and use only the reasons which were included in the proposal notice to support the decision. The deciding official may seek additional information to corroborate/refute any information previously obtained during the process; if considered, the deciding official should make such additional information available to the employee for comment prior to making a decision.

(h) The notice of decision should indicate: the specific action decided upon (and applicable effective dates); the charge(s) and specification(s) in the proposal notice which were/were not sustained; the consideration given to the employee's answer(s), if any, and to any mitigating and aggravating factors; for progressive disciplinary purposes, the possibility of taking more serious action for any subsequent offenses(s); and, the employee's right to file a grievance in accordance with the applicable administrative/negotiated grievance procedures.

C. Adverse Action.

(1) Most adverse actions taken under this chapter (i.e., removal for cause; suspension for indefinite period/more than 14 days; reduction in grade or pay) are based on instances of egregious and/or repeated employee misconduct (exceptions include furlough for 30 days or less and removal for medical inability to perform the duties of the position). Employees are entitled to receive advance written notice of at least 30 days before an action covered by this chapter may be effected, except for the following situations:

(a) *Emergency furlough.* The requirements for both an advance written notice and an employee opportunity to answer are waived for furloughs due to unforeseeable circumstances, such as sudden breakdowns in equipment, a lapse of appropriations, acts of God, or sudden emergencies requiring immediate curtailment of activities. Circumstances must be truly unforeseen, and of such a nature that they do not reasonably allow for time to prepare a proposal to take action or to receive an employee's answer.

(b) *Crime provision.* Management may shorten the advance notice period when there is reasonable cause to believe an employee has committed a crime (either on or off the job) for which a sentence of imprisonment may be imposed. The shortened notice period must still be at least 7 days. When circumstances require that the employee be kept away from the worksite during this shortened notice period, management may place the employee in an administrative leave status for such time as is necessary to decide and effect the adverse action. Generally, evidence that meets the requirements for a shortened notice period also will support an adverse action to *indefinitely* suspend an employee pending resolution of the criminal charges or completion of a subsequent administrative action. An employee who has been arrested with or without a warrant and held for further legal action by a magistrate court or indicted by a grand jury for a serious crime should be indefinitely suspended without pay pending the outcome of the judicial process. The consideration of any adverse action prompted by an employee's alleged criminal conduct must be closely coordinated with the Office of the Solicitor.

(2) An employee against whom an adverse action is initiated is entitled to receive a written proposal (normally with 30-days advance notice), stating the specific action proposed and the reason(s) for the proposed action (including any aggravating and/or mitigating factors referenced in Appendix A) in sufficient detail to enable the employee to answer the charge(s). The notice of proposed adverse action (issued by the immediate supervisor or other management official, with the advice and assistance of the servicing HRO, and after a legal sufficiency review by the Office of the Solicitor), additionally shall reference that the employee may: review the material relied upon by management in proposing the suspension; have 14 days (and a reasonable amount of official time) to answer orally and/or in writing the proposal (and furnish affidavits and other documentary evidence) for consideration before a decision is made; be represented by an attorney or other representative; and receive a written decision (explaining the specific reasons for that decision) at the earliest practicable date. The notice also shall identify the name of the deciding official (generally, a higher-level manager) and, if different, the name of the official designated to receive the oral and/or written answer (if such an official is designated, that individual may provide a recommendation to the deciding official regarding the disposition of the proposed action). After issuing the notice of proposed adverse action, management can amend the proposal notice (or cancel and reissue it at a later date) to allow for

the consideration of any additional misconduct which becomes known to management prior to the issuance of a decision.

(a) When some but not all employees in a given competitive level are being furloughed, the notice of proposal shall state the basis for selecting a particular employee for furlough, as well as the reasons for the furlough.

(b) Ordinarily, the employee shall remain in an active duty status during the advance notice period, and the proposal notice should so state. However, in rare instances, the proposing official may determine that the employee's presence at the workplace may be injurious to the employee or to others, may result in loss of or damage to Government property, or may otherwise jeopardize legitimate Government interests. In such cases, management (in consultation with the servicing HRO and the Office of the Solicitor) may assign the employee to other duties, allow the employee to take leave (or place the employee in an appropriate leave status if the employee is absent from the workplace), curtail the notice period (using the crime provision), or place the employee in an administrative leave status for such time as is necessary to make a decision and effect an action. The placement of an employee on administrative leave does not constitute an adverse action, but should only be done in the most exceptional situations (i.e., cases involving proposed removals or indefinite suspensions), when all other options are considered imprudent. Only bureau/office heads, their deputies, or the Director, OHR, may authorize the placement of an employee on administrative leave for an extended period of time (i.e., beyond 45 days); this authority may not be re-delegated. Bureau/Office heads (or their deputies) must coordinate decisions regarding the placement/continuation of an employee in an administrative leave status for more than 45 days with the Director, OHR, who will review such decisions for the Department and may rescind them if considered inappropriate.

(c) Management must make a reasonable and diligent effort to ensure that the employee receives the notice of proposed adverse action in a timely basis. Personal delivery of the advance notice to the employee, allowing for the employee's signed acknowledgment of receipt, is the most desirable method of delivery. If the notice cannot be personally delivered to the employee, the servicing HRO will determine the appropriate alternative delivery method.

(3) The employee's representative must be designated, in writing, to the deciding official prior to any oral and/or written answer. Employees serving in a legal capacity within the Department (e.g., attorneys with the Office of the Solicitor and Office of Hearings and Appeals) may not represent another Department employee with regard to actions taken under this chapter. Additionally, Department management may disallow, as an employee's representative, an individual whose activities as a representative could cause a conflict of interest or of position, or an employee of the Department whose release from his/her official position would result in unreasonable costs or whose priority work assignments preclude his/her release.

(4) The employee's answer(s) to the proposed adverse action should be provided to the deciding official (or designee) within 14 days following the date the employee receives the proposal notice. An employee in an active duty status is entitled to a reasonable amount of official time (normally a matter of hours, not days) to review the material relied on to support the proposed action and to prepare and present an oral and/or written answer; the employee must



request and obtain supervisory approval for the use of official time, in advance. If the employee wishes additional time to answer, the employee (or designated representative) must submit an extension request, in writing, to the deciding official (or designee) before the expiration of the answer period, stating the reason for the request and the amount of additional time needed. The deciding official shall respond to the employee, in writing, either granting or denying (fully or partially) the time extension request.

(5) The right to answer orally does not include the right to a formal hearing and the appearance of witnesses will not be permitted. Although oral replies are generally conducted in a face-to-face meeting, when this is impractical, audio or video conferencing may be used. When practicable, a representative from the servicing HRO should be present during the presentation of the oral answer, to assist and provide procedural guidance to the deciding official (or designee) and employee (or representative). If the employee makes an oral answer, the deciding official (or designee), shall prepare a written summary for the record (no verbatim transcript of the oral answer meeting is required). A draft of the summary should be provided to the employee (or representative) for the opportunity to comment before it is made part of the record. The final summary of the oral answer and any comment made by the employee (or representative) regarding the summary shall become part of the official adverse action case file maintained by the servicing HRO.

(6) The deciding official will obtain (from the servicing HRO) and review a copy of the entire case file, which should contain all the evidence relied upon by the proposing official (including the proposal notice and all supporting documents) before making a decision on the proposed adverse action. Upon request, the employee also may review this file, which should contain only the material relied upon to support the action; information that cannot be disclosed to the employee shall not be used as a basis for taking any action.

(7) The deciding official shall issue a written decision at the earliest practicable date after receipt of the employee's answer(s), or following expiration of the 14-day answer period. The notice of decision must be delivered to the employee (or representative) at or before the time any action is to be effected (or in accordance with applicable provisions of any negotiated agreement). The servicing HRO will assist the deciding official in making the appropriate decision and preparing and issuing the decision notice. In arriving at a decision, the deciding official should consider only the information, evidence and communication available to the employee for comment or answer throughout the adverse action process, as well as the employee's answer(s), and use only the reasons which were included in the proposal notice to support the decision. The deciding official may seek additional information to corroborate/refute any information previously obtained during the process.

(8) The notice of decision should indicate: the specific action decided upon (and applicable effective dates); the charge(s) and specification(s) in the proposal notice which were/were not sustained; the consideration given to the employee's answer(s), if any, and to any mitigating and aggravating factors; for progressive disciplinary purposes, the possibility of taking more serious action for any subsequent offenses(s); and, the employee's right to either file an appeal to MSPB (include a copy of the Board's appeal form/regulations and the address of the

appropriate Board office) or file a grievance in accordance with any applicable negotiated agreement.

**1.8 Records.** The servicing HRO shall maintain confidential disciplinary/adverse action case files; each file shall contain copies of the notice of proposed action, any written answer, a summary of any oral answer, the notice of decision (including the reasons for it), any order effecting the action, and any supporting material (e.g., witness statements; affidavits; documents; investigative reports). Disciplinary/adverse action files must be provided to various parties (e.g., the MSPB; the affected employee and/or designated representative; a grievance examiner), but need only be furnished in response to a specific request.

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## APPENDIX A

### PENALTY DETERMINATION

After establishing a sufficient basis for taking action (i.e., a preponderance of the evidence to support the charge(s); a nexus between the offense(s) and the employee's job or the agency's mission), the supervisor/manager, in consultation with the servicing HRO, must determine the appropriate penalty for the employee's misconduct. At this point, whether proposing or deciding an action, it is prudent to consider all remedies (disciplinary or non-disciplinary; formal or informal) that may effectively resolve the identified problem.

In selecting an appropriate penalty for a specific offense, responsible judgment must be exercised so that an employee will not be penalized out of proportion to the offense. Management should take into account all of the specific circumstances of the case and should ensure, to the extent possible, that employees who commit similar offenses are treated consistently. However, while equitable and uniform treatment of employees who commit similar offenses (under "like" circumstances) is preferable when possible, mechanistic consistency is not recommended or required. In *Douglas v. Veterans Administration*, 5 M.S.P.R. 280 (1981), the MSPB identified a number of factors -- generally referred to as the "*Douglas Factors*" -- which it specified were not exhaustive, but were generally recognized as relevant in determining the appropriateness of a penalty. A reasonable and conscientious application of these factors (listed below, with guidance based on MSPB case-law) could result in employees receiving different penalties, even though they may have committed similar offenses.

(1) *Nature and Seriousness of Offense* – the nature and seriousness of the offense, and its relation to the employee's duties, position, and responsibilities, including whether the offense was intentional or technical or inadvertent, or was committed maliciously or for gain, or was frequently repeated.

- Mitigating factors and the employee's potential for rehabilitation must be balanced against the seriousness of the offense and its effect on the duties of the position and the mission of the organization.
- Serious misconduct can outweigh an employee's length of service and overall good work record.

- If the misconduct is serious enough, removal might be an appropriate penalty for a first offense, and on appeal, a third party might overlook a questionable application of other *Douglas* factors (e.g. failure to properly notify the employee of consideration of past record; disparate penalties).

(2) *Employee's Job* – the employee's job level and type of employment, including supervisory or fiduciary role, contacts with the public, and prominence of the position.

- Persons in positions of trust can be held to higher standards; positions of trust include jobs with fiduciary, law enforcement and public safety or health responsibilities.
- Loss of confidence in an employee's ability to function as a supervisor supports removal from a supervisory position.
- If an employee has performed well in non-supervisory jobs, but fails as a supervisor, demotion is often viewed as more appropriate than removal from federal service.

(3) *Disciplinary Record* – the employee's past disciplinary record.

- The MSPB may review independently prior disciplinary actions pending in grievance proceedings when reviewing termination and other serious disciplinary actions.
- An employee's record of past discipline is used to enhance the penalty; it may not be used as proof of the current misconduct.
- Any past offense may form the basis for proposing a penalty from the next higher range of penalties for a subsequent offense; the offenses need not be identical or similar.
- Prior disciplinary actions may be cited even if they involved offenses unrelated to the current charges, although past discipline that occurred years before the current action and that involved unrelated offenses likely will be discounted on appeal.
- Management may not cite disciplinary actions that have expired in accordance with agency regulations or a collective bargaining agreement.
- An employee may not challenge the merits of prior disciplinary actions if the employee was informed of the actions in writing, the actions are a matter of record, and the employee had an opportunity to dispute the actions before a higher authority (if such actions were reviewed by a higher authority, they must have been upheld).
- Management's intent to consider the past disciplinary record must be stated in the proposal notice.

(4) *Work Record* – the employee's past work record, including length of service, performance on the job, ability to get along with fellow workers, and dependability.

- When the offense involves supervisory misconduct, the length of service as a supervisor is more important than total service with the agency.
- When official records concerning an employee's performance (e.g. written performance appraisals) are contradicted by a manager's statements in the notice of decision or in testimony, the official records will be judged more reliable.
- Disciplinary actions or additional misconduct occurring after the issuance of the adverse action proposal may not be cited as a past disciplinary record, but may be used to show an overall poor work record.

- Positive actions by management after learning of an employee's misconduct (e.g. promoting the employee; allowing the employee to perform his/her duties for an extended period of time) may indicate that the employee's overall work record outweighs or diminishes the seriousness of the offense.

(5) *Effect on Future Performance* – the effect of the offense upon the employee's ability to perform at a satisfactory level and its effect upon the supervisor's confidence in the employee's ability to perform assigned duties.

- Loss of trust in the employee's ability to perform assigned duties in the future may be used to enhance the penalty.
- Offenses directly related to an employee's duties (e.g., falsification of the same documents the employee has responsibility to review) raise legitimate concerns about his/her ability to continue to perform those duties.
- Offenses inconsistent with an employee's supervisory responsibilities call into question his ability to function as a supervisor in the future.

(6) *Consistency with Other Penalties* – consistency of the penalty with those imposed upon other employees for the same or similar offenses.

- Management may not knowingly treat similarly situated employees differently when setting disciplinary penalties; to be similarly situated, the comparison employees must work in the same unit for the same supervisor. When an employee identifies a difference in penalties for the same offense, management may need to present evidence supporting the difference.
- There is no requirement for management to be absolutely consistent in its penalty determinations. The prior disciplinary and work records of the comparison employees may justify a difference, and the underlying facts in each case might warrant different penalties.
- When management has an established policy or practice to impose a particular penalty for an offense, it cannot begin to use a harsher penalty without giving prior notice to employees.

(7) *Consistency with Table of Penalties* – consistency of the penalty with any applicable agency table of penalties.

- Management's departure from the agency table of penalties may be permissible; it should not apply the table of penalties so rigidly as to ignore other *Douglas* factors.
- Management may take a more severe action than suggested in the table of penalties for a first offense if the employee has a record of prior, unrelated offenses.

(8) *Notoriety and Impact* – the notoriety of the offense or its impact upon the reputation of the Agency.

- Publicity or even the possibility of publicity that could have a negative impact on the reputation of the agency is a factor that may be considered to enhance a penalty.



(9) *Clarity of Notice* – the clarity with which the employee was on notice of any rules that were violated in committing the offense, or had been warned about the conduct in question.

- While lack of notice of the rules to be followed can be a mitigating factor, management is under no obligation to warn employees about behavior the employees should know is improper.
- Supervisors' ignoring or condoning certain behavior can indicate lack of notice.
- Training on agency policies constitutes notice of expected behavior.
- Prior misconduct for which the employee was counseled, even though the employee was not formally disciplined (or was formally reprimanded, but the reprimand is no longer in effect), can be cited to show an employee was on notice of the rules to be followed.

(10) *Potential for Rehabilitation* – potential for the employee's rehabilitation.

- An employee who admits misconduct and shows remorse displays potential for rehabilitation, while an employee who rationalizes his/her wrongdoing, fails to take responsibility or doesn't show an understanding of why his/her behavior was wrong is not a good candidate for rehabilitation.
- Lying during an investigation may be viewed as a lack of potential for rehabilitation.
- An employee who ceases misconduct after being warned may show potential for rehabilitation; however, an employee who shows improvement after receiving a notice of proposed adverse action is not particularly convincing.
- Attending meetings with an EAP counselor to discuss personal problems may indicate potential for rehabilitation.

(11) *Mitigating Circumstances* – mitigating circumstances surrounding the offense, such as unusual job tensions, personality problems, mental impairment, harassment, or bad faith, malice or provocation on the part of others involved in the matter.

- Emotional problems and stress may be mitigating factors, but there must be some evidence showing the problems contributed to the misconduct.
- Stress generally should not be viewed as a mitigating factor when the misconduct involves illegal drug use.
- Job tension, although not a medical problem, can be a mitigating factor.
- Bad faith on the part of agency management (e.g., evidence that management set out to "get rid of" the employee) can be a factor used to reduce the penalty.
- Evidence that the deciding official was predisposed against the employee is viewed as a mitigating factor by a third party.

(12) *Availability of Alternative Sanctions* – the adequacy and effectiveness of alternative sanctions to deter such conduct in the future by the employee or others.

- Prior warnings and reprimands indicate that a penalty less than removal will not deter the employee from similar misconduct in the future.
- A penalty designed primarily for its value as an example or warning to other employees likely will not be upheld upon review, as third parties generally do not accept this as a

valid basis for penalty selection. A penalty can be used to deter future misconduct by other employees, but this objective does not warrant overlooking other relevant *Douglas* factors.

- Management does not have to prove that the penalty was the least sanction necessary to promote the efficiency of the service or that it considered alternative penalties. However, such a showing provides essential evidence that the deciding official considered the relevant *Douglas* factors and that the penalty is reasonable.

Not all of these factors will be pertinent in every case. Frequently, some of the pertinent factors will weigh in the employee's favor while others may not (or even constitute aggravating factors). Selection of an appropriate penalty must involve a responsible balancing of the relevant factors in the specific case, and in reviewing penalty selection, a third party will determine whether management considered all the relevant factors and exercised its discretion within tolerable limits of reasonableness.

Management need not demonstrate that it considered all potential mitigating or aggravating factors before selecting a penalty, nor is it required to specifically show how each *Douglas* factor applies to each case. Even though there is no absolute requirement to do so, it is advisable for management to specifically state in proposal/decision notices what factors it considered in setting the penalty, to avoid concerns that relevant issues were not addressed. Therefore, both proposing and deciding officials should address the *Douglas* factors, as well as any mitigating factors, in terms of their particular relevance to penalty selection.

As a general rule, aggravating factors used by management in its penalty determination (e.g., an employee's poor work record), should be included in the proposal notice so that the employee has a chance to respond to them in the oral and/or written replies. In the notice of decision, the deciding official should reference his/her consideration of the proposing official's *Douglas* factor analysis and the employee's related response(s), before explaining his/her judgment regarding how the relevant factors serve to support or mitigate the proposed penalty.

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## APPENDIX B

### TABLE OF OFFENSES AND PENALTIES

This Table provides a list of common infractions, along with a suggested range of penalties for each; it does not presume to cover all possible offenses, nor does it mandate the use of specific penalties in most disciplinary situations. The range of penalties described in the Table is intended to serve as a guide to discipline, not a rigid standard, and deviations are allowable for a variety of reasons. Greater or lesser penalties than suggested may be imposed as circumstances warrant, and based on a consideration of mitigating and aggravating factors. Management officials must exercise reasonable judgment and consider all relevant factors (as reflected in the guidance found at Appendix A) in determining the most appropriate corrective action for each situation. Any penalty determination outside the suggested range should be based upon a

reasonable consideration of the factors described in Appendix A, and the rationale documented in the decision notice.

The use of this Table as a guide will help to ensure appropriateness of penalty in relation to the charge(s), as well as relative consistency in discipline throughout the Department. The fact that a particular offense is not listed in the Table does not mean that the employee cannot be charged with that offense. In such instances, a reasonable penalty can be determined (with the assistance of the servicing HRO) by a comparison to those offenses listed in the Table.

The Table lists only disciplinary and adverse actions which become a matter of record in the employee's Official Personnel Folder; it does not mention oral warnings, counseling notices, and other corrective actions which may be more appropriate for correcting minor offenses. The *First Offense* column, therefore, refers to the first offense for which a disciplinary/adverse action is taken, although it may not be the first time the employee engaged in misconduct.

Progressively stronger corrective actions should be taken if an employee repeatedly engages in misconduct. When an employee receives corrective action for an offense which falls under one range of penalties, and later commits a different offense under the same or another category of offense, the latter is considered a second offense for progressive disciplinary purposes. For example, if an employee is charged with absence without leave (AWOL) and is issued an official reprimand (first offense), then is later charged with insubordination for subsequent misconduct, the appropriate penalty range for the insubordination charge is a 30-day suspension to removal (as a second offense).

In addition to a management-initiated corrective action, a Department employee also may be subject to criminal prosecution when there is evidence of a possible statutory violation; such evidence should be provided to the Office of Inspector General, which then may refer the matter to the Department of Justice for further consideration and possible prosecution. If the Department of Justice declines to prosecute, the employee involved in the alleged wrongdoing will then be subject to an appropriate administrative action consistent with the penalties contained in this Table. An employee who has been arrested and held for further legal action by a magistrate court, or indicted by a grand jury for an imprisonable offense, should be indefinitely suspended without pay pending the outcome of the judicial process so as not to prejudice the employee's right to due process in the criminal case. If the employee pleads guilty or is convicted, the Department may then proceed with a removal or other appropriate action; in the absence of a conviction, the indefinite suspension should end, although other administrative action may be taken.

The servicing HRO must be consulted regarding the procedural requirements to follow when taking corrective action. This consultation requirement includes securing advice on the merits of the charge(s) and the appropriateness and Departmental-consistency of the penalty being proposed. In situations involving possible violations of the Department's Standards of Ethical Conduct, supervisors/managers should also consult with a bureau Ethics Counselor and/or an ethics official from the Office of the Solicitor, Office of Ethics.

Nature of Offense (General Misconduct)	Penalty for First Offense	Penalty for Second Offense	Penalty for Third Offense	Remarks
<p>1. Attendance-related offenses.</p> <p>a. Absence without leave (AWOL). This includes tardiness and unauthorized delay in returning from lunch and break periods, or in returning after leaving work station on official business; unauthorized departure or absence from duty station.</p> <p>b. Failure to follow established leave procedures; failure to provide administratively acceptable documentation to support absence(s).</p> <p>c. Excessive unauthorized absences (e.g., more than 5 consecutive workdays).</p>	<p>Written Reprimand to 5-day suspension</p> <p>Written Reprimand to 5-day suspension</p> <p>5-day suspension to removal</p>	<p>5- to 30-day suspension</p> <p>5- to 30-day suspension</p> <p>14-day suspension to removal</p>	<p>30-day suspension to removal</p> <p>30-day suspension to removal</p> <p>Removal</p>	<p>Refer to 370 DM 630 for leave requirements and guidance. Penalty depends primarily on length and frequency of unacceptable absences. Removal may be appropriate for a first or second offense if the absence is prolonged, the failure to adhere to leave procedures is flagrant, or the circumstances are otherwise particularly burdensome.</p>
<p>2. Improper or unauthorized release of sensitive and administratively-controlled information or employee records; failure to safeguard classified material.</p> <p>a. Information is not compromised and release is unintentional.</p> <p>b. Information is compromised and release is unintentional.</p> <p>c. Release of restricted information is deliberate.</p>	<p>Written Reprimand to 5-day suspension</p> <p>Written Reprimand to 30-day suspension</p> <p>30-day suspension to removal</p>	<p>5- to 30-day suspension</p> <p>30-day suspension to removal</p> <p>Removal</p>	<p>30-day suspension to removal</p> <p>Removal</p>	<p>Refer to 5 USC 552a and 43 CFR 2.52 for Privacy Act provisions regarding the misuse of personal information; also refer to 18 USC 798 and 18 USC 1905. Deliberate disclosures of Privacy Act information must be referred to OIG.</p>
<p>3. Offenses related to substance abuse.</p> <p>a. Alcohol-related</p> <p>(1) Reporting to or being on duty while "under the influence" of alcohol.</p>	<p>Written Reprimand to 5-day</p>	<p>5- to 30-day suspension</p>	<p>30-day suspension to removal</p>	<p>Refer to 43 CFR 20.505, 370 DM 792, Drug-Free Workplace (Zero Tolerance) Policy, DOI Handbook on the Department of Transportation</p>



<p>(2) Unauthorized use and/or possession of alcoholic beverages while on Government premises (or vehicle).</p>	<p>suspension Written Reprimand to 30-day suspension</p>	<p>30-day suspension to removal</p>	<p>Removal</p>	<p>Alcohol and Drug Testing Program, and DOI Federal Railroad Administration Supplement for specific guidance.</p>
<p>(3) Operating a Government vehicle/aircraft while "under the influence" of alcohol.</p>	<p>30-day suspension to removal</p>	<p>Removal</p>		<p>Actions involving these offenses must assure that counseling or rehabilitative assistance is offered; however, referral to an employee assistance program (EAP) does not preclude the initiation of corrective action.</p>
<p>b. Drug-related</p>				
<p>(1) Administratively confirmed positive finding under the testing portion of the Drug-Free Workplace Program.</p>	<p>Written Reprimand to removal</p>	<p>Removal</p>		
<p>(2) Unlawful use, being under the influence or unauthorized possession of drugs, drug paraphernalia or controlled substance while on Government premises or in a duty status.</p>	<p>Written Reprimand to removal</p>	<p>30-day suspension to removal</p>	<p>Removal</p>	<p>The illegal drugs currently tested for (as defined in 370 DM 792, Subchapters 9 &amp; 10) include: marijuana, cocaine, opiates, amphetamines and phencyclidine (PCP). However, the Department is authorized to test for any illegal drugs as deemed necessary.</p>
<p>(3) Sale or transfer of an illegal drug or controlled substance while on Government premises (or vehicle).</p>	<p>Removal</p>			
<p>(4) Refusal or failure to provide a required specimen for drug-testing; tampering with a drug-test specimen; refusal to obtain counseling or rehabilitation (after finding of illegal drug use).</p>	<p>14-day suspension to removal</p>	<p>30-day suspension to removal</p>	<p>Removal</p>	<p>When there is possession of illegal drugs - call law enforcement and notify OIG.</p> <p>When the substance is prescribed by an appropriate medical authority and used accordingly, it would not be an offense. 370 DM 792, 10.12 requires mandatory initiation of removal from service for a second offense of failing to refrain from illegal drug use.</p>
<p>4. Discourteous conduct (e.g., rude, insolent, disgraceful acts or remarks)</p>	<p>Written Reprimand to</p>	<p>5- to 30-day suspension</p>	<p>30-day suspension</p>	<p>5 USC 7503(a) permits suspension of</p>

toward supervisors, co-workers, or the public.	5-day suspension		to removal	14 days or less of any employee with four documented instances of discourteous conduct toward the public within a one-year period as confirmed by an immediate supervisor, or any other pattern of discourteous conduct.
5. Boisterous or disruptive/disorderly conduct; use of insulting, intimidating, abusive or offensive language to or about another employee or supervisor.	Written Reprimand to 5-day suspension	5- to 30-day suspension	30-day suspension to removal	
6. Deliberately making known false, malicious, or unfounded statements against co-workers, supervisors, subordinates, or Government officials which could undermine the authority or damage the reputation of those concerned.	Written Reprimand to removal	14-day suspension to removal	30-day suspension to removal	Refer to 5 USC 2302(b)(8) and (9), prohibiting actions against employees for engaging in protected activities.
7. Threatening statements or behavior (of a physical nature).	14-day suspension to removal	Removal		Charge involving "threat" must consider the listener's reactions, the listener's apprehension of harm, the speaker's intent, any conditional nature of the statements, and the attendant circumstances – refer to <u>Metz v. Dept. of Treasury</u> , 780 F.2d 1001 (Fed. Cir. 1986).
8. Fighting and offenses related to fighting.  a. Engaging in potentially dangerous "horseplay."  b. Hitting, pushing, or other acts against another without causing injury.  c. Hitting, pushing, or other acts against another causing injury.	Written Reprimand to 14-day suspension  5- to 30-day suspension  30-day suspension to removal	14-day suspension to removal  30-day suspension to removal  Removal	30-day suspension to removal  Removal	Penalty depends on such factors as provocation, extent of injuries, and whether actions were defensive or offensive in nature.

9. Misconduct of a sexual nature that includes, but is not limited to, unwelcome sexual remarks, indecent comments/jokes, offensive sexual banter, unwanted sexual advances, or unwelcome physical touching.	Written Reprimand to removal	14- day suspension to removal	Removal	Refer to the Department's Zero Tolerance Policy; penalty may include mandatory training. More severe discipline is appropriate for egregious misconduct.
10. Failure to provide equal opportunity regardless of race, color, religion, gender, national origin, age, marital status, political affiliation, sexual orientation or handicapping condition.	Written Reprimand to removal	14-day suspension to removal	Removal	Refer to 5 CFR 2635.101(13).
11. Unauthorized possession/sale (actual or attempted) of Government property or property of others; improper acceptance of Government funds/reimbursement.	Written Reprimand to removal	14-day suspension to removal	30-day suspension to removal	Referral to OIG may be appropriate.
12. Loss, misuse of, damage to or failure to safeguard Government property, records, or information (e.g., willful or negligent damage to Government resources; carelessness in performance of duty resulting in waste of public funds).	Written Reprimand to 14-day suspension	14- to 30-day suspension	30-day suspension to removal	Refer to 5 CFR 2635.101(9). For misuse of Government vehicles, see item 5 under Violations of Statute. Referral to OIG may be appropriate.
13. Failure to comply with safety regulations, instructions or prescribed safe practices; failure to use proper safety equipment; failure to report accident or injury.	Written Reprimand to 14-day suspension	14- to 30-day suspension	30-day suspension to removal	
14. Sleeping or loafing while on duty; inattention to duty; willful idleness while on duty.	Written Reprimand to 5-day suspension	5- to 14-day suspension	14-day suspension to removal	Seriousness of offense is greater if persons/property endangered.
15. Failure or delay in carrying out instructions; failure or carelessness in performing assigned work; failure to take/complete officially-directed training.	Written Reprimand to 14-day suspension	14- to 30-day suspension	30-day suspension to removal	Refer to 370 DM 430 to deal with unacceptable performance and performance-based actions.
16. Insubordination; disregard of directive; refusal to comply with a proper order.	5-day suspension to removal	30-day suspension to removal	Removal	Refer to 43 CFR 20.502. An "insubordination" charge requires a showing that the

				employee <u>deliberately</u> disregarded supervisory directives. In some instances (e.g., refusal to report for an ordered reassignment) removal may be appropriate.
17. Falsification/misrepresentation of official Government records or documents including, but not limited to, time and attendance records, travel vouchers, job applications, performance appraisals, claims for benefits, and other employment-related documents.	Written Reprimand to removal	30-day suspension to removal	Removal	Refer to 43 CFR 20.510.  Referral to OIG may be appropriate.
18. Misrepresentation, falsification, exaggeration, concealment or withholding of material fact in connection with an official Government investigation, inquiry or other administrative proceeding.	14-day suspension to removal	30-day suspension to removal	Removal	Refer to 43 CFR 20.510.  Referral to OIG may be appropriate.
19. Refusal to testify or cooperate in connection with any administrative investigation, inquiry, or other proper proceeding (when criminal charges are not anticipated).	5-day suspension to removal	14-day suspension to removal	30-day suspension to removal	
20. Prohibited/improper use of Government property (e.g., office equipment; supplies; facilities; credentials; records; communication resources; cellular phones; official time); misuse of the Internet/electronic mail; using the Internet/electronic mail for unauthorized purposes.	Written Reprimand to 14-day suspension  More severe discipline (including removal) may be appropriate for first/second offense if misconduct involves using the Department's Internet/electronic mail system for prohibited reasons, including	14- to 30-day suspension  More severe discipline (including removal) may be appropriate for first/second offense if misconduct involves using the Department's Internet/electronic mail system for prohibited reasons, including gambling, accessing/send	30-day suspension to removal	Refer to 5 CFR 2635.704 and 705(a); 410 DM 2 (Limited Personal Use of Government Personal Property). Consider issue of employee notice regarding agency policy.



	gambling, accessing/sending prohibited sexually-related material, or other egregious acts of misuse.	ing prohibited sexually-related material, or other egregious acts of misuse.		
21. Offenses related to gambling.				Refer to 5 CFR 735.201.
a. Participating in a gambling activity while on Government premises or in a duty status (e.g., office pools).	Written Reprimand to 14-day suspension	14- to 30-day suspension	30-day suspension to removal	
b. Operating, assisting, or promoting a gambling activity while on Government premises or in a duty status or while others involved are in a duty status.	5- to 30-day suspension	30-day suspension to removal	Removal	
22. Indebtedness; failure to meet financial obligations in a proper and timely manner.	Written Reprimand to 5-day suspension	5- to 14-day suspension	14-day suspension to removal	Refer to 5 CFR 2635.809. Actionable if there is a nexus between the failure to pay and the efficiency of the service. Since a suspension may reduce an employee's ability to pay overdue financial obligations, a reprimand may be more appropriate for a first offense (more severe discipline may be appropriate for subsequent offenses). Special care is called for in dealing with this type of offense, as it may involve mitigating circumstances.
23. Offenses related to Government travel charge card and/or purchase card.				Refer to Financial Administration Memorandum (FAM) 2000-010 for further information and instructions on
a. Misuse of travel card (i.e., personal/ unauthorized purchases) or	Written Reprimand to	5-day suspension to	30-day suspension	

delinquent in payment.	30-day suspension	removal	to removal	Resolving Delinquencies on Individually-billed Travel Card Accounts, and the Department's Integrated Charge Card Program Guide (revised 4/2004).
b. Misuse of travel card (i.e., personal/unauthorized purchases) and delinquent in payment.	5- to 30-day suspension	14-day suspension to removal	Removal	
c. Unauthorized use of or failure to appropriately monitor use of Government purchase card; "micro-purchasing" violations.	Written Reprimand to 30-day suspension	14-day suspension to removal	Removal	
24. Carrying a firearm or other weapon on Government property (or in Government vehicle) unless specifically authorized/required in the performance of duties.	30-day suspension to removal	Removal		Refer to 43 CFR 20.511.
25. Using public office for private gain.	5-day suspension to removal	Removal		Refer to 5 CFR 2635.702.
26. Engaging in unauthorized/prohibited selling, soliciting or fundraising activities.	Written Reprimand to 5-day suspension	5- to 14-day suspension	14-day suspension to removal	Refer to 5 CFR 2635.808.
27. Engaging in prohibited outside employment or private business activities.	Written Reprimand to removal	Removal		Refer to 5 CFR 3501.105.
28. Participating in particular matters while having a conflicting financial interest.	5-day suspension to removal	Removal		Refer to 5 CFR 2635.401.  Consult Ethics Office and may require referral to OIG. See 18 USC 208.
29. Participating in matters affecting financial interests of an entity where employment is being sought.	5-day suspension to removal	Removal		Refer to 5 CFR 2635.601.  Consult Ethics Office and may require referral to OIG. See 18 USC 208.
30. Violating the Department's Code of Scientific Conduct (or other professional code of conduct that applies to employees required to maintain a professional license or membership).	Written Reprimand to 30-day suspension	30-day suspension to removal	Removal	Refer to 305 DM 3.

31. Violating the Standards of Ethical Conduct not covered elsewhere in this Table.	Written Reprimand to removal	14-day suspension to removal	Removal	Refer to 5 CFR 2635.
32. Unauthorized use of nonpublic information.	Written Reprimand to removal	Removal		Refer to 5 CFR 2635.703.
33. Engaging (on-duty or off-duty) in criminal, infamous, dishonest, or notoriously disgraceful conduct prejudicial to the Government.	5-day suspension to removal	30-day suspension to removal	Removal	Refer to 43 CFR 20.501.
<b>Nature of Offense (Supervisory Misconduct)</b>	<b>Penalty for First Offense</b>	<b>Penalty for Second Offense</b>	<b>Penalty for Third Offense</b>	<b>Remarks</b>
1. Taking, directing others to take, recommending or approving any action which may be considered a "prohibited personnel practice" (e.g., reprisal against an employee for engaging in protected activities; discrimination based on race, color, gender, age, religion, national origin, marital status, political affiliation, sexual orientation or handicapping condition).	5-day suspension to removal	14-day suspension to removal	Removal	Refer to 5 USC 2302, 5 CFR 2635.101(13), and related Department policies. Action may be taken regardless of whether there was an official "finding" of discrimination (or other prohibited personnel practice).
2. Taking reprisal action against an employee for exercising rights provided by the Federal Service Labor-Management Relations Statute.	5- to 30-day suspension	14-day suspension to removal	Removal	Refer to 5 USC, Chapter 71.
3. Neglecting to recommend/take corrective action upon receipt of information regarding the job-related misconduct of a subordinate employee.	Written Reprimand to 30-day suspension	14-day suspension to removal	Removal	
4. Failure to appropriately monitor employee use of Government purchase/travel charge card.	Written Reprimand to 14-day suspension	14-day suspension to removal	Removal	
5. Misconduct of a sexual nature that includes, but is not limited to, unwelcome sexual remarks, indecent comments/jokes, offensive sexual banter, unwanted sexual advances, or unwelcome physical touching.	5-day suspension to removal	14-day suspension to removal	Removal	Refer to the Department's Zero Tolerance Policy; penalty may include mandatory training. More severe discipline is appropriate for egregious misconduct.

6. Influencing or attempting to influence the DOI employment of a relative.	5- to 30-day suspension	14-day suspension to removal	Removal	Refer to 5 USC 3110.
7. Violating, or inducing a subordinate to violate, the Department's Code of Scientific Conduct (or other profession's Code of Ethical Conduct).	5-day suspension to removal	Removal	Removal	Refer to 305 DM 3.
8. Using Government employees in duty status for other than official purposes.	Written Reprimand to removal	14-day suspension to removal	30-day suspension to removal	Refer to 5 CFR 2635.705(b).
<b>Nature of Offense (Violations of Statute)</b>	<b>Penalty for First Offense</b>	<b>Penalty for Second Offense</b>	<b>Penalty for Third Offense</b>	<b>Remarks</b>
1. Engaging in prohibited partisan political activity (e.g., partisan campaigning; soliciting/receiving political contributions).	30-day suspension to removal	Removal		Refer to 5 USC, Sections 7321-7326.
2. Participating in a strike, work stoppage, work slowdown, sick-out, or other similar job action.	30-day suspension to removal	Removal		Refer to 5 USC 7311.
3. Misappropriating/misapplying Government funds; directing, expecting, or rendering services not covered by appropriations.	1- to 30-day suspension	30-day suspension to removal	Removal	Refer to 31 USC 1301, 1341 and 1349.
4. Willfully mutilating or destroying a public record.	Removal			Refer to 18 USC 2071.
5. Willfully using or authorizing the use of a Government vehicle/aircraft for other than official purposes.	30-day suspension to removal	Removal		Refer to 31 USC 1344 and 1349.
6. Engaging in actions against national security.	30-day suspension to removal	Removal		Refer to 5 USC 7532.

12/22/06 #3738  
Replaces 3/29/06 #3705



# Application for Federal Employment - SF 171

## GENERAL INFORMATION

1 What kind of job are you applying for? Give title and announcement (if any)  
**Administrative Assistant, GS-0303-07**  
**MWRO-05-MP-0034**

2 Social Security Number \_\_\_\_\_ 3 Sex \_\_\_\_\_

4 Birth date (Month, Day, Year) \_\_\_\_\_ 5 Birthplace (City and State or Country) \_\_\_\_\_

6 Name (Last, First, Middle)  
 (b) (2), (b) (6)  
 Mailing Address (include apartment number, if any)  
 \_\_\_\_\_  
 \_\_\_\_\_  
 City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

7 Other names ever used (e.g., maiden name, nickname, etc.)  
 (b) (2), (b) (6) (maiden)

8 Home Phone \_\_\_\_\_ 9 Work Phone \_\_\_\_\_  
 Area Code Number Area Code Number Extension  
 \_\_\_\_\_ 563 873-3491 102

10 Were you ever employed as a civilian by the Federal government? If "NO", go to Item 11. If "YES", mark each type of job you held with an "X".  
 Temporary  Career-Conditional  Career  Excepted  
 What is your highest grade, classification series and job title? **GS-0303-06**  
 Dates at highest grade: FROM **03/12/00** TO **present**

## AVAILABILITY

11 When can you start work? (Month and Year)  
**06/2005**

12 What is the lowest pay you will accept? (you will not be considered for jobs which pay less than you indicate.)  
 Pay \$ \_\_\_\_\_ per \_\_\_\_\_ OR Grade **07**

13 In what geographic area(s) are you willing to work?  
**Effigy Mounds National Monument**

14 Are you willing to work:

	YES	NO
A. 40 hours per week (full-time)?	X	
B. 25 - 32 hours per week (part-time)?		X
C. 17 - 24 hours per week (part-time)?		X
D. 16 or fewer hours per week (part-time)?		X
E. An intermittent job (on-call/seasonal)?		X
F. Weekends, shifts, or rotating shifts?		X

15 Are you willing to take a temporary job lasting:

	YES	NO
A. 6 to 12 months (sometimes longer)?		X
B. 1 to 4 months?		X
C. Less than 1 month?		X

16 Are you willing to travel away from home for:

	YES	NO
A. 1 to 5 nights each month?	X	
B. 6 to 10 nights each month?		X
C. 11 or more nights each month?		X

## MILITARY SERVICE AND VETERAN PREFERENCE

17 Have you served in the United States Military Service? If your only active duty was training in the Reserves or National Guard, answer "NO". If "NO", go to Item 22.  

	YES	NO
		X

18 Did you or will you retire at or above the rank of major or lieutenant commander?  

	YES	NO

## FOR USE OF EXAMINING OFFICE ONLY

Date entered register: **205** Form reviewed: \_\_\_\_\_  
 Form approved: \_\_\_\_\_

Option	Grade	Earned Rating	Veteran Preference	Augmented Rating
<b>GS303</b>	<b>07</b>	<b>Q</b>	<input type="checkbox"/> No Preference Claimed	
			<input type="checkbox"/> 5 Points (Tentative)	
			<input type="checkbox"/> 10 Pts. (30% Or More Comp. Dis.)	
			<input type="checkbox"/> 10 Pts. (Less Than 30% Comp. Dis.)	
			<input type="checkbox"/> Other 10 Pts.	

Initials and Date: **ca 10/21/05**  Disallowed  Being Investigated

D. Specialized Exp.

## FOR USE OF APPOINTING OFFICE ONLY

Preference has been verified through proof that the separation was under honorable conditions, and other proof as required.

5-Point  10-Point- 30% or More Compensable Disability  10-Point- Less Than 30% Compensable Disability  10-Point- Other

Signature and Title \_\_\_\_\_ Date \_\_\_\_\_

Agency \_\_\_\_\_ Date \_\_\_\_\_

## MILITARY SERVICE AND VETERAN PREFERENCE (Cont.)

19 Were you discharged from the military service under honorable conditions? (If your discharge was changed to "honorable" or "general" by a Discharge Review Board, answer "YES". If you received a clemency discharge, answer "NO". If "NO", provide below the date and type of discharge you received.)

	YES	NO

Discharge Date (Month, Day, Year) \_\_\_\_\_ Type of Discharge \_\_\_\_\_

20 List the dates (Month, Day, Year), and branch for all active duty military service.

From	To	Branch of Service

21 If all your active military duty was after October 14, 1976, list the full names and dates of all campaign badges or expeditionary medals you received or were entitled to receive.

22 Read the instructions that came with this form before completing this item. When you have determined your eligibility for veteran preference from the instructions, place an "X" in the box next to your veteran preference claim.

NO PREFERENCE

5-POINT PREFERENCE - You must show proof when you are hired

10-POINT PREFERENCE - If you claim 10-point preference, place an "X" in the box below next to the basis for your claim. To receive 10-point preference you must also complete Standard Form 15, Application for 10-Point Veteran Preference, which is available from any Federal Job Information Center. ATTACH THE COMPLETED SF 15 AND REQUESTED PROOF TO THIS APPLICATION.

Non-compensable disabled or Purple Heart recipient.

Compensable disabled, less than 30 percent.

Spouse, widow(er), or mother of a deceased or disabled veteran.

Compensable disabled, 30 percent or more.



**WORK EXPERIENCE**

**23** May we ask your present employer about your character, qualifications, and work record? A "NO" will not affect our review of your qualifications. If you answer "NO" and we need to contact your present employer before we can offer you a job, we will contact you first..

YES	NO
X	

**24**

<b>A</b> Name and address of employer's organization (include ZIP Code if known)			Dates employed (give month, day and year)		Average number of hours per week	Number of employees you supervised
Effigy Mounds National Monument 151 HWY 76 Harpers Ferry, Iowa 25146			From: 10/17/93 To: present		40	0
			Salary or earnings		Your reason for leaving	
			Starting \$ 16393 per Year Ending \$ 35853 per Year		NA	
Your immediate supervisor			Exact title of your job		If Federal employment (civilian or military) list series, grade or rank, and if promoted in this job the date of your last promotion	
Name	Area Code	Telephone No.				
Florencia Wiles	563	873-3491	Administrative Assistant		GS-0303-06, promoted 3/12/2000	

**Description of Work:** Describe your specific duties, responsibilities and accomplishments in this job, including the job title(s) of any employees you supervised. If you describe more than one type of work (for example, carpentry and painting, or personnel and budget), write the approximate time you spent doing each.

Performed a wide range of clerical support functions related to human resources management including pay administration, employee benefits, personnel actions, payroll, and employee development. Applied the proper authorities, rules, and regulations for personnel and payroll actions. Codes and enters employee position data into the agency automated personnel/payroll system. Ensures all personnel actions are processed in accordance with applicable OPM and agency laws, rules, and regulations. Guides and advises staff members in establishing new and modified positions; writes position descriptions; develops task and job analyses; recommends nature of appointments, work schedules, and advertising approaches. Provided guidance in automated reporting of time and attendance as well as tracking personnel actions. Assisted supervisor with review of applicant qualifications, prepares certificates of candidates, and forwards certificates to selecting officials. Initiates request for registers of eligible candidates from the appropriate Office of Personnel Management (OPM) and, when received, initiates inquiry as to availability. Serves as park's primary timekeeper. Provides advice and assistance to division supervisors in the areas of pay administration and human resources management relating to personnel limitations. See attached continuation sheet Block A.

For Agency Use (skill codes, etc.)

<b>B</b> Name and address of employer's organization (include ZIP Code if known)			Dates employed (give month, day and year)		Average number of hours per week	Number of employees you supervised
Effigy Mounds National Monument 151 HWY 76 Harpers Ferry, Iowa 52146			From: 03/01/89 To: 10/17/93		40	0
			Salary or earnings		Your reason for leaving	
			Starting \$ 6.97 per hour Ending \$ 7.85 per hour		Accepted permanent position within organization	
Your immediate supervisor			Exact title of your job		If Federal employment (civilian or military) list series, grade or rank, and if promoted in this job the date of your last promotion	
Name	Area Code	Telephone No.				
Don Wollenhaupt	404	562-3108 (ext. 668, SERO)	Park Ranger		GS-0025-04	

**Description of Work:** Describe your specific duties, responsibilities and accomplishments in this job, including the job title(s) of any employees you supervised. If you describe more than one type of work (for example, carpentry and painting, or personnel and budget), write the approximate time you spent doing each.

In 1989, I assumed the curatorial duties of the monument's archeological, archival, historical and biological collection of approximately 20,000 objects. Although still classified as a park ranger, 85% of my duties were curatorial in nature. The remaining 15% of my time is spent in the traditional ranger duties described in experience block C.

Responsible for drafting and meeting the deadlines on curatorial reports such as: Annual Inventory of Museum Property, museum catalog records submission, Inventory of Unassociated Funerary Objects, Sacred Objects and Objects of Cultural Patrimony, Collections Management Report, Catalog Project Accomplishment report, and the Checklist for Preservation, Protection, and Documentation of Museum Property. I was solely responsible for writing the monument's Fee Collection Plan in 1989 and the Statement for Interpretation in 1990. Assisted in writing the monument's Scope of Collection Statement, Collections Access Policy, and the Sny Magill Riverbank Stabilization Environmental Assessment.

Responsible for ordering and maintaining inventory and verifying invoices for curatorial supplies. Responsible for identifying photographs and books in need of conservation treatment. A personal accomplishment was the See attached continuation sheet Block B.



**WORK EXPERIENCE****Experience Block A continued***Description of Work:*

Primary coordinator for all travel management functions in the park. Prepares travel documents for all government and invitat software programs. Reviews all travel documents to ensure compliance with applicable rules, laws and regulations. Processes conforming to the normal method of travel.

Conducts register audits for the entire fee collection operation at the park and ensures adherence to personnel regulations as general, monitors activities to ensure high quality visitor service is provided and fiscal accountability is in compliance with NPS guidelines. Serves as third party draft agent. Manages a Government credit card with purchase authority and ensures that pt and procedures. Verifies invoices, public vouchers, and other requests for payment; resolves discrepancies; secures appropr and forwards receiving report for payment processing.

Serves as an advisor to park management on the park's cultural resources. Monitors cultural resources, identifies potential th management regarding status and mitigation of impacts (present and future).

Advises management and staff on requirements for the preparation, documentation, and submission of all park issues relating maintaining effective working relations with Native Americans and other traditionally associated groups, agencies, and the put

Conducts or coordinates the review of park projects to assure protection of cultural resources and compliance with applicable Preservation Act, the Archeological Resources Protection Act, and the Native American Graves Protection and Repatriation A matters relating to compliance, Section 106 of the NHPA, NAGPRA, ARPA, NPS Management Policies, and Directors Order's

Evaluates all park records and archival and manuscript donations against applicable Director's Orders, park scope of collectio criteria. Conducts research into collection origins and undertakes fact-checking without supervision.

Is responsible for maintaining the park's collection which covers a combination of disciplines including archeology, ethnology, paleontology. Incumbent catalogues, accessions, deaccessions objects, verifying the accuracy of information in collection recc catalog databases, prepares all reports, inspects artifacts, monitors environmental conditions of collections storage and exhibi automated collections management system. Participates in an advisory capacity in all park discussions and decisions pertain inventories collections.

Organizes the collections and maintains minimum levels for proper preservation, security and fire protection, collection storag controls, and maintains the environment for collections, including light, temperature, and relative humidity.

Provides authoritative technical direction for the management of the park's archives including; but not limited to, maps, notes, plans, historic documents and resource management records.

Researches identification, authentication, dates, provenance, historical and scientific data, and other information as required f individuals and organizations when requested. Conducts research necessary to identify and/or authenticate museum objects,

Supports information technology operations throughout the monument. May install and test PC's and associated peripheral d instructions. Assists with routine network duties. Troubleshoots commonly occurring problems and assists users in resolving website. Verifies data so that format, quantity, and quality are maintained on the site at all times.

Provides direction and advice to custodial and liaison officers by advising on procedures for marking and maintaining account established standards for property acquisition, utilization, accountability, and disposal. Make necessary corrections in the aut records into agreement with verified physical inventories. Prepares or reviews reports for lost, damaged, or destroyed proper documentation to complete the disposal process and update electronic records. Maintains the personal property inventory (F,

Serves as primary receptionist for all incoming calls.

**WORK EXPERIENCE****Experience Block B continued**

*Description of Work: Describe your specific duties, responsibilities and accomplishments in this job, including the job title(s) of any employees you supervised; if you describe more than one type of work (for example, carpentry and painting, or personnel and budget), write the approximate time you spent doing each.*

Establishment of a light monitoring program for museum exhibits. This involved the use of ultraviolet and light intensity meters and compliance with recommended guidelines in the National Park Service museum handbook. Maintained and monitored the climate control devices in park collections.

Assisted other park divisions in day-to-day operations. Verified accountability of administration imprest fund and park donation box. Served as a fee collection officer and alternate donation officer. Devised work schedules in absence of Chief Ranger. Assisted Resource Manager in water sampling project, prairie vegetation surveys, prescribed burns, and integrated pest management. Performed the preliminary legwork for a major riverbank stabilization project.

Designed and implemented visitor center exhibits on a variety of topics, participated in and led moonlight hikes. Performed minor maintenance on audiovisual equipment. Attended monthly staff meetings. Assisted general public and fellow staff in research requests pertaining to the monument's collections.

Gained knowledge in the use of typewriters, printers, copiers and computers. Software used included Word Perfect, Word Star 2000, PrintMaster, Print Shop, ANCS (Automated National Catalog System), and Dbase III plus.

For Agency Use (skill codes, etc.)



**WORK EXPERIENCE**

<b>C</b> Name and address of employer's organization (include ZIP Code if known) Effigy Mounds National Monument 151 HWY 76 Harpers Ferry, Iowa 52146	Dates employed (give month, day and year) From: 04/28/87 To: 03/01/89		Average number of hours per week 40	Number of employees you supervised 0
	Salary or earnings Starting \$ 5.91 per Hour Ending \$ 6.35 per Hour		Your reason for leaving NA	
Your immediate supervisor Name James David		Area Code 478	Telephone No. 752-8257 (OCMU)	Exact title of your job Park Ranger
				If Federal employment (civilian or military) list series, grade or rank, and if promoted in this job the date of your last promotion GS-0025-04

Description of Work: Describe your specific duties, responsibilities and accomplishments in this job, including the job title(s) of any employees you supervised. If you describe more than one type of work (for example, carpentry and painting, or personnel and budget), write the approximate time you spent doing each.

Responsible for conducting interpretive guided tours of the monument's trails; emphasizing the prehistory, history, biology, and archeology of the area – 30%. Involved extensive visitor contact. Prepared programs independently including guided walks, off-site programs and impromptu school presentations.

Operated and maintained fee collection station, sales and information desk – 30%. Accountable for government funds and appropriate documentation. Responsible for opening and closing of federal building using associated security procedures.

Performed patrols of monument property to safeguard natural and cultural resources and provide for visitor safety. Installed and maintained boundary and regulatory signs. Responsible for marking and identifying wildflowers along the trails – 30%.

Prepared exhibits, newspaper articles for publicity purposes, and special event arrangements – 10%.

For Agency Use (skill codes, etc.)

**EDUCATION**

25 Did you graduate from high school? If you have a GED high school equivalency or will graduate within the next nine months answer "YES". YES  NO  If "YES", give month and year graduated or received GED equivalency: 5/1980  
If "NO", give the highest grade you completed:

26 Write the name and location (city and state) of the last high school attended or where you obtained your GED High school equivalency.  
Southwestern High School, Hazel Green, WI

27 Have you ever attended college or graduate school? YES  NO  If "YES", continue with 28.  
If "NO", go to 31.

28 NAME AND LOCATION (city, state and ZIP Code) OF COLLEGE OR UNIVERSITY. If you expect to graduate within nine months, give month any year you expect to receive your degree:

Name	City	State	ZIP Code	MONTH AND YEAR ATTENDED		NUMBER OF CREDIT HOURS COMPLETED		TYPE OF DEGREE (e.g., B.A., M.A.)	MONTH AND YEAR OF DEGREE
				From	To	Semester	Quarter		
1) University of Wisconsin	Stevens Point	WI	54481	8/1980	12/1984	134		B.S.	12/1984
2) Northeast Iowa Community College	Calmar	IA	52132	1/1995	12/99	26			

29 CHIEF UNDERGRADUATE SUBJECTS			30 CHIEF GRADUATE SUBJECTS		
Show major on first line			Show major on first line		
	Semester	Quarter		Semester	Quarter
1) Water Resources	45		1)		
2) Biology	21		2)		
3) Computer/Administration	26		3)		

31 If you have completed any other courses or training related to the kind of jobs you are applying for (trade, vocational, Armed Forces, business) give information below.

NAME AND LOCATION (city, state and ZIP Code) OF SCHOOL	MONTH AND YEAR ATTENDED		CLASS-ROOM HOURS	SUBJECT(S)	TRAINING COMPLETED	
	From	To			YES	NO
1) School National Park Service courses Name				ANCS software, Administrative Skills, NPS Fire training, IT security, government credit card, Fixed Assets, EEO, travel, web design, Processing personnel actions.		
City	State	ZIP Code				

**SPECIAL SKILLS, ACCOMPLISHMENTS AND AWARDS**

32 Give the title and year of any honors, awards or fellowships you received. List your special qualifications, skills or accomplishments that may help you get a job. Some examples are: skills with computers or other machines; most important publications (do not submit copies); public speaking and writing experience; membership in professional or scientific societies; patents or inventions; etc.  
National Park Service, Fast Track Award - 1990, On-The-Spot Award - 1997, 2002, Star Award - 1997; 1998, 2001, 2003, 2004, Time-Off Award - 1999.  
Skill with personal computers.

33 How many words per minute can you TYPE? TAKE DICTATION? 50 None Agencies may test your skills before hiring you.	34 List job-related licenses or certificates that you have, such as: registered nurse; lawyer; radio operator; driver's; pilot's; etc.		
	LICENSE OR CERTIFICATE	DATE OF LATEST LICENSE OR CERTIFICATE	STATE OR OTHER LICENSING AGENCY
	1) Driver's License	10/2004	Iowa
	2)		

35 Do you speak or read a language other than English (include sign language)? Applicants for jobs that require a language other than English may be given an interview conducted solely in that language	YES	NO	If "YES", list each language and place an "X" in each column that applies to you. If "NO", go to 36.					
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	CAN SPEAK AND UNDERSTAND		CAN TRANSLATE ARTICLES		CAN READ ARTICLES FOR OWN USE	
	Fluently	With Difficulty	Fluently	Passably	Into English	From English	Easily	With Difficulty
1)								

**REFERENCES**

36 List three people who are not related to you and are not supervisors you listed under 24 who know your qualifications and fitness for the kind of job for which you are applying. At least one should know you well on a personal basis.

FULL NAME OF REFERENCE	TELEPHONE NUMBER(S) (Include Area Code)	PRESENT BUSINESS OR HOME ADDRESS (Number, street and city)	STATE	ZIP Code
1) Phyllis A. Ewing	563-873-3491	Effigy Mounds National Monument Harpers Ferry	IA	52146
2) Thomas L. Sinclair	563-873-3491	Effigy Mounds National Monument Harpers Ferry	IA	52146
3) Merle Frommelt			WI	53821



**BACKGROUND INFORMATION--You must answer each question in this section before we can process your application.**

37 Are you a citizen of the United States? (In most cases you must be a U.S. citizen to be hired. You will be required to submit proof of  YES  NO

**NOTE:** It is important that you give complete and truthful answers to questions 38 through 44. If you answer "YES" to any of them, provide your explanation(s) in Item 45. Include convictions resulting from a plea of nolo contendere (*nolo contendere*). Omit: 1) traffic fines of \$100.00 or less; 2) any violation of law committed before your 16th birthday; 3) any violation of law committed before your 18th birthday, if finally decided in juvenile court or under a Youth Offender law; 4) any conviction set aside under the Federal Youth Correction Act or similar State law; 5) any conviction whose record was expunged under Federal or State law. We will consider the date, facts, and circumstances of each event you list. In most cases you can still be considered for Federal jobs. However, if you fail to tell the truth or fail to list all relevant events or circumstances, this may be grounds for not hiring you, for firing you after you begin work, or for criminal prosecution (18 USC 1001).

- 38 During the last 10 years, were you fired from any job for any reason, did you quit after being told that you would be fired, or did you leave by  YES  NO
- 39 Have you ever been convicted of, or forfeited collateral for any felony violation? (Generally, a felony is defined as any violation of law punishable  YES  NO
- 40 Have you ever been convicted of, or forfeited collateral for any firearms or explosives violation?  YES  NO
- 41 Are you now under charges for any violation of law?  YES  NO
- 42 During the last 10 years have you forfeited collateral, been convicted, been imprisoned, been on probation, or been on parole? Do not include  YES  NO
- 43 Have you ever been convicted by a military court-martial? If no military service, answer "NO".  YES  NO
- 44 Are you delinquent on any Federal debt? (Include delinquencies arising from Federal taxes, loans, overpayment of benefits, and other debts to  YES  NO

45 If "YES" in: 38 - Explain for each job the problem(s) and your reason(s) for leaving. Give the employer's name and address.  
39 through 43 - Explain each violation. Give place of occurrence and name/address of police or court involved.  
44 - Explain the type, length and amount of the delinquency or default, and steps you are taking to correct errors or repay the debt. Give any identification number associated with the debt and the address of the Federal agency involved.  
**NOTE:** If you need more space, use a sheet of paper, and include the item number.

Item No.	Date (Mo./Yr.)	Explanation	Mailing Address		
			Name of Employer, Police, Court, or Federal Agency	City	State

- 46 Do you receive, or have you ever applied for retirement pay, pension, or other pay based on military, Federal civilian, or District of  YES  NO
- 47 Do any of your relatives work for the United States Government or the United States Armed Forces? Include: father; mother; husband; wife; son; daughter; brother; sister; uncle; aunt; first cousin; nephew; niece; father-in-law; mother-in-law; son-in-law; daughter-in-law;  YES  NO

If "YES", provide details below. If you need more space, use a sheet of paper.

Name	Relationship	Department, Agency or Branch of Armed Forces

**SIGNATURE, CERTIFICATION, AND RELEASE OF INFORMATION**

**YOU MUST SIGN THIS APPLICATION.** Read the following carefully before you sign.

- A false statement on any part of your application may be grounds for not hiring you, or for firing you after you begin work. Also you may be punished by fine or imprisonment (U.S. Code, Title 18, section 1001).
- If you are a male born after December 31, 1959 you must be registered with the Selective Service System or have a valid exemption in order to be eligible for Federal employment. You will be required to certify as to your status at the time of employment.
- I understand that any information I give may be investigated as allowed by law or Presidential order.
- I consent to the release of information about my ability and fitness for Federal employment by employers, schools, law enforcement agencies and other individuals and organizations, to investigators, personnel staffing specialists, and other authorized employees of the Federal Government.
- I certify that, to the best of my knowledge and belief, all of my statements are true, correct, complete, and made in good faith.

48 (b) (2), (b) (6) 49 DATE SIGNED (Month, day, year) 6/14/2005



**POSITION DESCRIPTION** (Please Read Instruction On The Back)

<b>2. Reason for Submission</b> <input checked="" type="checkbox"/> Redescription <input type="checkbox"/> New <input type="checkbox"/> Re-establishment <input type="checkbox"/> Other (Show any positions replaced)		<b>3. Service</b> <input type="checkbox"/> Hdqtrs <input checked="" type="checkbox"/> Field	<b>4. Employing Office Location</b> Harpers Ferry, Iowa	<b>5. Duty Station</b> Effigy Mounds National Monument	<b>1. Agency Position No.</b> 6290-25
		<b>7. Fair Labor Standards Act</b> <input type="checkbox"/> Exempt <input checked="" type="checkbox"/> Nonexempt	<b>8. Financial Statements Required</b> <input type="checkbox"/> Executive Personnel Financial Disclosure <input type="checkbox"/> Employment and Financial Interests	<b>6. OPM Certification No.</b>	<b>9. Subject to IA Action</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
		<b>10. Position Status</b> <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Executive <input type="checkbox"/> SES (Gen) <input type="checkbox"/> SES (CR)	<b>11. Position is:</b> <input type="checkbox"/> Supervisory <input type="checkbox"/> Managerial <input checked="" type="checkbox"/> Neither	<b>12. Sensitivity</b> <input checked="" type="checkbox"/> 1. Non Sensitive <input type="checkbox"/> 3. Critical Sensitive <input type="checkbox"/> 2. Noncritical Sensitive <input type="checkbox"/> 4. Special Sensitive	<b>13. Competitive Level Code</b>
				<b>14. Agency Use</b>	

15. Classified/Graded by	Official Title of Position	Pay Plan	Occupational Code	Grade	Initials	Date
a. U.S. Office of Personnel Management						
b. Department, Agency or Establishment						
c. Secondary Level Review						
d. First Level Review	Administrative Technician (Museum Technician)	GS	0303	07	lyb	05-02-05
e. Recommended by Supervisor or Initiating Office	Administrative Assistant (OA)	GS	0303	07	fw	2/16/05

**16. Organizational Title of Position (if different from official title)**  
 (b) (2), (b) (6)

**17. Name of Employee (if vacant, specify)**  
 (b) (2), (b) (6)

<b>18. Department, Agency, or Establishment</b> Department of the Interior	<b>c. Third Subdivision</b> Effigy Mounds National Monument
<b>a. First Subdivision</b> National Park Service	<b>d. Fourth Subdivision</b> Administration
<b>b. Second Subdivision</b> Midwest Region	<b>e. Fifth Subdivision</b>

**19. Employee Review:** This is an accurate description of the major duties and responsibilities of my position.

Signature of Employee (optional):

**20. Supervisory Certification:** I certify that this is an accurate statement of the major duties and responsibilities of this position and its organizational relationships, and that the position is necessary to carry out Government functions for which I am responsible. This certification is made with the knowledge that this information is to be used for statutory purposes relating to appointment and payment of public funds, and that false or misleading statements may constitute violations of such statutes or their implementing regulations.

<b>a. Typed Name and Title of Official Taking Action</b> Florencia M. Wiles Administrative Manager Signature: <i>Florencia M. Wiles</i> Date: 2/16/05	<b>b. Typed Name and Title of Higher-Level Supervisor or Manager (optional)</b> Signature: _____ Date: _____
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**21. Classification/Job Grading Certification** I certify that this position has been classified/graded as required by Title 5 U.S. Code, in conformance with standards published by the U.S. Office of Personnel Management or, if no published standards apply directly, consistently with the most applicable published standards.

**22. Position Classification Standards Used in Classifying/Grading Position**  
 See attached evaluation

<b>Typed Name and Title of Official Taking Action</b> Beth J. Blake Human Resources Assistant Signature: <i>Beth J. Blake</i> Date: 05/02/05	Information for Employees The standards, and information on their application, are available in the personnel office. The classification of the position may be reviewed and corrected by the agency or the U.S. Office of Personnel Management. Information on classification/job grading appeals, and complaints on exemption from FSLA, is available from the personnel office or the U.S. Office of Personnel Management.
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23. Position	Initials	Date	Initials	Date	Initials	Date	Initials	Date	Initials	Date
a. Employee (optional)										
b. Supervisor										
c. Classifier										

Incumbent will provide emergency first aid to staff and visitors to ensure there will be someone trained, willing and able to respond to medical emergency needs on every work crew. This will provide coverage during periods that the seasonal EMT is not on-site.

**25. Description of Major Duties and Responsibilities (See Attached)**



Exhibit 10. Documentation for Accretion of Duties

<b>Old Position</b> Administrative Assistant Title, Series, Grade GS-0303-06		<b>New Position</b> Administrative Assistant Title, Series, Grade GS-0303-07	
Briefly list the additional duties and responsibilities which form the basis for the update: This position has assumed and been assigned responsibilities and duties as an advisor to management and staff on issues relating to NAGPRA and collections management. NAGPRA issues include NIA, NEIA and DO's compliance, repatriation, consultation, reburial and all associated records and documentation. Collections management covers a combination of disciplines including archeology, ethnography, history, archives, (more below) Describe the circumstances which led to the assignment of additional duties and responsibilities to this position: This position has accrued additional duties and responsibilities due to the lapse of the park's Cultural Resource Specialist (GS-11) position. There are no immediate plans to fill the lapsed position. Duties and reports required by law were not being met until NAGPRA and collection duties were assigned to the Administrative Assistant.			
Signature of Supervisor: <i>Florencia M. Wilson</i>		Date 2/16/2005	
Describe duties that justify the higher grade: Incumbent has assumed duties relating to the NAGPRA, performing curatorial responsibilities for the care of cultural resources for the park, serves on management team for NAGPRA programs, maintains park collections and ensures compliance rules are met. Works with MWR Staff Curator.			
Position audit results indicate higher level duties performed: <i>Bettie Blake</i>		Date of Audit 3/3/2005	
appro. box	Staffing and Classification Determination		Competition
	Incumbent position upgraded without significant change in duties and responsibilities because of classification error or new or revised standards.		Not Required
✓	Incumbent position reconstituted into a successor position with clearly and solely identifiable duties of former, the incumbent will continue to perform the work assigned and described by the previous position, and there are no other employees serving in similar or identical positions to whom the duties could have been assigned.		Not Required Required C*
	Incumbent position reconstituted into a successor position and the position is not a clear successor or there are other employees in identical positions to whom the duties could have been assigned.		

Classifier *Bettie J. Blake* Date *05-02-05*  
*Management agreed an incumbent has had an accretion in the position with the 6 to 10*  
 Staffing *5/2/05* Date

(cont.) ...biology, geology, and paleontology. Duties include accessioning, cataloging, deaccessioning, photographing, inventorying, inspections, research and the preparing of annual reports.

Administrative Assistant  
GS-0303-07  
Position No. 6290-25

INTRODUCTION

This position is a permanent, full-time position, stationed at Effigy Mounds National Monument in the division of Administration. The incumbent serves as the principal assistant to the Administrative Manager and works closely with that person to provide support services to all divisions in meeting program goals. The incumbent also serves in an advisory capacity to the Superintendent on all matters pertaining to the cultural resources and collections of the monument.

MAJOR DUTIES

Human Resources Management

Performs a wide range of clerical support functions related to human resources management including pay administration, employee benefits, personnel actions, payroll, and/or employee development.

Applies the proper authorities, rules, and regulations for personnel and payroll actions. Included are career/career conditional appointments, various excepted appointments, temporary appointments, promotions, reassignments, transfers, resignation, termination, retirement, etc.

Reviews and processes documents, provides generic and technical guidance and assistance to customers. Ensures accuracy of documents and assists in preparation of documents. Codes and/or enters employee and/or position data into the agency automated personnel/payroll system. Ensures all personnel actions are processed in accordance with applicable OPM and agency laws, rules, and regulations. Guides and advises staff members in establishing new and modified positions; writes position descriptions; develops task and job analyses; recommends nature of appointments, work schedules, and advertising approaches. Assists in developing documentation for awards and training. Provides guidance in automated reporting of time and attendance data as well as tracking personnel actions.

For internal placement actions, prepares and inputs vacancy announcements into automated vacancy announcement system for issuance. Assists supervisor with review of applicant qualifications, prepares certificates of candidates, and forwards certificates to selecting officials. After selection is made, notifies selected individual and advises others of non-selection. Incumbent is responsible for reviewing, editing, and coordinating the production of vacancy announcements, determining qualification requirements, areas of consideration, grade levels of recruitment and length of time vacancy announcements are to be opened; responding to applicants' inquiries to explain why they were found eligible for program participation; performing support work in preparation of panels; drafting PDs to include duty statements and evaluation factors; responding to callers and visitors, who request information regarding position classification, position descriptions, classification standards and/or other guidelines; maintaining

office files and records both automated and manual; preparing reports, position descriptions, correspondence, and organizational charts on personal computers using word processing and other software packages.

Initiates request for registers of eligible candidates from the appropriate Office of Personnel Management (OPM) and, when received, initiates inquire as to availability. Prepares selection and non-selection letters.

Offers assistance to non-status applicants in the proper procedures for filing for OPM ratings and in other aspects of the Federal employment system.

Provides orientation to new employees on health and life insurance and annual and sick leave. Provides advice and assistance to employees and supervisors in the area of pay administration. Serves as park's primary timekeeper.

Provides advice and assistance to division supervisors in the areas of pay administration and human resources management relating to personnel limitations.

Responds to written, telephone, or in-person inquiries on personnel procedures, regulations, policies, etc.

#### Fiscal Management

Primary coordinator for all travel management functions in the park. Prepares travel documents for all government and invitational travelers utilizing government travel software programs.

Prepares and processes travel authorizations, travel vouchers and the occasional travel advance when necessary. Reviews all travel documents to ensure compliance with applicable rules, laws and regulations. Processes cost comparison data for travel not conforming to the normal method of travel.

Assists employees with travel arrangements, making reservations for lodging, airplane and other types of travel when requested. Makes travel reservations through contract services to ensure government regulations and rates are received. Arranges complex travel for staff, maintains itineraries and obtains information necessary to complete travel vouchers for temporary duty travel.

Conducts register audits for the entire fee collection operation at the park and ensures adherence to personnel regulations as they relate to fee collection activities. In general, monitors activities to ensure high quality visitor service is provided and fiscal accountability is in compliance with NPS and Departmental standards and guidelines. Informs various supervisors of any discrepancies noted during audits.

Serves as third party draft agent. Manages a Government credit card with purchase authority and ensures that purchases comply with purchasing policies and procedures.

Verifies invoices, public vouchers, and other requests for payment; resolves discrepancies; secures appropriate signatures for approval of payment, and forwards receiving report for payment processing.

Maintains log of incoming checks and insures safe keeping and delivery to employees.

#### Cultural Resources and NAGPRA

Serves as advisor to management on the cultural resources and park collections and makes recommendations to management regarding all aspects of park compliance with NAGPRA. Responsible for park Native American Graves Protection and Repatriation Act (NAGPRA) program development and implementation. Directs an intricate program of cultural resources management activities that involves sensitive and complex issues that may impact a wide variety of park issues.

Advises management and staff on requirements for the preparation, documentation, and submission of all park issues relating to NAGPRA. Provides support in maintaining effective working relations with Native Americans and other traditionally associated groups, agencies, and the public for compliance with NAGPRA, National Environmental Policy Act (NEPA), and National Historic Preservation Act (NHPA) as well as executive orders, NPS policies and guidance.

Prepares and verifies lists of cultural items that are subject to NAGPRA regulations. Conducts research into collection origins and undertakes fact-checking without supervision. Prepares cultural items and associated documentation for repatriation and reburial. Responsible for drafting and finalizing Sec. 106 documents, environmental assessments, Federal Register documents, Repatriation Agreements, and deaccessioning documents.

The incumbent participates in an advisory capacity in all park discussions and decisions pertaining to cultural resources. Responsible for, or makes significant contributions to the resource management plan and spin-off documents such as specific plans (Fire Management Plan); action plans (Burn Plans), revisions, and fiscal and budget documents relating to cultural resources. Conducts or coordinates the review of park projects to assure protection of cultural resources and compliance with applicable federal laws such as the National Historic Preservation Act, the Archeological Resources Protection Act, and the Native American Graves Protection and Repatriation Act. Serves in an advisory capacity in matters relating to compliance, Section 106 of the NHPA, NAGPRA, Archeological Resource Protection Act (ARPA), NPS Management Policies, and Directors Order's.

The incumbent is responsible for maintaining the park's collection which covers a combination of disciplines including archeology, ethnology, history, archives, biology, geology and paleontology. Incumbent catalogues, accessions, deaccessions objects, verifying the accuracy of information in collection records and files, maintains inventory and catalog databases, prepares all reports, inspects artifacts, monitors environmental conditions of collections storage and exhibits. Catalogs the collection into the NPS automated collections management system. Controls access to the collection by researchers. Annually inventories collections and prepares



the Collection Management Report. Maintains all record keeping and documentation for museum collections.

Composes complex reports and correspondence related to various administrative and cultural resource matters. Advises field staff on interpretations, requirements and application of cultural resource regulations.

Develops work plans, project statements, and cost estimates and proposals to justify funding requests and accomplish goals. Maintains awareness of applicable funding sources within NPS and outside.

Provides authoritative technical direction for the management of the park's archives including, but not limited to, maps, notes, data records, photographic materials, plans, historic documents and resource management records. Evaluates all park records and archival and manuscript donations against applicable Director's Orders, park scope of collection statements, and museum handbook criteria.

Researches identification, authentication, dates, provenance, historical and scientific data, and other information as required for the park's collections and for individuals and organizations when requested. Conducts research necessary to identify and/or authenticate museum objects, to obtain necessary catalog data.

Monitors and prepares programs for use of collections, including research, loans, reference services, enforcement of use policy, and evaluation of collection-related research requests. Writes park access and use policies. Determines whether material is appropriate for release.

Organizes the collections and maintains minimum levels for proper preservation, security and fire protection, collections storage and research conditions. Incumbent assists with maintenance of exhibits. Monitors, controls, and maintains the environment for collections, including light, temperature, and relative humidity.

Rehouses the park archival and manuscript collections, as needed. Sets up archival storage, work and reading room spaces with good environments, security and supervision.

#### Information and Technology

Supports information technology operations throughout the monument. Work includes limited phases of computer technology functions in support of personal computers (PC's). May install and test PC's and associated peripheral devices in accordance with manuals and instructions. Assists Administrative Manager with routine network duties.

Troubleshoots commonly occurring problems and assists users in resolving them. Refers highly technical difficulties to a Regional Computer Specialist or recommends bringing in a computer technician from local vendors.

Upgrades common software programs utilized by all users (i.e: Norton Anti-Virus, Lotus Notes, etc.) as necessary.

Develops and maintains the park's website. Verifies data so that format, quantity, and quality are maintained on the site at all times. Notifies appropriate staff of changes necessary to their respective data posted on the website.

### Property Management

Provides direction and advice to custodial and liaison officers by advising on procedures for marking and maintaining accountability for property. Ensures adherence to established standards for property acquisition, utilization, accountability, and disposal.

Prepares reconciliation reports upon receipt of authorizing document for annual and special inventories of personal accountable property. Make necessary corrections in the automated database to bring electronic records into agreement with verified physical inventories.

Receives and acts on request for or reports of excess personal property. Process excess declarations for disposal or transfer, and transmits required information.

Prepares or reviews reports for lost, damaged, or destroyed property. Obtains necessary data and documentation to complete the disposal process and update electronic records.

Performs routine phases of property management such as preparing procedures for conducting annual inventories and participates in the inventory process. Conducts investigations to determine causes of inventory discrepancies by checking property documents, such as purchase orders and transfer of property. Compiles information and prepares reports.

Maintains the personal property inventory system of records (FAS). Receives source documents concerning personal property acquisition, transfer or disposal action. Uses the automated on-line property system to effect the necessary changes in the database. Verifies transmission to ensure that all records are accepted. Corrects and resubmits rejections.

Receives supplies, materials, and equipment for the park, checking items against ordering documents when not purchased with individual purchase cards. Contacts contracting officer and/or vendors when discrepancies occur, and takes action as directed.

Maintains stock of standard items such as office supplies, forms, and copier paper. Issues stock and monitors inventory levels. Reorders stock when supplies fall before predetermined levels. Arranges for shipment of goods and equipment, including packing containers and labeling, and preparing bills of lading. Notifies shipping companies for pickup, personally delivers items, or coordinates delivery with others in the park.

### Other Duties

Prepares memoranda, letters, reports, tabulated data, manuscripts and other miscellaneous document in final form for all staff members of Effigy Mounds from handwritten notes or electronic files. Responsible for preparing routine correspondence and maintaining appropriate mailing lists for press releases, public officials, etc. Maintains suspense file for all reports and memoranda requiring a response to NPS offices or other agencies.

Operates personal computer software programs to provide a variety of styles for all clerical work (i.e. use of scanners, modems, copier or software). Uses various office machines to complete assigned tasks (i.e. computer, typewriters, fax, copier, scanners, etc.).

Assists Administrative Manager with other administrative functions and serves as a team member with the maintenance of the telephone system, network connections, uniform program, general park duties, etc.

Receives visitors entering the administrative offices, answering their information requests, as well as directing visitors requiring assistance to the proper office.

Receives and screens incoming telephone calls, determining the identity of callers and the nature of call, routes calls to appropriate office. May use park radio system during an emergency.

May operate visitor contact station in the visitor center. Greets visitors, provides prepared orientation, information and directions and answers questions. Assists in the operation of cooperating association sales areas. Assists with visitors' complaints, following established guidelines. Operates cash register for fee collections and cooperating association. Maintains accountability of all government funds collected and all assigned accountable stock through proper use of appropriate fee collection forms.

Assists other clerical staff with maintaining all files at Effigy Mounds. Responsible for processing mail during absence of Office Clerk.

### OTHER FACTORS

#### 1. Knowledge Required by Position

Technical knowledge of a wide variety of Federal civilian personnel rules, regulations, laws, and guidelines to independently complete the clerical processing of personnel actions.

Knowledge of DOI/NPS policies and regulations pertaining to the establishment and maintenance of personnel records and files.

Knowledge of laws, regulations, and procedures relating to benefit programs such as health and life insurance and pay administration to advise employees and division supervisors.

Knowledge of laws, regulations, Comptroller General decisions, etc. relating to pay and travel in order to act as a technical point of contact in advising supervisors and performing tasks such as determining entitlements, processing claims, etc.

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Bodes*

Knowledge of Federal, DOI, and National Park Service Property Management Regulations, guidelines, and directives covering the utilization and disposal of Government-owned personal property sufficiently to understand the basis for the work, how the assignments are to be accomplished, and the appropriateness of deviating from procedures.

Familiarity with the organizational unit to conduct inventories and resolve discrepancies.

Knowledge of the National Park Service automated property system to maintain property records, determine the availability of excess property and prepare reports. \*

Knowledge of fundamental data processing methods, practices, and techniques to modify or develop, test, and implement computer programs.

Knowledge of terminology, codes, abbreviations, and graphics used in word processing systems. A qualified typist is required. Skill in operating related equipment.

Possesses a working knowledge of NPS-22 and other NPS standards and guidelines, procedures, practices and precedents related to fee collection.

Ability to work accurately with figures. Accuracy with mathematical skills is essential.

Knowledge and understanding of park operations, NPS mission and goals, laws and regulations, park operating procedures and park organization. This knowledge is continuously used when working with the public, other employees and subordinate staff and provides technical assistance where an understanding of the total function is needed.

Ability to function calmly in emergency situations and to deal with hostile or distraught persons. Ability to provide general information to park visitors in an understandable and pleasant manner. These abilities will be used when working with park visitors and park staff. A good speaking voice and ability to communicate both orally and in writing is essential.

Must have a thorough knowledge of the science and art of museum management, including collection management, museum records, specimen classification, cataloging, repository procedures and detailed familiarity with the preservation and protection of a wide range of museum objects in a variety of circumstances. }

Must have knowledge of management of objects, specimens, and archives for all disciplines represented in the park's collections. Must have knowledge of issues pertaining to Native Americans or other cultural groups which the collections pertain.

Must have the ability to conceptualize, develop and implement long- and short-term budgetary plans for museum collection management, including but not limited to, meeting requirements of storage, research, exhibition, preservation, protection, interpretation/education and collection growth.



Must be experienced in evaluating the impact of proposed research on museum collection. Should be familiar with professional museum and archives operational standards.

Must have experience in public contact and reference services.

Must have comprehensive knowledge of the various museum-related professional organizations and the ability to direct or adapt this resource to the solution of NPS museum concerns and problems. Must adhere to professional codes of ethics established by professional organizations in museum management and related disciplines.

Must have knowledge of advanced computer skills to apply to large information management system for collections. Must have basic knowledge of NPS natural and cultural resource data bases and inventories.

Ability to plan and carry out complex, credible programs so that the resource stewardship needs of the park are met in a cost effective, efficient, timely and professional manner.

Knowledge of NPS guidelines, procedures, and techniques required for the preservation, protection, exhibition, storage, cataloging, and researching of natural and cultural specimens, in order to insure that specimens are adequately preserved, properly incorporated into museum collections, and effectively used.

## 2. Supervisory Controls

The supervisor issues work assignments in general terms of overall objectives, priorities, and deadlines. Incumbent exercises considerable latitude of judgment in planning work and selecting methods and approaches to be used in dealing with daily operational problems.

The employee plans and carries out the successive steps of the work assignments and independently handles problems and deviations in the assignments in accordance with instructions, policies, previous training, or accepted practices in all areas of the administrative fields (human resources management, property, fiscal, etc.). The employee works independently within established procedures and operating instructions in performing and coordinating work with others, as required, in accomplishing day-to-day activities. Deviations from standard procedures are implemented in accordance with past precedents, standing procedures, or current regulations. Supervisor is available for advice and assistance in unusual or unprecedented situations or resolution of problems.

Work is reviewed for conformance to policies and requirements. Methods used to attain end results are not closely reviewed. Work may be reviewed on the basis of spot-checking work products, comments from end users, comments from park visitors and/or reviewed for accuracy, timeliness, and compliance with applicable rules, regulations, and policies.

Incumbent is expected to independently plan and execute work assignments, guided mainly by recognized professional practices and established Service policies. Incumbent has considerable latitude in defining the parameters of cultural resource assignments, and is responsible for

modifying and developing work plans as necessary. Museum collection work is carried out independently and without close supervision. Incumbent is expected to independently define and solve problems with available resources utilizing whatever professional and technical assistance may be available within the Service and in the professional museum community.

The work produced is considered technically authoritative and is normally accepted without significant change.

### 3. Guidelines

Guidelines include OPM manuals, DOI directives, Director's Orders and policies, property management regulations, computer hardware and software manuals, established procedures within the park, and applicable laws, rules, regulations, and precedent cases.

Technical assistance is obtained from program managers in the various administrative fields in the Regional Office, supervisor or park divisions.

Operating procedures and user requirements change occasionally, which requires judgment and flexibility in selecting or interpreting the appropriate guideline from the published and precedent material available as a basis for action or selecting alternative courses of action within standard procedures. Significant deviations are referred to the supervisor.

The guidelines available to the incumbent are general. They include departmental and National Park Service regulations and policies, congressional legislation, the standards developed by the museum profession. These guidelines are found in published National Park Service documents and in the body of literature published by and for museums, archives and libraries. They include Cultural Resource Management Guidelines, NPS Museum Handbook, and Manual for Museums.

In new situations, the incumbent is required to devise new methodology, consulting with colleagues to obtain recommendations on alternative approaches.

The incumbent must use judgment and creative ingenuity in interpreting the intent of the existing guidelines. The incumbent is regarded as a technical authority in the development and preparation of curatorial guidelines and standards.

### 4. Complexity

Assignments are primarily concerned with substantive clerical processing of the full-range of personnel, pay, travel and fiscal transactions, including those of a unique nature.

Additionally the employee provides property management services, conducts inventories, and maintains property system database through the automated property system. The automated property database is an electronic system of records that tracks all accountable and sensitive personal property owned by the park. The employee determines the adequacy of documentation of property transactions, answers questions from property custodians regarding property maintenance requirements, and generates and maintains records and reports. In addition, the

work requires the employee to search for the cause of discrepancies in inventories by researching a variety of records.

Published guidelines do not always apply, requiring the incumbent to explore a wide variety of sources in order to accomplish the required assignment. The complexity of the work assignment is increased by the need to interpret and clearly present information to those who are less knowledgeable.

Assesses errors in PC processing or in incomplete and conflicting input/output data. The employee adjusts setup and/or processing routines and methods to correct any undesired end products and failures of operation that adversely affect production of a variety of work. Within established methods and procedures, operates personal computer equipment and peripherals and resolves common error messages.

Work assignments require the incumbent to make changes on documents for accuracy and to ensure compliance with applicable guidelines, rules and regulations.

Curatorial functions require the care and maintenance of a large but stable museum collection. Opportunities for further expansion or development of the collection are limited.

The work of the incumbent consists of the four professional and technical functions (research, collection, exhibits and education). Duties related to exhibits are normally confined to housekeeping functions, monitoring and development of small and/or temporary exhibits.

Research assignments are usually projects of limited scope with readily identifiable objectives. Research usually builds on a foundation of earlier scholarship which developed basic theory and principles.

Other duties are varied, involving the opportunity to apply a variety of approaches. The incumbent is expected to apply ingenuity, analytical ability, attention to detail, alertness in identifying the coping with varied situations and public questions, problems and incidents.

##### 5. Scope and Effect

The timely, accurate accomplishment of assigned duties is essential to the operation of Effigy Mounds, since the service provided facilitates the daily efficiency of operations for all divisions at the monument. The purpose of the work is to contribute to an effective operation and preservation of the park area and its program as it relates to all administrative fields. Errors or mishandling of funds have an impact on the ultimate accountability of the park.

The purpose of this position is to provide technical expertise in personnel and payroll processing, to keep advised of regulations, to advise others, and to process personnel and payroll documents.

The skill, efficiency, and dedication of the incumbent directly affects the status of the extensive collection of cultural resources and references. Successful accomplishment of the duties ensures

the preservation of an important segment of the cultural heritage of the nation, and thus affects a large number of people on a continuing basis.

The collections are significant in size and scope and include multiple disciplines. The incumbent must be familiar with specialized policies, procedures, and ethics for managing each collection type as well as current professional issues in each discipline. Collections activity includes minimal acquisitions, ongoing cataloging or refinement of documentation, use of collections in a small number of changing exhibits, multiple reference requests, and occasional loans.

The timely completion, accuracy, and reliability of the work affects the effectiveness of the human resources management program at the park, and the timeliness and accuracy of employees' pay, entitlement, and benefits.

This position provides support to the responsible property management officials of the park. The work performed affects the accuracy of the record-keeping system used for tracking accountable and sensitive personal property.

The results of the work affect the timeliness and efficiency of the park's employees and supervisors to accomplish their responsibilities. It influences the general public's attitude and enjoyment of the park and Service mission.

#### 6. Personal Contacts

Personal contacts are frequently with NPS employees, supervisors, and managers, AOC personnel, NPS property and cultural management specialists in other offices, employees of other Federal agencies, park visitors, park neighbors, cooperating agency personnel and the general public. Contacts are face-to-face, by electronic mail, or voice telephone communications. Contacts also include those with commercial suppliers, repair technicians and vendors concerned with the status of items ordered. Outside contacts also include tribal or cultural group representatives. Composure and good judgement are required at all times.

#### 7. Purpose of Contacts

Contacts are to obtain, exchange, and give information, to explain regulatory and procedural requirements, and to effect corrections to improperly prepared documents. Contacts facilitate effective park operations; make the visitor's stay in the park safe, meaningful and enjoyable; routinely coordinate operational matters; and insure compliance to park regulations.

Cultural resource contacts are to aid in carrying out cultural resource management program direction and policy and to direct museum collection management activities.

Contact with the regional office or archeological center is to provide and receive information to/from agency staff; to obtain and share technical data, procedures, and information.



## 8. Physical Demands

The work requires mental alertness, better than average manual dexterity, and mobility. Although primarily sedentary, the employee may perform some walking, standing, bending, or lifting during inspections and operation evaluations. No unusual physical demands are placed upon the employee. Driving is necessary in performance of some duties. There is some walking and lifting of articles up to 50 lbs. encountered when moving boxes.

## 9. Work Environment

The work is performed in an office setting with some time spent in field locations. Will be necessary to drive government vehicle. Valid driver's license required.

This position is NON-EXEMPT under FLSA.

Questions for Desk Audit on Administrative Assistant Position at EFMO

Cultural Resources and NAGPRA

1. What kind of advice is given to management? Give specific examples of how you provide the advice and in what context.

*Tribes to contact, issues regarding documentation of consultation. GPRA, PMIS projects, exhibits NAGPRA, returning loans to Luther college. Access to collections. Advice is given one on one with superintendent and other management members. GMP planning team. PEPC park contact. 106 compliance. Speech writing for Review committee meeting. Letters to tribes.*

2. Describe the sensitive and complex issues that impact park issues. Explain your role in mitigating them. *Human remains, cultural differences, tribal interactions, American Indian Heritage celebration. solely responsible for care of remains and funerary objects. Work hand in hand with super on tribal relations. Diversity.*
3. What support is given to maintain effective working relations with Native Americans? Are you the park POC? Do you attend meetings? Explain types of issues you may be involved in with various tribes. *Agree to disagree. Travel arrangements, Superin is first POC but I am next in her absence. AGPRA review committee attended on line.*
4. What is the type of research conducted into collection origins? Where is research performed and how is it performed? *Mostly archival research, Ratcliffe rock, luther college. Performed in park collections, calls to luther college, MWAC, park history files*
5. What part is played as cultural items are prepared for repatriation and reburial? What is your interface with the archeologist and/or anthropologist? *No arch or anthro staff on duty so interaction is with MWAC and Mike Evens. Denver meeting. Cultural items are sensitively presented and prepared. Mention copper breast plate incident. Bill Tohee and MRs. Jim Jones.*
6. How in-depth is the research in collection origins. Explain how conducted and purpose of research. *Varying depths depending on researcher asking information. Sometime quite in-depth due to name changes of site. Only park access to I-Sites due to sensitivety of information. Research to return remains to proper locatlon if applicable. Research into deaccessions, etc.*
7. What is the advisory capacity in all park discussions and decisions pertaining to cultural resources? Give specific examples and interactions. *Attend all staff and planning meetings regardless of content. Am expected to support and promote cultural aspects of all park activities. I Am the voice for CR at EFMO* What is your involvement in the resource management plan?
8. How often is it updated? *I'm involve at both aspects; administratively and CR. Usually updated every 3-5 years. Last updated 2000 when it was supposed to guide us for 4 years.*
9. How many new items per year must be catalogued into collection? What complex reports are composed relating to cultural resources? How are decisions made to accept a donation to the collection and to remove/store/change the

displays? What types of items are catalogued? *Cataloging varies from year to year but must meet GPRA goals which is somewhere around 100/year. Cataloging can vary from archives to Archeology to paleontology to biology, etc across of disciplines in collection. Reports included Scope of collection, Collections access policy, currently housekeeping plan and IPM plan, environmental conditions, collections condition survey. Sometimes write plans sometimes they are contracted out. Donation decisions are made solely on my recommendations to the Superintendent. Trying to be cautious due to staff time to deal with donatons. Displays and exhibits are designed around park themes for year. Need an interdisciplinary approach.*

10. What part is played in rehousing archival and manuscript collections? Where is collection maintained? How are they housed? *Acid free, copies, scanning, basement area climate controlled under lock and key only access is to me and Superintendent. Fire proof cabinets, inspections order cabinets according to museum specs.*

**ACCESSION HISTORY and STATUS  
of  
ACCESSIONED MATERIALS  
and  
1986 & 1990 DEACCESSIONED ITEMS AND OBJECTS**

Prepared for:  
Department of the Interior  
National Park Service  
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Field work conducted 11/17, 18, 1997

by  
Dale R. Henning

Illinois State Museum Society  
Archaeological Services Program  
Dale R. Henning, Director

Illinois State Museum  
Quaternary Studies Program  
Technical Report 97-1165-33

Report Submitted: September, 1998



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The research reported on in the following short report is the result of a long and arduous undertaking. Much of the heavy going has been made significantly lighter by Effigy Mounds National Monument Superintendent Kathleen Miller and her staff. I have consistently been given the assistance requested and have been offered understanding and sympathy when frustrated by data inconsistencies and informational dead ends. Careful and thoughtful review of the manuscripts submitted have been provided by Thomas D. Thiessen, Park Archeology Program Manager and Michelle Watson, Cultural Anthropologist, Cultural Resources Division, Midwest Support Office. Their comments are deeply appreciated; they made notable contributions to the final products. One extension in time was generously given; that time has been used to significantly alter a number of misconceptions and to improve the general quality of the report. Some misconceptions, errors and omissions undoubtedly remain that deeper and more intensive investigations could have avoided; for these I assume full responsibility.

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## INTRODUCTION

Human skeletal remains from accessions in the museum collection at Effigy Mounds National Monument were deaccessioned in 1986 and 1990. This report summarizes the accession history and offers an assessment of the status of the deaccessioned items. Those items all consist of human remains and are subject to NAGPRA. The project has been conducted following the Scope of Work of PO # 1443-PX6290-97-012 issued by Effigy Mounds National Monument, National Park Service (Appendix A). Included in the report is a listing of all objects (human remains) deaccessioned (Table 1), brief descriptions of how they came to be part of the Effigy Mounds National Monument (EFMO) collections, an account of studies made of those remains, their current status and a listing of objects that were associated with them (Table 2).

The 1990 deaccessioned items have been "tracked" from the time of their accession to the present. Most of these remains (Appendix H) have been studied and reported upon (Fisher and Schermer 1987) by the Iowa Office of the State Archaeologist (OSA). Some, those that were recovered off the Effigy Mounds tracts, have been reburied or sent to the state of origin for subsequent reburial. Reburial of Native American remains is conducted periodically by the Office of the State Archeologist, Iowa City, with appropriate ceremony. The time and place of these reburial ceremonies is not public. I am assured by OSA representatives, however, that reburied remains discussed in the following have indeed been reinterred, but am not privy to the time or place of burial. The remainder (remains recovered on EFMO) were returned to the Monument. It is clear in the letter from Calabrese to Schermer dated April 7, 1987 (Appendix B) that the invoice for the work was to be submitted after the collections (of human remains studied and reported upon) were returned to EFMO. With the exception of eight skull fragments from Accession 8 (Highway 76 Rockshelter), all human remains from Park property were returned to the Monument by the Office of the State Archeologist and were apparently received May 1, 1987 (Appendix H). The 8 skull fragments from Accession 8 were analyzed by OSA, then returned to EFMO (letter, Schermer to David, 2/28/90; Appendix C). All of the remains analyzed by OSA were eventually returned to EFMO, but are now unaccountably missing.

In 1995, the Superintendent at EFMO, Karen Gustin, was asked to search the museum collections for human remains. Following much correspondence, her letter dated 10/20/95 (Appendix E) states that a bundle burial, the Devil's Den burial, and remains retrieved from Mound 43, Sny Magill Group, during vandalism repair were curated at MWAC.

The disappearance of the skeletal remains became apparent at EFMO and resulted in a series of correspondences early in 1996, the general conclusions of which was that the remains were

unaccountably missing (Appendix E). I asked Superintendent Miller to initiate just one more search early in March, 1998, to look for two or more boxes, perhaps unopened, that could contain those human remains analyzed (a box 12x12x16 inches could accommodate a number of human femora and skulls). That search was performed, but no such boxes were found.

In the following report, skeletal remains will be dealt with by accession number. The accession catalogue offers contextual data (where the object came from), who presented the remains and, sometimes, something of the circumstances under which the remains were taken from the ground. Should the accession catalogue not offer information in sufficient detail for employment in this report, some "teasing out" of information has been required. Thus, some intensive research has been required for some accession units. Accession numbers are sometimes assigned to materials taken from more than one location; the locations are be sorted out and the materials from each discussed in that context if possible. The status and present location of the human remains identified will be discussed to the degree possible. Any objects which were associated with human remains, all of which are now *Unassociated Funerary Objects* (now physically separated from the skeletal elements), are presented in Table 2 by accession number and specific location.

## THE RESEARCH AND RESULTS

The present study is designed to assess the status of these NAGPRA eligible materials, to present the data pertinent to their becoming part of the EFMO collections, to demonstrate the relationship between the skeletal remains and any artifacts that may have been associated with them and, finally, to trace the present location(s) of the human remains. As did Fisher and Schermer (1987), I will follow the accession numbers assigned by various catalogers at Effigy Mounds.

**Accession #1** Accession #1 was posted in 1950, described as "Archeological materials from authorized excavations on the monument" (following this in different hand and pen is inscribed 13AM82 - 55), and was received from Paul Beaubien, Archeologist. The record also states that acquisition was through an NPS Authorized Project and that portions were deaccessioned ("see deaccession list"). The note offering the site number, 13AM82 (the Nazekaw Terrace site) and the number following that site number, 55, might be taken to suggest that all the skeletal remains came from Mound 55, one of the mounds from which materials included in accession #1 were derived.

Items included in Accession #1 were excavated by Paul Beaubien, NPS Archeologist, from Mound 55, Nazekaw Terrace, Effigy Mounds National Monument, in the summer of 1950 (Beaubien 1953a, 1953b). The skeletal remains were analyzed and written up by Fisher and Schermer (1996), then returned to EFMO on May 1, 1987. All were attributed to Mound 55 (Fisher and Schermer 1996:4-8).



There is a problem with these remains. Judging from the artifacts also included under Accession #1, there should have been skeletal remains from Mound 57 as well, including three badly decayed long bones and portions of two bundle burials, representing at least 12 individuals. Of the 12, one was an infant, one a child of about six, an adolescent of ca. 12 years and the remaining eight were adults (Beaubien 1953b:133-135). Beaubien does not describe any of the bone from Mound 57 as burned.

Mound 55, on the other hand, produced "a charred mandible and skull fragments ... charred fragments of a second skull ... an unburned femur associated with a portion of a crushed and charred pelvis ... numerous scattered fragments of charred bone in black earth loaded with minute pieces of charcoal ... the charred portion of the symphysis region of a mandible ... fragments of tooth enamel believed to be human." (Beaubien 1953b:129).

Schermer and Fisher discuss some cataloguing problems with the materials submitted to them, discussing at some length, but not resolving the difficulty, of material labeled "AM47". The "AM47" material is "a mixture of unburned bone and almost carbonized burned bone" (Schermer and Fisher 1996:4), which does not offer much assistance to this research. Still, Beaubien's description of the materials from Mound 55 suggests to me that most of the human remains from there were burned; the exception being one femur. Further, his descriptions of Mound 55 suggest that there could have been as few as only two persons represented. Following Beaubien's discussion, Mound 57 may have had as many as 12 individuals represented. I suspect that the Schermer and Fisher report combines data from Mounds 55 and 57 due to the poor records they received when presented with Accession #1. They might have become aware of these problems and, perhaps, modified their approach to the materials in Accession #1 had they consulted Beaubien's published accounts of the excavations (Beaubien 1953a, 1953b).

The human remains in Accession 1 were returned to EFMO May 11, 1987, and have since disappeared.

**Accession 2** One item from the Ellison Orr collection (Cat #514) is apparently a piece of human bone from an undetermined location. It was not transferred to the Office of the State Archeologist for analysis and was not observed during the two visits I made to EFMO. Ellison Orr was not in the habit of retaining human bone in his collection, but might have done so in this instance because of some anomaly. It may remain in the collections, but was not located during the study.

**Accession #5** Accession #5 was posted on August 17, 1952, described as "Archeological materials from authorized excavations at Sny Magill Mound Group", and was received from Paul L. Beaubien, Archeologist. The record also states that acquisition was through an NPS authorized project, that portions were deaccessioned ("see deaccession list for deaccessioned portions of this accession") and that the catalogue number is 291. The trinomial site number for the Sny Magill Mound Group is 13CT18.

Fisher and Schenmer (1987:9) were sent only a few bones from Accession 5 (Cat #3929; Appendix H). Their descriptions do not conform to Beaubien's description of the remains he found in Mound 7. They discuss the remains found in two boxes, suggesting that a minimum of one individual is represented. I do not believe that they received all the remains from Mound 7 and quite obviously did not receive the remains from Mounds 43, 27 or 24. These remains will be discussed below, relying on Beaubien's published discussions. The fate of the skeletal remains is not known.

*Mound 7* Beaubien (1953b:62-63) encountered two individuals in Mound 7, a low, conical mound in the Sny Magill Group. One was a compact bundle burial with most bones present and articulated. The vertebral column, skull, mandible, humeri, ulnae, femora and pelvis all were recognized in the field. He suspected that the burial was a secondary inhumation (buried after the body had at least partially desiccated or a burial - exhumation - reburial situation) because of the relationships of some of the articulated elements. The second individual is represented by some long bones, skull fragments, portions of a mandible and teeth. The teeth, found near the mandible, were worn sufficiently to expose pulp cavities; one carried a distinct caries pocket.

Three simple triangular projectile points were found in association with the scattered remains of the second individual in Mound 7. Obviously, Beaubien was nonplussed by their presence in a mound because this point type is generally associated with Upper Mississippian groups (in this region, Oneota) here. While he was digging it, Beaubien had obviously believed that Mound 7 was constructed by Woodland tradition people, led by the predominance of evidence supporting that hypothesis in this part of the Mississippi River valley. It should be noted, on the other hand, that the carious tooth suggests a high-carbohydrates diet, a characteristic of people that cultivated and ingested large amounts of corn. Evidence for corn gardening is quite common in late Woodland sites in some regions of the upper Midwest, but not in all. Most northeast Iowa late Woodland sites offer no evidence for corn horticulture. Beaubien found the triangular points remarkable, but found sufficient evidence for small triangular points in Wisconsin near Madison and in Northwestern Illinois to satisfy his doubts for late Woodland authorship for Mound 7. On the other hand, most of the mounds around Red Wing, Minnesota (located about 150 miles upstream on the Mississippi) about which any record remains were constructed by Upper Mississippian people. There is also other evidence for mound use, if not construction, by Oneota people in northeast Iowa. Unfortunately, those responsible for construction and use of Mound 7 did not see fit to include a pottery vessel or even a few potsherds to help us in identifying the makers.

The artifacts recovered from Mound 7 by Beaubien are listed in Table 2. There is a problem, however, with a fourth projectile point which is small and corner notched, perhaps an arrowpoint. The accession number on this contentious point is 1, suggesting that it was in the Beaubien Mounds 55 and 57 collection. It is catalogued as #3931, within the sequence (#s 3930-33) of the triangular points from Mound 7, but is clearly marked "Md 27", both of which

should be part of accession 5. Beaubien records no artifacts from Mound 27, a large bird effigy, and records no small corner notched points from Mound 7. I tentatively assigned it to Mound 7 because of the sequencing in catalogue numbers assigned (Henning 1998: Table 4), assuming that some cataloger had made at least one error and that it might belong with the Mound 7 materials. However, after careful rereading of Beaubien's published article on the mound and digesting the tenor of his considered and thoughtful reporting of triangular arrowpoints in late Woodland contexts, it is obvious that he did not knowingly recover this small corner notched point from Mound 7. It is not recorded from Mound 27 and is not mentioned from either Mound 55 or Mound 57 (both accession 1) that he investigated. Its derivation must be regarded as not known.

*Mound 24* Beaubien (1953b:61-62) describes Mound 24 as conical, 37 feet in diameter and three feet high. Pottery recovered in the mound suggests that it was constructed by middle Woodland people. Human remains consisted of only one skull cap which separated into many fragments when it was exposed, which is probably the reason Beaubien offers no estimate of age. Only pottery fragments, probably representing two jars, were recovered from the mound. These pottery fragments are listed in Table 2

*Mound 27* Beaubien (1953b:60-61) describes the remains of two individuals from Mound 27, a large bird effigy. One individual, a 9 year old child, is represented by 12 teeth, the other is an adult, represented by a metatarsus. No artifacts were recovered.

*Mound 43* Beaubien (1953b:57-60) states that he located four groups of bones in the mound. He refers to each group as a "burial." Burial one consisted of elements from three individuals, two of which had been disarticulated when buried. The third individual in this unit had been deposited while many of the bones were held in anatomical order by the remaining ligaments. Beaubien's burial 2 was a bundle burial with no evidence for articulation. Burial 3 was an articulated individual bundle burial. Burial 4 consisted of only four badly decayed long bones laid parallel and close to each other. According to Beaubien, perhaps parts of six individuals were recovered through his excavations at Mound 43. A number of artifacts were also recovered from Mound 43. These are listed in Table 2.

The human remains that Fisher and Schermer analyzed from Accession 5 were returned to EFMO on May 11, 1987 and have since disappeared.

*Accession 3* Accession 3 is a single item from the collection of Asbjorn Olsen; it was donated to EFMO by Dr. Warren Hayes of Waukon, Iowa. The object, a Conch or Whelk columella with a suspension hole, is labeled *Great Temple Mound, Le Flore Co., Oklahoma*. It is probably from the Craig Mound, Spiro Mound Group, a well-known ceremonial burial mound from which many artifacts have been taken. The artifacts were definitely in association with human remains; this shell object is undoubtedly an *unassociated funerary object*.

*Accession 4* Accession 4 includes items recovered from Mound 33 on Fire Point (13AM190)

through authorized excavations conducted by Wilfred D. Logan.

**Accession 8** Accession 8 consists of skeletal remains from the Highway 76 Rockshelter (13CT231), Effigy Mounds National Monument. The remains were studied by Fisher and Schermer (1987:10-14) and included the skeletal parts of at least 13 individuals. None of the individuals was represented by a complete skeleton. Included are 1 fetus, 2 nearly newborn infants, 1 child 1-2 yrs, 1 child 4-5 years, 1 child 5-6 years, 1 child ca. 8 years, 1 female 10-12 years, 1 adult female, 1 adult male 30-35 years and 1 adult male 50+ years. No artifacts were recovered with the remains.

I visited the site with Dr. Wilfred D. Logan some years after the excavations. The shelter is hardly a shelter, rather is an open fissure in the St. Peter sandstone where the remains had obviously been placed in the prehistoric past. It is difficult to locate and reach. The site was found by a climber-hiker and reported to Logan when he was Park Archeologist. The bones were subsequently removed by Logan.

Most of these bones were among those returned to EFMO on May 11, 1987. Eight skull fragments (Cat #'s 4924, 4929, 4930 (2 pieces) and four additional fragments were retained by Shirley Schermer, OSA, for study of cut marks. Schermer counted a total of 420 cut marks, probably from defleshing as part of burial treatment, on these skull fragments. She returned the fragments to EFMO in February, 1990 (Appendix C).

All of the skeletal remains in Accession 8 have since disappeared.

**Accession 12** is a bundle burial recovered during excavations directed by Robert T. Bray, Park Archeologist and acquired June 20, 1957 (Greener notes, Appendix J). Assisting Bray were Ralph Blackwell, Robert Kile and (?) Dave Thompson. The burial was probably taken from Mound 2 of the Devils Den Mound Group. It was recovered from the mound in a plaster jacket and placed on display in the EFMO museum and removed from display in the early 1970s. It was transferred to the Midwest Archeological Center at some time prior to July, 1973. It has not been professionally analyzed. No artifacts were associated with the burial.

The bundle burial is currently curated at the Midwest Archeological Center.

**Accession 13** Accession 13 consists of human skeletal remains from the New Albin Rockshelter. The remains, consisting of the nearly complete skull of an individual (probably female) of 18-20 years, were studied and reported upon by Fisher and Schermer (1987:15-18). According to their report, a game warden turned over the remains to EFMO. This may have been Robert Daubendiek of Decorah, Iowa, a game warden assigned to this district about that time, 1957. Daubendiek was a very active collector about this time who characteristically turned all skeletal material over to some official agency. No artifacts were turned in. There is no record of any associated materials.



This skull has been reburied through the OSA reburial program.

**Accession 14** Accession 14 consists of human remains from the Elephant Terrace, 13AM59. The bones were included in a collection of materials brought in by Wilfred D. Logan. Logan (1975:68-70) did limited tests on the Elephant Terrace village site, producing some artifacts, but his report mentions no human bone, but apparently it was included in the accession. Parts of four adults: one female 16.5-18 years, one female 40-50 years, and two elderly (over 45) males. Logan does not mention digging into a mound or mounds. I would have expected mention in his published discussion of the Elephant Terrace had he encountered human remains, so wonder at how these materials came to be associated with Accession 14. There is a large number of elements, so many that they could not have escaped notice. I do not believe that they were excavated by Logan.

It is possible that these remains were actually excavated by Orr, and included for reasons unknown in the Logan accession. It was contrary to Orr's practice to retain large amounts of skeletal material from any of his excavations; however, but this seems one of few options at this time. Associated with the skeletal remains that Orr excavated (Logan 1975:67) were a finely chipped ovoid knife of a type found with local Oneota burials and a black stone ball. These items are probably eligible for NAGPRA and may reside in the Orr collection (Accession 2). Their possible presence arose in the process of unraveling the skeletal data. They were not identified in the first study and are not included in my NAGPRA Summary.

The skeletal remains have been reburied through the OSA reburial program.

**Accession 16** Accession 16 consists of skeletal remains and artifacts recovered from Mound 36 or 37 (13AM190), by Dr. H.P. Field of Decorah, Iowa, in 1928. The accession notes include in different hand from the original "also, 13AM82", which adds a bit of confusion. I have found no notes suggesting that Dr. Field excavated mounds on the Nazekaw Terrace (13AM82) and I doubt that he would have confused the materials from the two sites at the time he turned them in. Field probably applied some type of preservative to the bones; this was standard practice for him when encountered with bone in poor condition. Fisher and Schermer (1987:30-31) had very little to work with and suggest that two or three individuals are represented. Five artifacts were recovered with these skeletal materials; they are listed in Table 2.

The skeletal remains were returned to EFMO on May 11, 1987, and have since disappeared.

**Accession 44** The entry under Accession 44 is "material stored in EFMO collections with no information, labels, etc.", which offers very little. Fisher and Schermer (1987:32-33) suggest that the minimum number of individuals is two. There are no known associated artifacts.

The skeletal remains are at the Office of the State Archeologist, Iowa City, awaiting reburial.

**Accession 48** The skeletal remains included in Accession 48 were recovered between 10 July and 26 October, 1963 (Fisher and Schermer 1987:34-41), by persons not identified in the accession records. The site was investigated during the tenure of Garland Gordon as Park Archeologist; it is possible that he visited the shelter site, but I doubt that he entered the shelter. I have not visited the site, but understand that it was very difficult to attain entry due to the construction activities that had removed part of the bluff face. Robert Daubendiek, the regional game warden noted locally for his lack of fear in any situation, did visit the shelter and removed some skeletal remains as well as numerous artifacts. My brother, Darrell Henning, also gained entry with Daubendiek during this period of time. Either of them may have contributed the skeletal remains; others may have been involved as well. If any artifacts were associated, no record of those associations is extant. Fisher and Schermer (1987) record evidence for the remains of at least eight individuals.

The remains have been reburied through the OSA reburial program.

**Accession 49** Skeletal remains from the Spike Hollow Rockshelter (13AM47) may have come from excavations conducted by Wilfred D. Logan. Dr. H.P. Field and I were present for some of these tests. Although I recall Logan making field notes, these were apparently not available when Fisher and Schermer (1987:42-45) analyzed the human remains. Their report suggests that a minimum of five individuals was present, all adults. No artifacts are known to have been recovered in association with the human remains.

I was of high school age when the excavations took place, so some time has passed and recollections are dim. My recollections of Spike Hollow include one visit to the site with Ellison Orr, probably when I was in grade school and, years later, handling a sifting screen for Logan. I do not recall any human remains coming from the shelter. Those may have been recovered at a time or times when I was not present.

The human remains have been reburied through the OSA reburial program.

**Accession 50** Human skeletal remains were recovered from a burial near Guttenburg, Iowa. The records sought offer no idea as to who the excavators were or who turned the remains in at EFMO. These materials were analyzed by Fisher and Schermer (1987:46-52) and are the remains of one male adult. No artifacts are known to have been associated; none are included in Accession 50.

The human remains have been reburied in through the OSA reburial program.

**Accession 51** Accession 51 consists of the remains of two individuals, a small child 1-2 years old, and an adult. The material was analyzed by Fisher and Schermer (1987:53-57). During my indiscriminate digging days, prior to 1953, I found the infant beneath a rockfall in the Quandahl shelter. I do not recall the adult bones; they could easily have come from some other location in the shelter. There were no associated artifacts.

The human remains remain at the Office of the State Archeologist, Iowa, and await reburial with other remains from the site.

**Accession 53** Accession 53 consists of burned and unburned human skeletal remains from Mound 18, 13AM207 (North Unit, EFMO). These materials were apparently recovered by authorized excavations conducted under the direction of Wilfred Husted, Archeologist, National Park Service. Elements from a minimum of three individuals, one subadult 10-15 years old and two adults were analyzed by Fisher and Schermer (1987:58-60).

The remains were returned to EFMO May 11, 1987, and have since disappeared.

**Accession 56** There are no human remains in Accession 56, but the artifacts are included because of their relationship to a mound context. These materials come from Mound 42 on Fire Point (13AM190), EFMO. They were recovered during authorized excavations, probably cleaning and restoring old relic-hunters' holes, performed under the supervision of James Mount, Park Archeologist. Two potsherds and a glass jar of red ocher and dirt (Cat. #'s 3464-66) are included in Table 2.

**Accession 58** There are no human remains in Accession 58, but the objects are included because of the mound context. These materials come from Mound 61 on Fire Point (13AM190), EFMO. They were recovered during authorized excavations performed under the supervision of Garland Gordon, Park Archeologist. One Woodland rimsherd and five small projectile points were recovered and are listed in Table 2.

**Accession 60** There are no human remains in Accession 60, but the objects are included because of the mound context. These materials come from Mound 66, EFMO and were recovered during authorized excavations under the supervision of Garland Gordon, Park Archeologist. One projectile point was recovered and included in Table 2.

**Accession 64** There are no human remains in Accession 64, but the objects are included because of the mound context. These materials come from Mound 71, EFMO and were recovered during authorized excavations under the supervision of Garland Gordon, Park Archeologist. One bottle of large charcoal fragments was recovered. That item is included in Table 2.

**Accession 65** There are no human remains in Accession 65, but the objects are included because of the mound context. These materials come from Mound 72, EFMO and were recovered during authorized excavations under the supervision of John Ingmanon, Park Archeologist. One bottle of large charcoal fragments and a bottle of soil were retained and are listed in Table 2.

**Accession 70** Accession 70 consists of human skeletal remains from the Marquette Rockshelter. The precise location and site number of this rockshelter is not known, nor is

there information about the excavator or donor. The remains were analyzed by Fisher and Schermer (1987:61-69), who record a minimum of 10 individuals, 1 newborn, 1 child 1.5-2.5 years,, 1 child 3-5 years, 1 child 6-7.5 years, 1 child 8-9.5 years, 1 child 10-12 years and four adults (one younger, one middle-aged, two elderly). No artifacts are known to have been associated with these remains.

The remains were reburied through the OSA reburial program.

**Accession 72** Accession 72 (catalogue #591) is apparently human bone recovered from the surface four miles north of Harper's Ferry, Iowa. Not analyzed by OSA, its identification and status are unknown. It was not located during this investigation.

**Accession 77** Accession 77 consists of human skeletal remains from the Karnopp Mound Group, Prairie du Chien, Wisconsin. These remains were donated by Gordon Peckham of Prairie du Chien. The excavator is not known. The skeletal remains, consisting of the partial remains of a juvenile 12 - 14 years of age, were analyzed by Fisher and Schermer (1987:70-71). Some artifacts, "ceramic sherds, chipping flakes, point" are listed in the Accession Records at EFMO. I assume, but cannot be certain, that the artifacts were returned to Wisconsin with the human bone.

These remains were transferred to the State Historical Society of Wisconsin in 1987 for reburial in that state (Appendix E, notes dated 3/11/96, letter Schermer to Gustin, 3/20/96)

**Accession 78** This skeletal material is from Mound 12, 13AM101, the Red House Landing Mound Group, EFMO. It was excavated by John Ingmanson, Park Archeologist, during an authorized excavation. It was accessioned in July, 1977, probably shortly after it was recovered. The bone has been analyzed by Fisher and Schermer (1987:72-75), who identified a minimum of two subadults and two adults. No artifacts were recovered in association with these remains.

The skeletal remains were returned to EFMO May 11, 1987, and have since disappeared.

**Accession 87** These skeletal remains are from an unknown location and no donor name is listed in the Accession Record. The material was analyzed by Fisher and Schermer (1987:76-78) who found elements of a minimum of two adults. No artifacts are known to have been associated.

The skeletal remains were returned to EFMO May 11, 1987, and have since disappeared.

**Accession 95** Accession 95 includes items (catalogue numbers 1940, 1941) collected outside the park (Appendix E, Gustin to Watson, 3/25/96) and deaccessioned in 1990 (Appendix G). Fisher and Schermer (1987) do not mention Accession 95, suggesting that they did not receive those materials for analysis. These materials have not been located since deaccession.



**Accession 106** These remains were recovered through authorized excavations of Mound 33, Fire Point Site (13AM 190) by Wilfred D. Logan, Park Archeologist. The skeletal elements were analyzed by Fisher and Schermer (1987:79-85), who identified a minimum of three subadults and two adults. These remains were accompanied by artifacts, under Accession 4, which are listed in Table 2.

The skeletal remains were returned to EFMO May 11, 1987, and have since disappeared.

**Accession 107** The skeletal remains under Accession 107, deaccessioned in 1990 (Appendix G), were analyzed by Fisher and Schermer (1987:86), who identified the small fragments as representing a minimum of one individual.

The remains were returned to EFMO May 11, 1987, and have since disappeared.

**Accession 109** The remains under Accession 109 consist of skeletal elements and a few artifacts that were found in an authorized excavation of Mound 38, Fire Point Site (13AM190) by Garland Gordon, Park Archeologist. The human remains were analyzed by Fisher and Schermer (1987:87-90), who identified elements from at least five individuals. A few Woodland tradition bodysherds were also recovered in these excavations. They are listed in Table 2.

The skeletal remains were returned to EFMO May 11, 1987, and have since disappeared.

**Accession 110** The remains under Accession 110 were items collected within the park (Gustin to Watson, 3/25/96, Appendix E) and deaccessioned in 1990 (Appendix G). They were included with uncatalogued materials (Appendix G). They were not analyzed by Fisher and Schermer (1987) and have not been located.

**Accession 111** The remains under Accession 111 consist of skeletal elements and one flake that were found in an authorized excavation of Mound 41, Fire Point Site (13AM190) by Garland Gordon, Park Archeologist. The human remains were analyzed by Fisher and Schermer (1987: 91). One adult individual was identified. The flake is included in Table 2.

The skeletal remains were returned to EFMO May 11, 1987, and have since disappeared.

**Accession 114** Accession 114 materials were taken from Mound 41 (13AM190) during stabilization work conducted by Garland Gordon, EFMO. No skeletal remains were recovered in this work.

**Accession 118** Accession 118 is material taken from Mound 52 (13AM190) during work conducted by Robert Kile, EFMO. No skeletal remains were recovered in this work.

**Accession 132** Accession 132 (catalogue numbers 7249, 7331) consists of human remains

collected outside the park (Gustin to Watson, 3/25/96, Appendix E) and deaccessioned in 1990 (Appendix G). These remains were not analyzed by Fisher and Schermer (1987) and were not located during this study.

**Accession 142** A few skull fragments were recovered during an exploratory test of a low rise between Mounds 91 and 89, Sny Magill Mounds (13CT18). These tests were authorized by the National Park Service through contract with Luther College, Dale R. Henning, Project Director (Henning 1989:12-14). As soon as human remains were identified, the excavation was closed down. We had learned that the low rise was indeed created prehistorically for human interment. Most of the skull was left in place; the fragments recovered were retained. All artifacts and the skull fragments were curated at Luther College, Decorah, Iowa.

The skeletal remains are currently curated by Luther College (Appendix G).

**Accession 148** The entry for Accession 148 in the Accession Book is partially incorrect through the identification of the mound investigated as Mound 68. I did the work (Henning 1991); it was Mound 43, the same mound that Beaubien excavated in 1952 (Beaubien 1953b). I had also investigated vandalism at Mounds 68 and 62; the work was done the previous year and resulted in finding no human remains. The work I was called upon to do at Mound 43 was to investigate and repair damage done by vandals that same year. I was very surprised to encounter fragments of human bone in the relic hunters' backdirt pile because Beaubien had been very thorough in his investigations of the mound. I knew that he had left some balks near the center of the mound where the damage had occurred and suspected that the hole had intruded into one of those. This possibility was investigated in the field, but all the soil appeared along the pit edges to be very unconsolidated and recently disturbed, suggesting that the vandals had intruded into Beaubien's old excavations and had encountered nothing but previously excavated soil. The bone encountered was fragmentary, but in quite good condition. Beaubien described all the bone found in 1952 as poor in condition. The presence and derivation of the bone we found remains a mystery.

The human bone found in the 1991 repair work was turned over to MWAC and remains there (Appendix J).

## SUMMARY AND CONCLUSIONS

The study is ended, if not concluded. Tracing the derivation, curation and ultimate disposition of the human remains placed in the curatorial care of Effigy Mounds National Monument over the past four decades has proven an immensely difficult task. The records are poor and inaccurate to the degree that every number and artifact has to be checked and re-checked in order that it might be presented correctly. In some instances, I know I have failed, if only because of time and the distance of *all* the records that should be checked from my base of operations. The results are intellectually disappointing in many ways. The human remains

and the associated (now, Unassociated) artifacts that I have been allowed the privilege of studying are very important; their importance significantly enhanced by the records of their excavation and curation. In some instances, these records were lost when the items were donated to EFMO, but in many others the records, even the artifacts themselves, were lost or confused by incompetent curation. Some of the worst work was apparently done by professional archeologists, not a positive commentary on our chosen field of expertise. One of the best pieces of work was done not by a professional archeologist but (b) (2), (b) (6) Administrative Clerk at EFMO, who researched the bundle burial once on exhibit at EFMO (Appendix J). If every accession number, every catalogue number and every artifact at EFMO could receive that kind of detailed attention, a host of incorrect entries and mistakes in cultural identification and object location could be corrected. There is no doubt in my mind that entry errors and poor archeological identifications lie in wait for any researcher who works with the collections in the future unless an intense effort is made to compare and integrate all the catalogues, the journals and the artifacts themselves, then prepare a master inventory that can be used. The collections constitute an absolutely invaluable research collection even at this time, but the cataloguing and records need attention. I can only hope that my own endeavors have not added additional elements of confusion.

Accessions 1, 5, 8, 13, 14, 16, 44, 48, 49, 50, 51, 53, 70, 77, 78, 87, 106, 107, and 111 were analyzed by the Office of the State Archaeologist.

Of these, Accessions 1 and 5 were incomplete and not adequately identified to mound derivation when they were submitted to OSA. This is unfortunate in the extreme. These were professional excavations, and (Accession 5) were the first authorized excavations conducted at the Sny Magill Mound Group. The problem may have been compounded by failure of the OSA human biologists to consult Beaubien's published reports, especially in the instance of his excavations of Mound 55 and 57, 13AM82. OSA did not receive all of the skeletal remains Beaubien recovered at Sny Magill. The bulk of those materials were either never turned in to EFMO or were lost after submission to EFMO by Beaubien. Now, of course, we may never know.

Accession 14 is confused. Logan apparently found no skeletal remains from the Elephant Terrace where those materials are supposed to have come from. That leaves the excavations of Ellison Orr as a possible source. If they came to EFMO from Orr's work, they should have been under Accession 2. We are left in doubt of the authenticity of these remains until time can be taken to compare the OSA analysis with Orr's notes in great detail. Any field notes taken by Logan should also be reviewed. The NAGPRA eligibility of artifacts recovered by Orr from the Elephant Terrace should be reviewed in the future.

Of the materials analyzed by OSA, the following accession numbers have been reburied: 13, 14, 48, 49, 50, 70, 87. Skeletal remains from two sites (Accession #'s 44, 77) have not been reburied, but are held by OSA until other remains are available to be reinterred with them.

Accession #77 was analyzed by OSA, then sent to the State Historical Society of Wisconsin for reburial.

Accessions 1, 5, 16, 53, 78, 106, 109 and 111 were returned to EFMO by OSA on May 1, 1987. Accession 8 was returned on 2/28/90. All of these skeletal remains have since disappeared.

Accessions 95, 110, and 132 either consist of a few catalogued elements of human bone or were not catalogued. These remains were not studied by Fisher and Schermer and have disappeared.

Accessions 12 and 148 are curated at the Midwest Archeological Center, Lincoln, Nebraska.

Accession 142 is curated at Luther College, Decorah, Iowa.

Accessions 2 (Cat #514) and 72 (Cat #591) are listed as deaccessioned in the 1986 list (Appendix G), but were not analyzed by OSA nor are they extant in the collections today. They must have been human bone, but there is no indication of element or other information. These items have disappeared and could not be studied.

Artifacts once associated with skeletal remains (now, Unassociated Remains) were sought and listed in tabular form. Again, there are problems due to past curatorial practices. A copper sheet (#3234) and two antler artifacts (not catalogued, given #'s -2, -1; Table 2) apparently came from Mound 55, EFMO, but the Beaubien report combined with curational data offers reason for doubt. There is an 'extra' small corner notched projectile point from Mound 7 that was not described by Beaubien in his published report. It is attributed to Mound 27, judging from an inscription on its surface, but Beaubien reported no artifacts from that mound. There are only five copper beads from Mound 43 in the collections; Beaubien recorded 12. The pearl bead reported and illustrated from Mound 33 by Logan could not be located in the collections. There are probably other problems with the Unassociated Artifacts that could not be discerned without reference to publications. A number of authorized excavations (by Husted, Gordon, Ingmanson, Mount) have taken place that have not been formally reported on, suggesting that those reports were not regarded as a high priority, which is unfortunate. That affords the researcher with no recourse other than to notes and artifacts.

The responsibilities we have been given by NAGPRA are many and varied. One very positive result of the requirements is that we now must study the collections for which we have assumed curatorial responsibility and attempt to place the remains culturally, geographically and chronologically with the records at hand. It has afforded many professional archeologists an opportunity to try to use the results of previous curatorial practices and, in so doing, to look to ourselves and the importance to the future of how we function as stewards of the past. It is a sobering thought that has stimulated and guided significant improvements in curatorial efforts over the past few years. We can learn from the past.



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Table 1. Status, Human Remains, Effigy Mounds National Monument

Accession Number	Derivation	Analyzed by OSA	Current Status
1	Mound 55, 13AM82, EFMO	yes	unknown
2	Ellison Orr collection; otherwise unknown (cat #514)	no	unknown
5	Mound 7, Sny Magill (13CT18), EFMO	yes	unknown
8	Hwy 76 Rockshelter (13CT321), EFMO	yes	unknown
12	Devil's Den Mound group (13CT50)	no	MWAC
13	New Albin Rockshelter	yes	reburied
14	Elephant Terrace (13AM59)	yes	reburied
16	Mound 36 or 37, 13AM190, EFMO	yes	unknown
44	unknown	yes	not reburied, held at OSA
48	Waukon Jct. Rockshelter (13AM266)	yes	reburied
49	Spike Hollow Rockshelter (13AM47)	yes	reburied
50	Guttenberg Burial	yes	reburied
51	Quandahl Rockshelter (13WH35)	yes	not reburied, held at OSA
53	Mound 18, 13AM207, EFMO	yes	unknown
70	Marquette Rockshelter	yes	reburied
72	Surface, 4 mi. N. of Harper's Ferry	no	unknown
77	Karnopp Mound Group, Prairie du Chien, Crawford Co., WI	yes	sent to St. Hist. Soc., WI for reburial in state
78	Mound 12, 13AM101, EFMO	yes	unknown
87	unknown	yes	reburied
106	Mound 33, 13AM190, EFMO	yes	unknown
107	Mound 39, 13AM190, EFMO	yes	unknown
109	Mound 38, 13AM190, EFMO	yes	unknown
110	Surface, Mound 38, 13AM190, EFMO	no	unknown
111	Mound 41, 13AM190, EFMO	yes	unknown
132	Surface, FTD village, EFMO	no	unknown
142	Sny Magill Mounds (13CT18), between Mnds. 91-89, EFMO	no	Luther College, Decorah, Iowa
148	Sny Magill Mound 43 (13CT18), EFMO	no	MWAC

Table 2. Objects Associated with 1986, 1990 Deaccessions

Object Name	Cat. No.	Access. No.	Scope	Description	Derivation	Donor or Excavator
<i>Accession 1</i>						
Antler artifact	-2	1	1	Antler flaking tool	Mound 55, EFMO (13AM82)	Beaubien
Antler artifact	-1	1	1	Antler artifact, possible beamer	Mound 55, EFMO (13AM82)	Beaubien
Copper sheet	3234	1	1	Small flat sheet of copper, perforated one end	7 Mound 55, EFMO (13AM82)	Beaubien
Flake	3475	1	1	Knife River flint flake, heat spall (2 pieces glued)	Mound 55, EFMO (13AM82)	Beaubien
Biface	3480	1	1	Projectile point /knife fragment	Mound 55, EFMO (13AM82)	Beaubien
Stone	3481	1	1	Possibly unmodified stone	Mound 55, EFMO (13AM82)	Beaubien
Stone	3484	1	1	Possibly unmodified stones (2)	Mound 55, EFMO (13AM82)	Beaubien
Biface fragment	3485	1	1	Knife River flint biface frag. or unfinished proj. point	Mound 55, EFMO (13AM82)	Beaubien
Tooth fragment	3486	1	1	burned canine fragment (?bear) joins 3487 and 2 smaller frags	Mound 55, EFMO (13AM82)	Beaubien
Tooth fragment	3487	1	1	burned canine fragment (?bear) joins 3486 and 2 smaller frags	Mound 55, EFMO (13AM82)	Beaubien
Stone	3488	1	1	Stone remnant	Mound 55, EFMO (13AM82)	Beaubien
Biface	7078	1	1	Large Snyders Notched biface of Knife River flint	Mound 55, EFMO (13AM82)	Beaubien
Copper breastplate	7082	1	1	Middle Woodland copper gorget or breastplate	Mound 57, EFMO (13AM82)	Beaubien
Biface	7086	1	1	Large Snyders Notched biface of Knife River flint	Mound 55, EFMO (13AM82)	Beaubien
Bear canine	9862	1	1	bear canine, hole drilled at proximal end	Mound 55, EFMO (13AM82)	Beaubien
<i>Accession 2</i>						
Uniface	4	2	1	End scraper, Oneota	Burial (NW,NE, Sec. 1, T99N, R6W)	Ellison Orr collection

Table 2. Objects Associated with 1986, 1990 Deaccessions

Object Name	Cat. No.	Access. No.	Scope	Description	Derivation	Donor or Excavator
Awl, bone	8	2	1	Deer bone, tip broken off	Oneota burial, O'Regan Terrace (13AM21)	Ellison Orr collection
Pottery	55-78	2	1	24 pieces of pottery	Mound 2, Paint Rock grp, Allamakee Co., Ia	Ellison Orr collection
Uniface	80	2	1	End scraper, Oneota	Burial, O'Regan Terrace (13AM21)	Ellison Orr collection
Abrader	309	2	1	Arrowshaft abrader, sandstone	Burial (NW,NE, Sec. 1, T99N, R6W)	Ellison Orr collection
Hematite concretion	356	2	1	Previous identification as pottery vessel; is a concretion, perhaps drilled out.	Burial (NW,NE, Sec. 1, T99N, R6W)	Ellison Orr collection
Awl sharpener	7096	2	1	Oneota, sandstone	Burial (NW,NE, Sec. 1, T99N, R6W)	Ellison Orr collection
Copper bracelet	9864	2	1	Small copper bracelet	Assoc. w/ child burial, O'Regan Terrace (13AM21)	Ellison Orr collection
Copper bracelet	9865	2	1	Small copper bracelet	Assoc. w/ child burial, O'Regan Terrace (13AM21)	Ellison Orr collection
Metal cone	9866	2	1	Copper/brass sheet metal cone, heavy ornament or punch	Assoc. w/ child burial, O'Regan Terrace (13AM21)	Ellison Orr collection
<i>Accession 3</i>						
Conch Columella	2432	3	1	Large conch/whelk columella, suspension hole	Great temple mound, Le Flore Co., Okla.	Ashjorn Olsen Collection by A. Olsen
<i>Accession 4</i>						
Mica	3360	4	1	Rectangular mica piece	Mound 33, EFMO (13 AM190)	Logan
Chert drill	3361	4	1	Chert flake drill (tip broken off)	Mound 33, EFMO (13AM190)	Logan
Chert flake	3362	4	1	Chert flake, perhaps used	Mound 33, EFMO (13AM190)	Logan
Copper breastplate	7083	4	1	Middle Woodland copper gorget or breastplate	Mound 33, EFMO (13AM190)	Logan
<i>Accession 5</i>						
Chert biface	3930	5	1	Projectile point, triangular	Mound 7, Sny Magill F36 (13CT18)	Beaubien
Chert biface	3931	5	1	Projectile point, notched	Mound 7, Sny Magill (13CT18)	Beaubien



Table 2. Objects Associated with 1986, 1990 Deaccessions

Object Name	Cat. No.	Access. No.	Scope	Description	Derivation	Donor or Excavator
Chert biface	3932	5	1	Projectile point, triangular	Mound 7, Sny Magill (13CT18)	Beaubien
Chert biface	3933	5	1	Projectile point, triangular	Mound 7, Sny Magill (13CT18)	Beaubien
Pottery	9891	5	1	Pottery, Middle Woodland	Mound 24, Sny Magill (13CT18)	Beaubien
Pottery	9892	5	1	Pottery, Middle Woodland	Mound 24, Sny Magill (13CT18)	Beaubien
Pottery	9893	5	1	Pottery, Middle Woodland	Mound 24, Sny Magill (13CT18)	Beaubien
Pottery	3951	5	1	Bodysherds, 4 joined, Middle Woodland	Mound 43, Sny Magill (13CT18)	Beaubien
Red ochre	3955	5	1	Red ochre	Mound 43, Sny Magill (13CT18)	Beaubien
Chert biface	3958	5	1	Projectile point	Mound 43, Sny Magill (13CT18)	Beaubien
Chert biface	3977	5	1	Projectile point	Mound 43, Sny Magill (13CT18)	Beaubien
Chert biface	7080	5	1	Late Archaic-Early Woodland Red Ochre blade	Mound 43, Sny Magill (13CT18)	Beaubien
Chert biface	7081	5	1	Late Archaic-Early Woodland Red Ochre blade	Mound 43 Sny Magill (13CT18).	Beaubien
Copper Beads	9435	5	1	Small copper cylindrical beads (Beaubien, 1953 records 12; only 5 located)	Mound 43, Sny Magill (13CT18)	Beaubien
Chert uniface	9894	5	1	Side scraper	Mound 43, Sny Magill (13CT18)	Beaubien
Chert biface	9895	5	1	Projectile point	Mound 43, Sny Magill (13CT18)	Beaubien
Chert biface	9896	5	1	Projectile point	Mound 43, Sny Magill (13CT18)	Beaubien
Hammerstone	9897	5	1	Chert hammerstone	Mound 43, Sny Magill (13CT18)	Beaubien
<i>Accession 16</i>						
Pottery vessel	658	16	1	Small pottery jar, Oneota	Mound 36 or 37, EFMO (13AM190)	H. P. Field, Donor
Abraded stone	1007	16	1	Abraded, flat river pebble	Mound 36 or 37, EFMO (13AM190)	H. P. Field, Donor
Concretion	1134	16	1	Hematite concretion, polish	Mound 36 or 37, EFMO (13AM190)	H. P. Field, Donor
Paint Stone	1135	16	1	Abraded hematite fragment	Mound 36 or 37, EFMO (13AM190)	H. P. Field, Donor
Galena	1136	16	1	Unworked galena	Mound 36 or 37, EFMO (13AM190)	H. P. Field, Donor
<i>Accession 56</i>						
Pottery	3464	56	1	Bodysherd, Woodland	Mound 42, EFMO (13AM190)	James Mount
Pottery	3465	56	1	Bodysherd, Woodland	Mound 42, EFMO (13AM190)	James Mount
Red ochre	3466	56	1	Glass jar of red ochre and dirt	Mound 42, EFMO (13AM190)	James Mount

Table 2. Objects Associated with 1986, 1990 Deaccessions

Object Name	Cat. No.	Access. No.	Scope	Description	Derivation	Donor or Excavator
<i>Accession 58</i>						
Rimsherd	3513	58	1	Woodland rimsherd	Mound 61, EFMO (13AM82)	Garland Gordon
Chert biface	3543	58	1	Small projectile point	Mound 61, EFMO (13AM82)	Garland Gordon
Chert biface	3546	58	1	Small projectile point	Mound 61, EFMO (13AM82)	Garland Gordon
Chert biface	3547	58	1	Small projectile point	Mound 61, EFMO (13AM82)	Garland Gordon
Chert biface	3548	58	1	Small projectile point	Mound 61, EFMO (13AM82)	Garland Gordon
Chert biface	3549	58	1	Small projectile point	Mound 61, EFMO (13AM82)	Garland Gordon
<i>Accession 60</i>						
Chert biface	3799	60	1	Projectile point	Mound 66, EFMO	Garland Gordon
<i>Accession 64</i>						
Charcoal	3775	64	1	Bottle of large charcoal fragments	Mound 71, EFMO	Garland Gordon
<i>Accession 65</i>						
Charcoal	3776	65	1	Bottle of large charcoal fragments	Mound 72, EFMO	John Ingmanson
Soil	3782	65	1	Bottle of soil	Mound 72, EFMO	John Ingmanson
<i>Accession 109</i>						
Pottery	3452	109	1	Bodysherds (3), Woodland	Mound 38, EFMO (13AM190)	Garland Gordon
Pottery	3453	109	1	Bodysherds (2), Woodland	Mound 38, EFMO (13AM190)	Garland Gordon
<i>Accession 111</i>						
Flake	3463	111	1	Struck chert flake	Mound 41, EFMO (13AM190)	Garland Gordon
<i>Accession 114</i>						
Galena	3473	114	1	galena chunk, not modified	Mound 52, EFMO (13AM190)	Garland Gordon
<i>Accession 118</i>						
Rimsherd	3725	118	1	Woodland rimsherd	Mound 62, EFMO (13AM113)	unknown

**APPENDICES**





**Appendix A**  
**Project Contract**

**ORDER FOR SUPPLIES OR SERVICES**

PAGE 1 OF 1 PAGES

**IMPORTANT: Mark all packages and papers with contract and/or order numbers.**

1. DATE OF ORDER 09/16/97	2. CONTRACT NO. (if any) OH	3. ORDER NO. 1443PX6290-97-012	4. REQUISITION/REFERENCE NO. RFQ6290-7-0004
5. ISSUING OFFICE (Address correspondence to) ADMINISTRATION (319) 873-3491 EFFIGY MOUNDS NATIONAL MONUMENT 51 HWY 76 HARPERS FERRY, IOWA 52146		6. SHIP TO: (Condense and address, ZIP Code) SAME AS ISSUING OFFICE ADDRESS, ITEM #5	
7. CONTRACTOR (Name, address and ZIP Code)  Illinois State Museum Society Spring and Edwards Streets Springfield, Illinois 62706  217-782-6092		8. SHIP VIA:	

9. TYPE OF ORDER

A. PURCHASE - Reference year \_\_\_\_\_

Please furnish the following on the terms and conditions specified on both sides of this order and on the attached sheets, if any, including delivery as indicated. This purchase is negotiated under authority of FAR Part 13

B. DELIVERY - Except for billing instructions on the reverse, this delivery order is subject to instructions contained on this side only of this form and is issued subject to the terms and conditions of the above-numbered contract.

10. ACCOUNTING AND APPROPRIATION DATA 6290-UZS 255S \$6000.00	11. BUSINESS CLASSIFICATION (ONL or 257/258/259/260/261/262) C1D EFFIGY MOUNDS NATIONAL MONUMENT
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SMALL     OTHER THAN SMALL     DIS-ADVANTAGED     WOMEN-OWNED

12. F.O.B. POINT Harpers Ferry, Iowa	14. GOVERNMENT P/L NO. N/A	15. DELIVER TO F.O.B. POINT ON OR BEFORE (Date) 02/01/98	16. DISCOUNT TERMS NET 30
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17. SCHEDULE (See reverse for Rejections)

ITEM NO. (A)	SUPPLIES OR SERVICES (B)	QUANTITY ORDERED (C)	UNIT (D)	UNIT PRICE (E)	AMOUNT (F)	QUANTITY ACCEPTED (G)
	Assessment of specific objects in the museum collections of Effigy Mounds National Monument. Scope of Work attached and incorporated into this purchase order.  Objectives 1 and 2 from Scope of Work: Not to Exceed:  Contracting Officer's Representative: Kathleen L. Miller 319-873-3491  Mid-point progress report due: 12/15/97 Draft reports due: 01/02/98 Final reports due: 02/01/98  Initial meeting scheduled between COR Miller and Dr. Dale Henning before commencing work.	1	JOB	6000.00	6,000.00	

18. SHIPPING POINT	19. GROSS SHIPPING WEIGHT	20. INVOICE NO.	17(H). TOT. (Cont. pages)
21. MAIL INVOICE TO: (Include ZIP Code) SAME AS ISSUING OFFICE ADDRESS, ITEM #5			6,000.00
22. UNITED STATES OF AMERICA BY (Signature) <i>Florencia M. Wiles</i>			17(I). GRAND TOTAL

23. NAME (Typed)  
FLORENCIA M. WILES, NPS-MW-IC-075  
TITLE: CONTRACTING/ORDERING OFFICER

**NATIONAL PARK SERVICE**

NPS Form 10-3470 (2-97)

**SCOPE OF WORK FOR AN ASSESSMENT OF SPECIFIC OBJECTS  
IN THE MUSEUM COLLECTIONS OF  
EFFIGY MOUNDS NATIONAL MONUMENT  
IN RELATION TO THE NATIVE AMERICAN GRAVES PROTECTION  
AND REPATRIATION ACT OF 1990 (NAGPRA)**

This Scope of Work is for an assessment of certain objects in the museum collections of Effigy Mounds National Monument that have either been determined to or potentially meet the definitions of Inventory or Summary objects as defined by Public Law 101-601, the Native American Graves Protection and Repatriation Act of 1990 (NAGPRA). The purpose of this study assessment is to document whether certain objects in the monument's museum collections potentially meet the definitions of NAGPRA. The results of the assessment will provide park managers with information to be used to update their NAGPRA Summary and Inventory, and will be used in NAGPRA consultations with appropriate federally recognized American Indian Tribes and Native American lineal descendants.

#### **Background**

The Native American Graves Protection and Repatriation Act of 1990 (NAGPRA) requires Federal agencies to provide information about Native American human remains, funerary objects, sacred objects, and objects of cultural patrimony in their collections, to Native American lineal descendants and Indian tribes. NAGPRA gives those federally recognized American Indian Tribes and Native American lineal descendants the right to claim for repatriation certain cultural items and human remains held in park museum collections.

Effigy Mounds National Monument, Harpers Ferry, Iowa, prepared a Summary of unassociated funerary objects, sacred objects, and objects of cultural patrimony in 1993, an Inventory of human remains and associated funerary objects in 1995, and have consulted with Tribal representatives. Both the Summary and Inventory were prepared based on information provided in the museum's catalog and accession records and the Ellison Orr archives.

The NAGPRA Summary of 1993 for Effigy Mounds National Monument lists 19 entries consisting of pipe fragments, red ocher, awl sharpeners, sherds, projectile points, and more. At this time, possible contemporary affiliation for the Summary objects is unknown. The NAGPRA Inventory of 1995 lists culturally unidentifiable Native American remains which were recovered from two separate sites. The monument's museum collection contains approximately 18,000 items on site including objects and archival records. A small collection of materials and associated records are curated at the Midwest Archeological Center (MWAC), Lincoln, Nebraska. This collection at MWAC has not been cataloged and is considered a

catalog backlog. All other collections at the monument, however, are catalogued and entered into the National Park Service's Automated National Catalog System (ANCS), a database which can be accessed through dBase III.

Since the preparation of the NAGPRA Summary and Inventory, the staff at Effigy Mounds National Monument believes there may be additional items in the monument collections that may fit the categories and definitions of NAGPRA, and thus, these items should be added to the lists. The possibility also exists that certain other items already listed should not be.

### **Study Objectives**

Effigy Mounds National Monument is requesting a professional assessment of specific objects in their monument collections, together with accession records, to determine the status of these objects in relation to NAGPRA. The assessment will be the basis for a future study to evaluate potential cultural affiliation of objects with contemporary cultures and for NAGPRA consultations with appropriate federally recognized American Indian Tribes and Native American lineal descendants.

Two unresolved issues exist in the monument's records related to a 1990 deaccession of human remains. A review of the deaccession process and related documents and records is needed to clarify the disposition of these items and determine whether any associated grave goods remain in those accessions. If so, those existing grave goods would now be defined as "unassociated funerary objects" in terms of NAGPRA, and will need to be added to the NAGPRA Summary of 1993 for Effigy Mounds National Monument.

More specifically, the objectives of the study are to:

Objective 1. conduct a professional review and evaluation of the NAGPRA Summary and Inventory objects already listed for Effigy Mounds National Monument, other collection objects that have been recently identified as being potential Summary objects, and any other collection items that are identified during the review as potentially eligible as either Summary or Inventory objects as defined under NAGPRA;

Objective 2 conduct a comprehensive review of the 1990 deaccession including primary fieldwork documentation related to the deaccessioned objects, relevant accession and deaccession records, and park correspondence files, together with any objects still remaining in those accessions (Note: If grave goods still remain in those accessions, they would now be defined as "unassociated funerary objects" in terms of NAGPRA, and will need to be added to the NAGPRA Summary of 1993 for Effigy Mounds National Monument);



The contractor will provide Effigy Mounds National Monument with two reports.

**Item 1, Objective 1:** The first report will provide recommended additions to and/or deletions from the NAGPRA Summary and Inventory which Effigy Mounds National Monument completed in 1993 and 1995 respectively. For each recommendation, the report must contain specific information: catalog number, accession number, item count or quantity, object name, brief description, and a supporting justification for each recommendation. The written justifications must specify the type of object as defined under NAGPRA, and provide any references used to make each determination.

**Item 2, Objective 2:** The second report will summarize the accession history and assess the status of the 1990 deaccessioned items and any objects remaining in those accessions in terms of NAGPRA. The report will contain a list of objects deaccessioned in 1990 and include: catalog number, accession number, item count or quantity, object name, and brief description. The report will also contain a list of objects remaining in the monuments collections that were once associated with those 1990 deaccessions.

### **Project Specifications**

The work conducted under this contract will be done in direct coordination with the park management of Effigy Mounds National Monument.

The assessments will be based on examination and evaluation of museum collection objects, together with research of appropriate published and unpublished historical, ethnographic, and legal literature and records, and other pertinent sources of information. The findings of this assessment will be documented and supported by appropriate historical and ethnographic evidence, and identified and cited in sufficient detail as to allow the information to be readily located and reviewed. Any sources that are not readily available, such as unpublished material, will be photocopied and included as appendices or attachments to the final study reports.

Any research necessary is to be performed in accordance with this scope-of-work and under the authority and requirements of the National Historic Preservation Act of 1966 as amended (PL 96-515), the Historic Sites Act of 1935 (PL 74-292), the Native American Graves Protection and Repatriation Act of 1990 (PL 101-601), and the National Park Service's Cultural Resources Management Guideline (NPS-28; release no. 4, 1994).

### **Project Deliverables and Schedule**

The study will commence no later than November 1, 1997, with final reports being completed on or before February 1, 1998.

Work is to be preceded by a meeting with the Superintendent Kathleen L. Miller, Effigy Mounds National Monument at a mutually agreed date and time. Superintendent Miller will also serve as Contracting Officer's Representative for this procurement. At this meeting, the contractor will seek answers to any questions that he or she has before commencing work.

The contractor will submit a mid-point progress report to Contracting Officer Representative Kathleen L. Miller. This report will summarize the work accomplished during the time reported upon, and any findings and problems encountered. This report detailing progress of the research will be submitted on December 15, 1997.

The products of the study will be two separate written reports. The first written report (Item 1, Objective 1) will recommended additions to and/or deletions from the NAGPRA Summary and Inventory which Effigy Mounds National Monument completed in 1993 and 1995 respectively. For each recommendation, the report must contain specific information: catalog number, accession number, item count or quantity, object name, brief description, and a supporting justification for each recommendation. The written justifications must specify the type of object as defined under NAGPRA, and provide any references used to make each determination.

The second written report (Item 2, Objective 2) will summarize the accession history and access the status of the 1990 deaccessioned items and any objects remaining in those accessions in terms of NAGPRA. The report will contain a list of objects deaccessioned in 1990 and include: catalog number, accession number, item count or quantity, object name, and brief description. The report will also contain a list of objects remaining in the monuments collections that were once associated with those 1990 deaccessions.

The reports should contain photocopies of any relevant unpublished materials used in the study assessment, as well as any photographs taken during the course of assessing collection objects. The written reports will be submitted in both draft and final form. Two copies of the unbound draft reports will be submitted on or before January 2, 1998, and will be clearly marked as draft copies. The review draft final reports should be substantially complete. The draft version of the reports will be reviewed by the National Park Service. The National Park Service will furnish the contractor with review comments on the draft reports by January 15, 1998. The contractor will make any requested changes to the reports and submit it in final form by February 1, 1998. The final reports will be submitted in one camera-ready, reproducible (unbound) original, and seven bound paper copies. The final reports will be submitted in electronic form in *Microsoft Word* (Version 6.0) file format. If possible, all appendices and attachments will be submitted in the same file format.

All reports and correspondence will be submitted to Contracting Officer Florencia M. Wiles. Contracting Officer's Representative Kathleen L. Miller, Effigy Mounds National Monument will recommend final acceptance of the project.

### **Principal Investigator**

The Principal Investigator shall be responsible for all aspects of the research and report writing and production. If the reports are written by someone other than the Principal Investigator, the title pages shall bear the inscription "prepared under the supervision of (name), Principal Investigator." The Principal Investigator shall also prepare, as a minimum, a "Foreword" describing the context of the reports, the significance of the work, and any other background circumstances relating to the manner in which the work was undertaken. The individuals responsible for all or part of the reports shall be credited and directly identified where appropriate.

The Principal Investigator shall lead the research team, and the composition of any such team is at the discretion of the Principal Investigator.





**Appendix B**  
**Skeletal Analysis Report Acceptance**



# United States Department of the Interior

NATIONAL PARK SERVICE

MIDWEST ARCHEOLOGICAL CENTER  
FEDERAL BUILDING, ROOM 474  
100 CENTENNIAL MALL NORTH  
LINCOLN, NEBRASKA 68508-3873

IN REPLY REFER TO:

April 7, 1987

S7227 (MWAC)

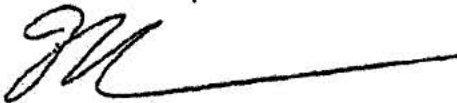
Ms. Shirley J. Schermer  
Office of the State Archaeologist  
Eastlawn  
University of Iowa  
Iowa City, Iowa 52242

Dear Ms. Schermer:

The Midwest Archeological Center has received and accepted the report on "The Analysis of Human Skeletal Remains from the Museum Collection at Effigy Mounds National Monument" by Alton K. Fisher and Shirley J. Schermer. Please submit an invoice for this work as soon as you return the specified collections to Effigy Mounds National Monument.

Thank you for your assistance in getting this project completed.

Sincerely,

  
F. A. Calabrese  
Chief

*See signature +  
date on  
original form -  
returned 5/1/87*



**Appendix C**

**Accession 8 Skeletal Remains Loan Information**





IN REPLY REFER TO:

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
NATIONAL PARK SERVICE

Effigy Mounds National Monument  
(Park)

05/01/87

(Date)

Dear

We are lending you the items described below for the purpose of examination of cut marks on skull for the period of 4 months (05/01/87-09/01/87)

You are responsible for all items in the list. The utmost caution must be exercised in their use. They should be returned in the same condition they were lent.

LOAN EXTENDED TO 2/28/90.

*Thomas A. Munson*  
(Signature)

Thomas A. Munson, Superintendent  
(Title)

NO.	OBJECT	VALUE
4924	Human cranial fragment	
4929	Human cranial fragment	
4930 (2 parts)	Human cranial fragment	
4 additional	Human cranial fragment	

All from Accession 8

(Condition reports on back of this sheet must be filled in)

Signature and title of borrower <i>Shirley Schenker</i> Archaeologist / Field Biologist	Name of organization, etc. Office of the State Archaeologist Univ. of Iowa	Date of receipt 5-1-87
---	--	---------------------------

Form 10-127 (6/59) LOAN OF SPECIMENS

TO BE FILLED IN BY LENDER ONLY

Date loan is to be returned: (If known)

Conditions of specimens being lent. (Examine each object carefully, describe any damage or weakened condition. Point out any special precautions necessary in handling. Keep a record photograph of important items as a check on condition.)

Fragmented cranial pieces (8)

Signature and title of lender

James S. David, Chief, I&RM

Date

5/1/87

TO BE FILLED IN BY THE BORROWER ONLY

Condition of specimens on receipt. (Photograph and report promptly any damage found in shipment.)

Fragmented cranial pieces (8)

Signature and title of borrower

Shirley Scherer Archaeologist/Skeletal Biologist-OSA

Date

5/1/87

TO BE FILLED IN UPON RETURN OF LOAN

Condition of specimens on return. (Examine each object carefully. Describe any new damage. Record new damage by photograph.)

Signature and title of person receiving return of loan

Date

INT. DRP., D.C. 63-77483

October 25, 1989

James David  
Effigy Mounds National Monument  
Box K  
McGregor, Iowa 52157

Dear Mr. David:

I visited Effigy Mounds on October 7 of this year to take photographs of the Fire Point Mound Group and Mound 33 and photographs of original maps in the collection to use for a paper I later presented at the Midwest Conference in Iowa City. Although it was a busy day in terms of visitors, the staff members were very helpful and I was able to find what I needed. Please relay my thanks to them. Enclosed is a negative that I was allowed to borrow in order to make a print for our files.

As I was preparing my conference paper, I ran across a loan form for 8 cranial fragments from Accession 8 that I realized were long overdue. I am still hoping to get SEM photographs of the cut marks on these fragments. Would it be possible to extend the loan agreement until February 1990? I apologize for this oversight on my part and am sorry if this will cause any problems at your end. A copy of the original loan form is enclosed.

My thanks again to the Effigy Mounds staff for their assistance.

Sincerely,

Shirley J. Schermer  
Project Director  
Burials Program

11

enclosures



United States Department of the Interior

NATIONAL PARK SERVICE  
EFFIGY MOUNDS NATIONAL MONUMENT  
RR 1, BOX 25A  
HARPERS FERRY, IOWA 52148  
(319) 873-3481



IN REPLY REFER TO:

H2017

November 2, 1989

Shirley J. Schermer  
Project Director  
Burials Program  
The University of Iowa  
Iowa City, Iowa 52242

Dear Ms. Schermer:

Enclosed is a copy of the loan from on which we have shown the time extension. I did not think there was a need to rewrite the whole thing. It had crossed my mind a couple of times that those had not come back, but I had not found time to chase them down. It has not caused any problems on our end. We do look forward to seeing what you find on further examination.

Sincerely,

James S. David  
Chief, I&RM

Enclosure



February 28, 1990

James S. David  
Chief, I & RM  
Effigy Mounds National Monument  
R. R. 1, Box 25A  
Harpers Ferry, Iowa 52146

Dear Mr. David:

I am sending, via UPS, the remains listed on the attached loan form. A total of 420 cutmarks ranging in size from 0.22 mm to 1.15 mm were recorded on the cranial fragments of this individual. The number, size, and locations of these cutmarks suggest defleshing, probably as part of the burial treatment. Thanks for your cooperation in allowing further examination of this material.

Sincerely,

Shirley J. Schermer  
Project Director  
Burials Program

11

enclosure



**Appendix D**

**Some Notes: Disposition of Human Remains**



United States Department of the Interior

NATIONAL PARK SERVICE  
EFFIGY MOUNDS NATIONAL MONUMENT  
BOX K  
McGREGOR, IOWA 52157  
(318) 873-2356

IN REPLY REFER TO:

H2017

September 5, 1986

Maria Pearson, Chair  
Iowa Indian Advisory Committee  
Box 98  
Marne, Iowa 51552

Dear Ms. Pearson:

We recently met with State Archeologist Duane Anderson and Mark Lynott of the National Park Service's Midwest Archeological Center. Following that meeting and several conversations, we are now ready to transfer all skeletal material, tentatively identified as human, to Dr. Anderson's office. There the material will be classified as to its human or non-human origin. This may take some time because much of it consists of small fragments.

Once the classification study has been completed all human material that originated outside the boundaries of the Monument will be ready to be returned to the Native American community for reburial. We believe that this will account for about 75% of the total. The State Archeologist's Office will work with you on this.

The remainder of the material, that which originated within the Monument's boundaries, will be returned to this office. We will work with you then toward locating its ultimate repository.

Sincerely,

Thomas A. Munson  
Superintendent

cc: State Archeologist  
Lynott, MWAC  
Hunter, MWRO



Most of the PX work did not result in archeological collections. The following projects are known (or are assumed) to have resulted in collections:

I would assume that the Ferguson Tract surveys (conducted by Mallam) resulted in artifact collections, but there are no accessions for those materials at MWAC. Since this tract is outside the park, the land owner is the rightful owner of any artifacts (unless he would have donated them to the NPS or Luther College).

The Luther College (Dale Henning) Sny Magill study and rockshelter testing project (PX 6115-7-0223) resulted in collections. MWAC has records from the project, including notes and other materials, but does not have the artifacts. The records are in MWAC Accession 433. These materials have been entered into ANCS. Human bone was recorded during this project, but the report indicates that the materials were not excavated, and were covered with soil after discovery. However, an artifact tabulation in the report lists the human bone fragments, indicating a slight possibility that some fragments may have been collected. According to Supt. Gustin's discussion with Luther College staff, the artifact collection from this PX appears to reside at the lab at Decorah.

During the 1990 Sny Magill looting study (Mounds 62 and 68, PX 6115-0-0117) -- a single artifact (chipped stone debitage) was collected. A letter in the PX file indicates that this artifact and all project records were sent to MWAC 4/11/91. I am still checking on this material.

The other Sny Magill looting study (Mound 43, PX 6115-1-0076, in 1991) resulted in collection of 15 human bone fragments sent to MWAC 12/91. There are part of MWAC accession 569. They are stored with MWAC Accession 35 (a bundle burial) in the vault. This accession has been cataloged.

\*\*\* One of the other purchase orders, although not resulting in collections, is worthy of note. PX 6115-6-0166 was for a study of the human remains in the park collections at EFMO. I note in a quick check of the Table of Contents for this report that human skeletal remains are recorded for several EFMO accessions at sites within the park. Others are for material from sites outside the park. A letter in the PX file indicates a plan to arrange for repatriation of the non-park materials. I am wondering what happened to the numerous skeletal materials that are from park proveniences (i.e., park accessions 1, 5, 13, 53, 78, 106, 107, 109, and 111). \*\*\*



**Appendix E**  
**Skeletal Remains Investigations, 1995-1996**



United States Department of the Interior

NATIONAL PARK SERVICE  
Effigy Mounds National Monument  
151 Hwy 76  
Harper's Ferry, Iowa 52146-9744

IN REPLY REFER TO:

H22 (EFMO)

July 28, 1995

Memorandum

To: Chief, Midwest Archaeological Center  
From: Superintendent, Effigy Mounds NM  
Subject: NAGPRA Inventory

This memo is to inform you that we have searched our museum collection and have found no other human remains or associated funerary objects. The only items from Effigy Mounds are the bundle burial and incomplete set of human remains currently housed at MWAC.

*Karen Gustin*

Karen Gustin





United States Department of the Interior

NATIONAL PARK SERVICE  
Effigy Mounds National Monument  
151 Hwy 76  
Harpers Ferry, Iowa 52146-9744

IN REPLY REFER TO:

H22 (EFMD)

October 20, 1995

Memorandum

To: Ethnography and NAGPRA Coordinators, Midwest  
Archaeological Center

From: Superintendent, Effigy Mounds

Subject: Call for Ethnography and NAGPRA Study Proposal

This memo is in response to your call of October 10, 1995 regarding NAGPRA study proposals. Please see attached for pertinent information.

*Karjane*

Effigy Mounds (EFMO), located in northeast Iowa, is a prehistoric Woodland Indian site that dates back to approximately 500 B.C. to 1300 A.D. It contains almost 200 mounds - conical, linear, compound, and effigy. The tribes that historically lived in this area are the Winnebago and the Sac and Fox. None of these groups live adjacent to the park; all are approximately 200-800 miles away. These tribes are the: Sac and Fox Tribal Council in Tama, Iowa; Sac and Fox Tribal Council in Reserve, Kansas; Sac and Fox of Oklahoma Business Council in Stroud, Oklahoma; Wisconsin Winnebago Business Committee and Ho-Chunk Nation in Black River Falls, Wisconsin; and Winnebago Tribal Council in Winnebago, Nebraska.

Because EFMO interprets a prehistoric time period and culture, our Native American remains are culturally unidentifiable. However, these remains and objects, no matter how old, are Native American and should be treated according to the wishes of the Native American tribes that historically lived in this area. Decisions involving the disposition of these remains should be made by these Native American groups, in consultation with EFMO staff.

EFMO has two sets of remains that need consideration. The first is a bundle burial that was retrieved from the Marquette-Yellow River Mound Group about three miles south of park headquarters on a bluff just north of Marquette, Iowa. The bundle burial was excavated and then donated to the park's collection in the 1950s. Since the early 1970s it has been stored at the Midwest Archaeological Center (MWAC) in Lincoln, NE. The other set of remains is a set of bones that was retrieved from Mound 43 of the Sny Magill unit of the park. In 1991, vandalism occurred at this mound; during restoration work, the human remains were recovered. These remains are also stored at MWAC. The park also has approximately 50 items that are on the summary list.

Historically, and before my arrival a year ago, the park complied with NAGPRA regarding contact with tribal representatives. However, the majority of the contact has been by letter, and no real personal relationship has been established with the tribes. Just recently, on October 11 and 12, 1995, formal consultation did take place with David Smith, the NAGPRA Coordinator for the Winnebago Tribe in Nebraska, and I feel that Effigy Mounds is in the process of developing a face to face personal relationship with Mr. Smith as a representative of the tribe. No other attempts have been made to personally meet any of the other representatives mentioned in paragraph one.

This proposal is to fund consultation for summary, inventory and repatriation purposes with the Sac and Fox and Winnebago Tribes in order to comply with NAGPRA and to do justice to the remains that are within Effigy Mounds' collection. Because these tribes are being bombarded with NAGPRA requests (Mr. Smith alone stated that he had received 350 letters regarding Winnebago remains), written communication alone is not enough to satisfy the

requirements of NAGPRA consultation in order to be able to decide the disposition of these remains. Personal contact must be made. As mentioned earlier, none of the tribal contacts are immediately within the local community; all are 200-800 miles away, not very close to one another, and contacting each of them will require considerable travel. This proposal is to fund the travel in order to consult with tribal representatives. The breakdown is as follows:

1. Trip to Ames Iowa to meet with the Liaison to the governor for Indian Affairs in Ames, Iowa combined with trip to Tama, Iowa to consult with the Sac and Fox Tribal Council.

Approximate Cost: \$470.00

2. Trip to Reserve, Kansas to consult with the Sac and Fox Tribal Council.

Approximate Cost: \$500.00

3. Trip to Stroud, Oklahoma to consult with the Sac and Fox Oklahoma Business Council.

Approximate Cost: \$960.00

4. Trip to Black River Falls, Wisconsin to consult with the Ho-Chunk Nation and Wisconsin Winnebago Business Committee.

Approximate Cost: \$50.00

5. Trip to Winnebago, Nebraska to meet the Chairman of the Winnebago Tribal Council and continue consultation with NAGPRA Coordinator.

Approximate Cost: \$520.00

**TOTAL COST OF PROPOSAL: \$2500.00**

1/25/96

----- Message Contents -----

Tom and I talked with Supt. Gustin several times today regarding some NPS collections that appear to be at Luther College (we assumed the park had them, and the park didn't even seem to know that they existed). She has learned that Luther college still has artifacts from at least one of Dale Henning's projects (1987) and they (Luther College) are wondering what to do with them. She asked that I call the folks at Luther and see if they would be willing to do the ANCS on them. She gave me a list of a couple of purchase order #s and asked that I track them down. I have now accomplished that. She asked for copies and for the ARPA permit for Staack's work. Apparently, the park's files are pretty poor regarding these projects. I am getting all the stuff together and will send it to her tomorrow. I will keep you (and Supt. Gustin) appraised of what I learn about the Luther College stuff. So far, I believe that Henning's '87 materials (Sny Magill testing and 4 rock shelter testing) and the Staack ARPA permit stuff are the only outstanding collections.

Jeff



1/29/96

----- Message Contents -----

Karen,

As a follow up to our telephone conversation last week, I have compiled a list of all purchase orders issued at MWAC that have involved work at EFMO. That list, and a second page containing some brief notes and observations, are in the attached file. I will speak to the folks at Luther College to confirm what they hold from EFMO, although it appears to me that it must be the artifacts from work conducted by Dale Henning at Sny Magill and 4 rockshelter sites (under PX 6115-7-0223). I am mailing to you the AREA permit project documentation that we discussed along with photocopies of the purchase orders that resulted in some form of excavation activities. If you want copies of any of the others, please let me know.

Please note my question at the end of the file regarding the disposition of numerous human skeletal elements from various park mound proveniences. Those skeletal remains were studied and reported under one of the purchase orders (PX 6115-6-0166). At the time of the study, the materials, which were in several different park accessions, were all housed at the park. I assume that there is documentation at the park for some form of transfer of "ownership" of the skeletal remains, since they were not listed in the park's NAGPRA report.

I will keep you fully informed about the Luther College collections issue as I learn more.

Jeff Richner

From: Jeff Richner at NP-MWAC 1/29/96 1:30PM (7029 bytes: 1 ln, 1 fl)  
To: Karen Gustin at NP--MWR  
: Mark Lynott, Vergil Noble, Michelle Watson  
subject: EFMO purchase orders

----- Message Contents -----

Text item 1:

Karen,

As a follow up to our telephone conversation last week, I have compiled a list of all purchase orders issued at MWAC that have involved work at EFMO. That list, and a second page containing some brief notes and observations, are in the attached file. I will speak to the folks at Luther College to confirm what they hold from EFMO, although it appears to me that it must be the artifacts from work conducted by Dale Henning at Sny Magill and 4 rockshelter sites (under PX 6115-7-0223). I am mailing to you the ARPA permit project documentation that we discussed along with photocopies of the purchase orders that resulted in some form of excavation activities. If you want copies of any of the others, please let me know.

Please note my question at the end of the file regarding the disposition of numerous human skeletal elements from various park mound proveniences. Those skeletal remains were studied and reported under one of the purchase orders (PX 6115-6-0166). At the time of the study, the materials, which were in several different park accessions, were all housed at the park. I assume that there is documentation at the park for some form of transfer of "ownership" of the skeletal remains, since they were not listed in the park's NAGPRA report.

I will keep you fully informed about the Luther College collections issue as I learn more.

Jeff Richner

[35] From: Michelle Watson at NP-MWAC 2/6/96 10:06AM (755 bytes: 15 ln)  
To: Karen Gustin at NP--MWR  
Receipt Requested  
Subject: note on remains

----- Message Contents -----

Karen,

Hi!! A quick note on that report I phoned you about. On the introduction page, it states: "At the completion of this analysis, all human remains from sites within the Effigy Mounds National Monument will be returned to the Park Service. All human remains from sites outside Monument boundaries will be reinterred by the Office of the State Archaeologist in the state cemetery developed for that purpose."

So, with regards to your question of "Where are the remains?," they should be in collections.

Let me know what you find out. Call if I can help.

Many Thanks.

Adrian Anderson → <sup>Wanda Pettie</sup> park

Stephen → <sup>Wanda Pettie</sup> park

D. O. Smith → <sup>Wanda Pettie</sup> park

Went over on pull  
at Lincoln

Thomas → <sup>Wanda Pettie</sup> park

Mark → <sup>Wanda Pettie</sup> park

submitting them to

our collections

Jan

2/8/96  
Lilly said the remains  
found  
at park  
buried  
cemetery in



(b) (2), (b) (6)

memo to file reinter

2/8/96

Amos Ashmuner →  
could be  
in cemetery in  
Dixburg Cemetery

Cannibalism - special  
use permit →

2/8/96 - Tom Munn said  
all remains were given to  
ESA - to man

2/8/96

Didn't want to  
Mittl waited some, but  
some didn't cooperate  
PLOWMAN -  
Disposition was to be  
under our general  
Mura had acc. to

Sennas  
Bob - Nickel  
Marklynott - Did not want to return  
remains wanted to keep our  
collection →

2/8/96

Memorandum of Conversation(s)

On 2/8/96, I contacted Shirley Schermer from the Office of State Archaeology in regards to human remains analyzed 9/86. A report was prepared called "The Analysis of Human Skeletal Remains from the Museum Collection at the Effigy Mounds National Monument." This was done under PX-6115-6-0166. Twenty different accessions were analyzed, some retrieved from within the park, and some retrieved outside of the park. All at one time were part of EFMO's collection.

I asked Shirley what happened to the remains retrieved from outside the park. She said that they were reinterred in a state cemetery. She said the remains that were retrieved within the park were analyzed, then returned to Effigy Mounds, and she believes, were transferred to Lincoln.

I then talked with Tom Munson, the previous superintendent. At that time, he said that the park was working with Mark Lynott and Bob Nickel, who wanted to keep the remains in EFMO's collection. Tom's position as superintendent, was that he did not want any human remains under the park's jurisdiction. Tom said that Adrian Anderson (sp?) at the Office of State Archaeology was the person at the time that the park was dealing with. Tom said that everything was given back to the Office of State Archaeology for reinterment, or was sent to MWAC. Tom also mentioned that some items were kept by the OSA under a special use permit because there was some evidence of cannibalism. I did not confirm this with Shirley.

2/9/96

---

----- Message Contents -----

Michelle Watson asked me to contact you today to assure you that the additional human remains discussed in the Fisher and Schermer report are definitely not at MWAC. What a mess, huh?

Jan Dial-James

[17] From: Karen Gustin at NP--MWR 2/8/96 3:20PM (2477 bytes, 10 lines, 1 file)  
To: Michelle Watson at NP-MWAC, Tom Thiessen at NP-MWAC, Jan Dial-Jones at NP-MWAC

Subject: Status of Human Remains

----- Message Contents -----

Text item 1:

Hi to all of you - Attached is a wp file detailing my conversations with Shirley Schermer and Tom Munson. It was a little difficult talking with Tom - I think he was on a cellular phone and it was hard to hear him. I tried to concisely put together his thoughts.

Let me know what you find out. Thanks.

Karen

2/9/96-

According to Michelle, anything declassified before  
NAGPRA was enacted does not require follow-up.



2/1/96

----- Message Contents -----

Michelle Watson asked me to contact you today to assure you that the additional human remains discussed in the Fisher and Schermer report are definitely not at MWAC. What a mess, huh?

Jan

Yes - I think everything was returned to OSA and all of it is probably interred in one of their state cemeteries.

Karen

3/11/96

Items returned by OSA from WITHIN the park. Returned on 5/1/87

Accession 1, 5, 16, 53, 78, 106, 107, 109, 111

Accession 8 returned on 2/28/90

Asked Shirley for a list of accession numbers of remains collected outside the park and buried in one of the state cemeteries by OSA. (in letter)

Will then compare this w/ the two deaccess. forms we have for 1986 and 1990.

---

Items from OUTSIDE the park - reported by OSA in eastern <sup>IA</sup> cemetery

Accession 13, 14, 48, 49, 50, 70, 87

Accessions 44 + 51 - not returned, OSA is to receive add. material for return

Accession 27 - transferred to State Hist. Society of Wisc. in '87 for reburial <sup>to add. to the accessions</sup> <sub>Karnopp Found. Group came for site 9740-5 in Wisc.</sub>

CONCLUSIONS 3/25/96 -

Acc. 70 is an item collected outside park boundaries

Acc. 72 and Acc. 2 are deaccessioned from our lists, but don't appear on OSA's list <sup>items collected outside the park,</sup>

Acc 95 + Acc 132 - items collected outside the park + deacc. according to our files, but OSA does not have it listed on any of their lists, neither inside or outside

Acc 110 - listed as item collected w/in the park + deacc. by us,

## Deaccession Issue

- 1) 11/1971 loaned to MWAC see 28 pp. yellow pp. Accessioning + Cataloging (no return signature/date) on loan form.
- Included in "Loan of Specimens" file
- 2) 5/87 portions of Access 8 to Office of State Archeo. Uof IA returned to EFMO 3/90 (in closed file H2017)
  - 3) 4/1987 MWAC reviewed report by State Archeo. obj. returned to park
  - 4) letters (NPS) regarding consultations pre NAGPRA (11/1986) and disposition of human remains
  - \* 5) 10/1986 - 5/1987 loan of human remains to State Archeo. Note list of Access. are included on deacc-list. (2 copies of loan form in file)
  - 6) 11/1986 letter from State Archeo w/changes (addition to loan items - human remains)  
- No indication on loan form whether materials were returned (?) (response)
  - 7) 12/1986 letter from Maria Pearson to EFMO Supt re: human remains
  - 8) letter 9/86 and D-1 for analysis work done by State Archeo.
  - 9) 9/86 letter from EFMO Supt to Maria Pearson re depp
  - 10) Could be that ~~the~~ human remains were reburied and deaccessioned after the fact.

11) WHITE PAPER 5/1985 re. disposition of  
human remains

CMR for 86 and 90 should have deaccess. info



THE UNIVERSITY OF IOWA



MAR 11 1996

March 8, 1996

Karen Gustin, Superintendent  
Effigy Mounds National Monument  
151 Hwy. 76  
Harpers Ferry, IA 52146

AREA DISTRIBUTION	
TO	Initial
<input checked="" type="checkbox"/> Superintendent	(S)
Chief, I, VS & P	
Chief, Maint.	
Admin. Mgr.	
Res. Mgr.	
Admin. Clerk	

Dear Ms. Gustin:

I enjoyed meeting you yesterday. As you requested, I have enclosed copies of various correspondence concerning our analysis of the human remains from Effigy Mounds National Monument in 1986 and 1987, as well as a copy of the loan form with James David's signature acknowledging the receipt of the remains we were to return to Effigy Mounds, dated May 1, 1987. I have included copies of the inventories of the accessions that were returned. I looked through a number of files but could not find correspondence that the remains we returned to EMNM were transferred to Lincoln. I do, however, have a strong recollection of being told that they had been (or were going to be) transferred there. My recollection is that at the time, the National Park Service did not particularly want to rebury them, so the remains were going to be reposed at the center in Lincoln.

I hope this information will be helpful. Please call if you have any questions about the enclosed material.

Sincerely,

Shirley J. Schermer  
Burials Program Director



United States Department of the Interior

NATIONAL PARK SERVICE  
Effigy Mounds National Monument  
151 Hwy. 76  
Harpers Ferry, Iowa 52140-7519

IN REPLY REFER TO:  
H22 (EFMO)

March 12, 1996


Shirley Schermer  
Burials Program Director  
Office of the State Archaeologist  
303 Eastlawn  
Iowa City, Iowa 52242-1411

Dear Shirley:

I too enjoyed meeting you last week. Thank you for providing me with copies of the correspondence you had on file concerning the human remains from Effigy Mounds in 1986 and 1987. Could you send me a list of the accession numbers for the remains that were collected outside the park and buried in the state cemetery? I am trying to make the accession numbers you have correspond to the accession numbers we have in our files for remains collected inside and outside of the park.

I appreciate your help.

Sincerely,

  
Karen Gustin  
Superintendent

THE UNIVERSITY OF IOWA

MAR 22 1998



AREA DISTRIBUTION	
TO	Initial
<input checked="" type="checkbox"/> Superintendent	
<input type="checkbox"/> Chel. I. VS & P	
<input type="checkbox"/> Chel. Maint.	
<input type="checkbox"/> Adm. Mgr.	
<input type="checkbox"/> Res. Mgr.	
<input type="checkbox"/> Adm. Clerk	
<input type="checkbox"/>	
<input checked="" type="checkbox"/> OFFICE FILES	

March 20, 1996

Karen Gustin, Superintendent  
Effigy Mounds National Monument  
151 Hwy. 76  
Harpers Ferry, IA 52146

Dear Karen:

According to our records, accession numbers 13, 14, 44, 48, 49, 50, 51, 70, 77, and 87 came from sites outside of the Effigy Mounds National Monument property boundaries and were reburied by OSA in our eastern cemetery except for accessions 14, 51, and 77. Accession 14, 13AM59, and Accession 51, 13WH35, have not yet been reburied, because we received additional material from these sites from other repositories just prior to the reburial of the other remains. The decision was made at the time to postpone reburial of the remains from these two accessions until the additional material was ready for reburial. The remains from these two sites are included in our NAGPRA inventories. Accession 77, Karnopp Mound Group, came from site 47-Cr-5 in Wisconsin. The human remains from this accession were transferred to the State Historical Society of Wisconsin in 1987 for reburial in that state.

Accession numbers 1, 5, 8, 16, 53, 78, 106, 107, 109, and 111 came from inside the EMNM boundaries and were returned to EMNM at the conclusion of our analysis and write-up. Let me know if you need more information.

Sincerely,

Shirley J. Schermer  
Burials Program Director

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[20] From: Karen Gustin at NP--MWR 3/25/96 1:05PM (1955 bytes: 47 ln)  
To: Michelle Watson at NP-MWAC  
Subject: EFMO Accessions

----- Message Contents -----  
Michelle - I have received more information from OSA regarding accessioned items collected from within and outside the park, their disposition, etc. Here are my findings:

These are notes from OSA files:

Items returned by OSA from within the park - returned on 5/1/87  
Accession numbers 1,5,16,53,78,106,107,109,111  
Accession 8 returned on 2/28/90

Items collected from outside the park, reburied by OSA in an eastern IA cemetery.  
Accession 13,14,48,49,50,70,87  
Accessions 44 and 51 - not reburied, OSA is to receive addl material to add to reburial  
Accession 77 - Karnopp Mound Group came from site 47CR5 in Wisconsin, transferred to State Historical Society in Wisconsin in 87 for reburial in Wisconsin.

After comparing the above notes, which came from Shirley Schermer, with EFMOs deaccession records, my findings are:

Acc 72 and Acc 2 are items collected outside the park and deaccessioned from our collection, but they do not appear on OSA's list of items collected from outside the park.

Acc 95 and Acc 132 are items collected outside the park and deaccessioned according to our files, but OSA does not have them noted on any of their lists as coming from inside or outside the park.

Acc 110 are items collected within the park and deaccessioned by us, but they are not on OSA's list as items returned to the park.

This should account for all the accession numbers on OSA's list and our deaccession records. As we talked on the phone, we are unsure of the location of the items collected from within the park and deaccessioned from our collection in July 1990.

Let me know if we need to do anything else.

Karen

*Sharon - I'd like this  
filed w/ other copies of  
letters from Shirley  
Schermer, our  
deacc. records, etc.,  
but not sure which  
file code to use.*

*YMS -  
R*

----- Message Contents -----

5/9/96

Jeff and Karen,

As time goes on, we will probably continue to have this type of situation occur, especially as museums finish going through their collections to finish their NAGPRA inventory responsibilities.

I am assuming that there is no "cultural affiliation" tag that can be placed on either the remains or the site they came from. If so, then we will have to amend the "culturally unidentifiable" list that was submitted on behalf of EFMO to the DCA (who is responsible for transmitting it to the NAGPRA Review Committee, who is responsible for reviewing such lists and making recommendations as to disposition to the Sec. of the Interior).

Since the remains came from the park, they probably should be accessioned, at which time we can get all the relevant description, catalog numbers, etc. This information will then have to go on to the NAGPRA inventory of culturally unidentifiable Native American human remains for EFMO and then be transmitted to the DCA. Naturally, this all has to happen ASAP, since the DCA is getting ready to send these lists to the review committee (as soon as all the "culturally affiliated" lists get mailed to the tribes by May 16).

Jeff, I would recommend that we pulltogether the information to put into the data categories required for the inventory. We'll have to leave the NPS accession numbers blank for now, unless Carolyn has any ideas there. Everything else required for the data categories should be readily accessible from the material at MWAC or the archeology report(s). We can forward a copy of EFMOs current inventory if anyone doesn't have it (to see what information is required).

We can work with the park, and Carolyn if necessary, to pull the amendment together. But, I don't want to be presumptuous and just do it, with out Karen's (and everyone else's) concurrence.

If none of this makes sense, give me a call.

Mike

---

Subject: Additional human remains from EFMO  
Author: Jeff Richner  
Date: 5/7/96 3:24 PM

Joel White from Luther College in Iowa called me today to report on the contents of a collection from EFMO he is examining. He started by calling EFMO, and they advised him to call MWAC. Superintendent Karen Gustin, Joel, and I had discussions about this collection some months back. Prior to those discussions, the location of these artifacts had been unknown to the NPS. I advised Karen on January 29, 1996 (via a cc:Mail message with attached file) that this collection might contain human remains.

In going through the 1988 collection, White recently came across two lots from the same excavation unit either marked "human remains" or so identified by Luther staff. They were collected on May 16, 1988 by archeologist Dale Henning and a crew of students from Luther College from the Sny Magill Unit of the park. Specific provenience is Unit 88N Level 2 and from wall/profile cleaning of the same unit. White indicates that there are 18 fragments along with some bone "dust." The fragments, which appear to be cranial elements, weigh 6.7 grams. The

material was collected as part of a project funded through 1987 MWAC Purchase Order 6115-7-0023. Fieldwork was conducted the following spring at the Sny Magill Unit. The report was submitted to MWAC in 1989 and is entitled "Archeological Survey of the Sny Magill Unit and Testing of Four Rockshelters, Effigy Mounds National Monument, Iowa." The report was written by Dale Henning. According to this report, Unit 88N was a .5 meter-wide trench positioned on a low linear rise which appears to connect the east edge of conical mound 91 with the southeast edge of linear mound 89. Testing at this location was terminated when human cranial fragments were discovered in the south wall profile.

The notes and records for this project were transferred to MWAC from Luther College and have been accessioned and entered into ANCS. However, the artifact collection has resided at Luther College since the completion of fieldwork. The artifacts have not been entered into the ANCS. Given the recent "rediscovery" of the collection, I assume that these human remains were not among the materials reported by the park for NAGPRA. Further, they are not part of the "deaccessioned" EFMO collections that have been the subject of recent discussions.

I told White that I would alert the park Superintendent and the appropriate NPS NAGPRA Coordinator to this discovery and asked him to maintain the collection at Luther until advised otherwise.

Jeff Richner

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Jeff Richner

Jeff - Thanks for seeing to the above. As you probably know, I am on maternity leave until June 17. When I return, I want to try to tie up these loose ends. I'll probably contact you then, and we can discuss. Again, thanks.

Karen



----- Message Contents -----

5/13

Future action, scheduling, etc. is completely up to you and Karen. I just wanted everyone to know what I had learned about the collection. As a follow-up to your recent cc:mail message, the paper records for the subject project have already been accessioned, so it would seem to me that the artifact collection should be subsumed under that existing accession.

Jeff

Reply Separator

Subject: Re: Additional human remains from EFMO  
Author: Michael J Evans at NP-MISS  
Date: 05/12/96 05:22 PM

5/12/96

Jeff and Karen,

I recommend we wait until Karen's back on duty, and then pursue this one.

Mike

*Jeff Richner to  
Michael Evans*

*5/11/96*

Joel White from Luther College in Iowa called me today to report on the contents of a collection from EFMO he is examining. He started by calling EFMO, and they advised him to call MWAC. Superintendent Karen Gustin, Joel, and I had discussions about this collection some months back. Prior to those discussions, the location of these artifacts had been unknown to the NPS. I advised Karen on January 29, 1996 (via a cc:Mail message with attached file) that this collection might contain human remains.

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Jeff Richner

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Karen

5/24/96

Mardi,

You may want to tap into the expertise at MWAC relative to the cataloging of the Orr "archives." While there may be need for an archivist for the project, it would seem that there is also a need for someone with an archeological background to help organize those materials for cataloging.

Jeff

## List of Purchase Orders for EFMO archeological projects:

#	Description	Vendor	Date
4970L10860	C14 samples		1971
PX 6115-5-0100	Ferguson Survey 1	Luther Coll.	6/75
PX 6115-0-135A	Ferguson Survey 2	Luther Coll.	9/80
PX 6115-8-0166	Skeletal Analysis	U. Iowa	9/86
PX 6115-8-0201	Aerial Photos	Aerial Serv.	9/86
PX 6115-7-0214	Mapping	Chuck's Surv.	9/87
PX 6115-7-0223	Sny Magill & rocksh.	Luther Coll.	9/87
PX 6115-7-0224	Geomorphology	Iowa DNR	9/87
PX 6115-7-0225	Land Use History	Oneota Ent.	9/87
PX 6115-8-0142	Constr. map grid	Luther Coll.	5/88
PX 6115-8-0143	S. Magill mag. survey	Medynski	5/88
PX 6115-0-0117	S. Magill looting	Luther Coll.	8/90
PX 6115-1-0076	S. Magill looting	Luther Coll.	7/91



Most of the PX work did not result in archeological collections. The following projects are known (or are assumed) to have resulted in collections:

I would assume that the Ferguson Tract surveys (conducted by Mallam) resulted in artifact collections, but there are no accessions for those materials at MWAC. Since this tract is outside the park, the land owner is the rightful owner of any artifacts (unless he would have donated them to the NPS or Luther College).

The Luther College (Dale Henning) Sny Magill study and rockshelter testing project (PX 8115-7-0223) resulted in collections. MWAC has records from the project, including notes and other materials, but does not have the artifacts. The records are in MWAC Accession 433. These materials have been entered into ANCS. Human bone was recorded during this project, but the report indicates that the materials were not excavated, and were covered with soil after discovery. However, an artifact tabulation in the report lists the human bone fragments, indicating a slight possibility that some fragments may have been collected. According to Supt. Gustin's discussion with Luther College staff, the artifact collection from this PX appears to reside at the lab at Decorah.

During the 1990 Sny Magill looting study (Mounds 62 and 68, PX 6115-0-0117) — a single artifact (chipped stone debitage) was collected. A letter in the PX file indicates that this artifact and all project records were sent to MWAC 4/11/91. I am still checking on this material.

The other Sny Magill looting study (Mound 43, PX 6115-1-0076) in 1991 resulted in collection of 16 human bone fragments sent to MWAC 12/91. There are part of MWAC accession 589. They are stored with MWAC Accession 36 (a bundle burial) in the vault. This accession has been cataloged.

\*\*\* One of the other purchase orders, although not resulting in collections, is worthy of note. PX 8115-8-0166 was for a study of the human remains in the park collections at EFMO. I note in a quick check of the Table Of Contents for this report that human skeletal remains are recorded for several EFMO accessions for sites within the park. Others are for material from sites outside the park. A letter in the PX file indicates a plan to arrange for repatriation of the non-park materials. I am wondering what happened to the numerous skeletal materials that are from park proveniences (i.e., park accessions 1, 5, 16, 53, 78, 106, 107, 109, and 111). \*\*\*



**Appendix F**

**Skeletal Remains: Luther Collections**

1/25/96

----- Message Contents -----

Tom and I talked with Supt. Gustin several times today regarding some NPS collections that appear to be at Luther College (we assumed the park had them, and the park didn't even seem to know that they existed). She has learned that Luther college still has artifacts from at least one of Dale Henning's projects (1987) and they (Luther College) are wondering what to do with them. She asked that I call the folks at Luther and see if they would be willing to do the ANCS on them. She gave me a list of a couple of purchase order #s and asked that I track them down. I have now accomplished that. She asked for copies and for the ARPA permit for Staeck's work. Apparently, the park's files are pretty poor regarding these projects. I am getting all the stuff together and will send it to her tomorrow. I will keep you (and Supt. Gustin) appraised of what I learn about the Luther College stuff. So far, I believe that Henning's '87 materials (Sny Magill testing and 4 rock shelter testing) and the Staeck ARPA permit stuff are the only outstanding collections.

Jeff



1/24/96

----- Message Contents -----

Karen,

As a follow up to our telephone conversation last week, I have compiled a list of all purchase orders issued at MWAC that have involved work at EFMO. That list, and a second page containing some brief notes and observations, are in the attached file. I will speak to the folks at Luther College to confirm what they hold from EFMO, although it appears to me that it must be the artifacts from work conducted by Dale Henning at Sny Magill and 4 rockshelter sites (under PX 6115-7-0223). I am mailing to you the ARPA permit project documentation that we discussed along with photocopies of the purchase orders that resulted in some form of excavation activities. If you want copies of any of the others, please let me know.

Please note my question at the end of the file regarding the disposition of numerous human skeletal elements from various park mound proveniences. Those skeletal remains were studied and reported under one of the purchase orders (PX 6115-6-0166). At the time of the study, the materials, which were in several different park accessions, were all housed at the park. I assume that there is documentation at the park for some form of transfer of "ownership" of the skeletal remains, since they were not listed in the park's NAGPRA report.

I will keep you fully informed about the Luther College collections issue as I learn more.

Jeff Richner

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The other Sny Magill looting study (Mound 43, PX 6115-1-0076) in 1991 resulted in collection of 15 human bone fragments sent to MWAC 12/91. There are part of MWAC accession 569. They are stored with MWAC Accession 35 (a bundle burial) in the vault. This accession has been cataloged.

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2/9/94

----- Message Contents -----

Michelle Watson asked me to contact you today to assure you that the additional human remains discussed in the Fisher and Schermer report are definitely not at MWAC. What a mess, huh?

Jan Dial-Jones



2/19/96

----- Message Contents -----

Michelle Watson asked me to contact you today to assure you that the additional human remains discussed in the Fisher and Schermer report are definitely not at MWAC. What a mess, huh?

Jan

Yes - I think everything was returned to OSA and all of it is probably interred in one of their state cemeteries.

Karen

----- Message Contents -----

5/9/96

Jeff and Karen,

As time goes on, we will probably continue to have this type of situation occur, especially as museums finish going through their collections to finish their NAGPRA inventory responsibilities.

I am assuming that there is no "cultural affiliation" tag that can be placed on either the remains or the site they came from. If so, then we will have to amend the "culturally unidentifiable" list that was submitted on behalf of EFMO to the DCA (who is responsible for transmitting it to the NAGPRA Review Committee, who is responsible for reviewing such lists and making recommendations as to disposition to the Sec. of the Interior).

Since the remains came from the park, they probably should be accessioned, at which time we can get all the relevant description, catalog numbers, etc. This information will then have to go on to the NAGPRA inventory of culturally unidentifiable Native American human remains for EFMO and then be transmitted to the DCA. Naturally, this all has to happen ASAP, since the DCA is getting ready to send these lists to the review committee (as soon as all the "culturally affiliated" lists get mailed to the tribes by May 16).

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The notes and records for this project were transferred to MWAC from Luther College and have been accessioned and entered into ANCS. However, the artifact collection has resided at Luther College since the completion of fieldwork. The artifacts have not been entered into the ANCS. Given the recent "rediscovery" of the collection, I assume that these human remains were not among the materials reported by the park for NAGPRA. Further, they are not part of the "deaccessioned" EFMO collections that have been the subject of recent discussions.

I told White that I would alert the park Superintendent and the appropriate NPS NAGPRA Coordinator to this discovery and asked him to maintain the collection at Luther until advised otherwise.

Jeff Richner

5/17/96

----- Message Contents -----

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I told White that I would alert the park Superintendent and the appropriate NPS NAGPRA Coordinator to this discovery and asked him to maintain the collection at Luther until advised otherwise.

Jeff Richner

Jeff - Thanks for seeing to the above. As you probably know, I am on maternity leave until June 17. When I return, I want to try to tie up these loose ends. I'll probably contact you then, and we can discuss. Again, thanks.

Karen



----- Message Contents -----

5/13

Future action, scheduling, etc. is completely up to you and Karen. I just wanted everyone to know what I had learned about the collection. As a follow-up to your recent cc:mail message, the paper records for the subject project have already been accessioned, so it would seem to me that the artifact collection should be subsumed under that existing accession.

Jeff

Reply Separator

Subject: Re: Additional human remains from EFMO  
Author: Michael J Evans at NP-MISS  
Date: 05/12/96 05:22 PM

5/12/96

Jeff and Karen,

I recommend we wait until Karen's back on duty, and then pursue this one.

Mike

*Jeff Richner to :  
Michael Bour*

*5/11/96*

Joel White from Luther College in Iowa called me today to report on the contents of a collection from EFMO he is examining. He started by calling EFMO, and they advised him to call MWAC. Superintendent Karen Gustin, Joel, and I had discussions about this collection some months back. Prior to those discussions, the location of these artifacts had been unknown to the NPS. I advised Karen on January 29, 1996 (via a cc:Mail message with attached file) that this collection might contain human remains.

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the completion of fieldwork. The artifacts have not been entered into the ANCS. Given the recent "rediscovery" of the collection, I assume that these human remains were not among the materials reported by the park for NAGPRA. Further, they are not part of the "deaccessioned" EEMO collections that have been the subject of recent discussions.

I told White that I would alert the park Superintendent and the appropriate NPS NAGPRA Coordinator to this discovery and asked him to maintain the collection at Luther until advised otherwise.

Jeff Richner

Jeff - Thanks for seeing to the above. As you probably know, I am on maternity leave until June 17. When I return, I want to try to tie up these loose ends. I'll probably contact you then, and we can discuss. Again, thanks.

Karen

5/24/96

----- Message Contents -----

Mardi,

You may want to tap into the expertise at MWAC relative to the cataloging of the Orr "archives." While there may be need for an archivist for the project, it would seem that there is also a need for someone with an archeological background to help organize those materials for cataloging.

Jeff





**Appendix G**

**Deaccession Lists, 1986, 1990**

Deaccessioned catalog numbers - 10/07/86

(6:7)

Acc. 70

4083	4161	4268	4315	4350	4379	4494
4109	4162	4270	4316	4351	4382	4495
4110	4170	4290	4318	4352	4383	4497
4111	4171	4291	4319	4353	4390	4499
4112	4172	4292	4320	4354	4393	4501
4113	4173	4293	4322	4355	4398	4506
4114	4187	4294	4323	4356	4399	4526
4115	4188	4295	4325	4357	4444	4527
4116	4190	4296	4326	4358	4445	4531
4117	4191	4298	4327	4359	4446	4532
4118	4210	4299	4328	4360	4448	4533
4119	4212	4300	4329	4361	4455	4538
4120	4213	4301	4333	4362	4457	4540
4121	4215	4302	4334	4363	4464	4543
4122	4218	4303	4335	4364	4468	4547
4125	4219	4304	4338	4365	4472	4550
4126	4221	4305	4339	4366	4473	
4129	4223	4306	4340	4367	4474	
4130	4224	4307	4341	4368	4475	
4132	4227	4308	4342	4369	4478	
4134	4230	4309	4343	4370	4479	
4135	4236	4310	4344	4371	4480	
4137	4242	4311	4345	4372	4483	
4138	4246	4312	4346	4373	4489	
4140	4249	4313	4347	4376	4490	
4147	4252	4314	4348	4377	4493	

Acc. 13 - 341, 342

Acc. 72 - 591

Acc. 87 - 515-577, 581

Acc. 49 - 2996, 2997, 3026, 3087, 3132, 3021, 3115

Acc. 48

5817	5855	5866
5818	5857	5868
5821	5858	5869
5827	5859	5871
5848	5860	5872
5849	5861	
5850	5863	
5851	5864	
5852	5865	

Acc. 2  
514

Also deaccessioned are uncataloged portions of Accession numbers 14, 44, 48, 50, 51, and 77.

Deaccessioned catalog numbers - 7/30/90

Acc. 8

4846	5032	4789	4962	4769	5051	5636	5076
5481	5231	5042	4961	4861	5056	4963	5001
4820	5477	4920	4955	5017	5394	5393	4959
5589	5124	5047	4956	5221	5516	4960	4928
4929	4972	5099	4953	5091	5479	5100	4849
4924	4971	5434	4951	4692	4927	4594	4816
4930	4970	5072	4952	5000	4954	5236	4800
4980	5127	4939	4950	5089	5190	4889	4790
4679	5200	4925	4949	5041	4600	4822	
4593	5227	4715	4947	5090	4870	4817	
5028	5097	5189	4946	5088	5112	4806	
5474	5038	5188	4945	5555	5113	4801	
5475	4788	5707	5105	4606	5114	4884	
5473	4791	5362	5106	5341	5115	4958	
5476	4795	5220	5179	4638	5116	5014	
5482	5153	5239	4659	4592	5117	4878	
5484	4633	5695	5101	4859	5118	5002	
5483	5147	5430	5379	5025	5122	5104	
5478	5021	4885	5102	5034	5119	5109	
5471	5156	4998	5018	5033	4965	5148	
5486	4694	5594	5582	5020	4867	5213	
5121	4981	5520	5187	5019	4964	5558	
5586	5093	5026	5180	5016	4779	5706	
5096	4691	4869	5181	5013	4773	5694	
4966	4685	4696	5132	5012	4776	5317	
5225	4686	5494	5219	4619	5378	5212	
5206	5233	5108	5107	5123	4848	5144	
4940	5232	5427	5103	5480	4847	5111	
5425	5428	5426	4775	5098	4845	5077	

Acc. 16

642	638	1656	648	652	656
641	637	645	649	653	657
640	643	646	650	654	
639	644	647	651	655	

Acc. 95

1940 1941

Acc. 132 - 7249, 7331

Acc. 5 - 3929

Acc. 70

4551

Also deaccessioned are uncataloged portions of Accession numbers 1, 5, 8, 16, 53, 70, 78, 95, 106, 107, 109, 111, and 132.

110





**Appendix H**

**Skeletal Remains Analyzed, Office of the State Archeologist**



United States Department of the Interior

NATIONAL PARK SERVICE

EFFIGY MOUNDS NATIONAL MONUMENT

BOX K

MCGREGOR, IOWA 52157

(319) 873-2356

IN REPLY REFER TO:

H2017

October 7, 1986

Ms. Shirley Schermer  
Office of the State Archaeologist  
Eastlawn Building  
University of Iowa  
Iowa City, IA 52242

Dear Ms. Schermer:

Enclosed are two copies of our loan form for the human remains that you picked up. There are two places on it that need your, or someone from your office, signature. One is on the front of the form, the other is on the back where you indicate the condition upon receipt. If you would please sign these and return one copy to us, the other is for your records. This will take care of the paper end of things.

If you are needing any more information on the various accessions or any other items please give me a call and I will be of whatever help I can.

Sincerely,

James S. David  
Chief, I&RM

Enclosure



IN REPLY REFER TO:

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
NATIONAL PARK SERVICE

Effigy Mounds National Monument  
(Part)

10/7/86

(Date)

Dear

We are lending you the items described below for the purpose of meeting the requirements of P.O. PX6115-6-0166 for the period of seven months (October 1, 1986 - May 1, 1987).

You are responsible for all items in the list. The utmost caution must be exercised in their use. They should be returned in the same condition they were lent.

Except as provided in the above mentioned P.O. from the Midwest Archeological Center.

Thomas A. Munson  
(Signature)  
Thomas A. Munson, Superintendent  
(Title)

NO.	OBJECT	VALUE
341, 342 (Accession 13)	Human Cranium and Mandible	
515-577, 581, 591 (Accession 87)	Bone	
637-644, 1656 (Accession 16)	Bone	
3929 plus two 3"x3 1/4" boxes (Accession 5)	Bone (Mound 7 Sny Magill)	
Accession 1 - nine sacks	Bone from Mound 55 (numerous have marked AH47)	
Accession 77 - one 7 1/2"x11 1/4" box	Bone	
Accession 50 - one skull, one sack with 3 bones, one sack fragments		
Accession 53 - twelve sacks fragments, one sack 29 fragments	Bone (Mound 18)	
Accession 107 - one sack with 21 fragments	Bone (Mound 39)	
Accession 51 - one skull plus approximately 30 fragments	Bone	
Accession 111 - one sack with 5 fragments	Bone (Mound 41)	
Accession 109 - twenty-four sacks	Bone (Mound 38)	
- Accession 78 - <del>Five bones (2-3 1/4"x3", 2-3 1/4"x5", 1-7 1/4"x11 1/4")</del> plus one sack with 80 fragments	Bone (Mound 12) <del>four sacks (fresh bone frag. 3" long)</del>	
Accession 106 - one box (10 1/2"x17 1/2"x5" deep)	Bone (Mound 33)	
Accession 14 - three boxes (15 1/2"x8 1/2", 11 1/2"x8", 10"x13") plus one sack (Elephant Site)	Bone	
Accession 44 - one box (11 1/2"x17")	Bone	

(Plus items listed on attached sheets)

(Condition reports on back of this sheet must be filled in)

Signature and title of borrower	Name of organization, etc.	Date of receipt
<u>Richard Schaefer</u>	<u>Office of State Archeologist</u>	<u>11/13/86</u>

Form 10-127 (5/75) LOAN OF SPECIMENS

TO BE FILLED IN BY LENDER ONLY

The loan is to be returned: (If known) May 1, 1987

Conditions of specimens being lent. (Examine each object carefully, describe any damage or weakened condition. Point out any special precautions necessary in handling. Keep a record photograph of important items on condition.)

The vast majority of the bones were fragmentary and in poor condition.

Catalog numbers  
Bone  
Catalog numbers  
586J-586

Signature and title of lender James S. David, Chief, I&RM	Date 10/7/86
--	-----------------

TO BE FILLED IN BY THE BORROWER ONLY

Condition of specimens on receipt. (Photograph and report promptly any damage found in shipment.)

The vast majority of the bones were fragmentary and in poor condition.

Signature and title of borrower Sheila J. Schuman - Archaeologist/Skeletal Biologist	Date 11/13/86
---	------------------

TO BE FILLED IN UPON RETURN OF LOAN

Condition of specimens on return. (Examine each object carefully. Describe any new damage. Record in photograph.)

Signature and title of person receiving return of loan James S. David Chief I&RM	Date 5/6/87
---	----------------



poor condition.

of or notated as  
important items as

Catalog numbers 2996, 2997, 3026, 3087-3105, <sup>3106</sup> 3107-3132 (Accession 49)  
 Bone  
 Catalog numbers 5817, 5818, 5821, 5827, 5848-5852, 5855, 5857-5861,  
 5863-5866, 5868, 5869, 5871, 5872 (Accession 48) Bone  
 Accession 48 - two skulls, one sack of 5 fragments, one sack  
 many fragments Bone

NOTE: Material from accession numbers 1, 5, 8, 16, 53, 78, 106, 107,  
109, and 111 are from sites within the monument. Those and any  
 non-human bones from the other accessions are all that are  
 required to be returned to the monument.

*All enclosed  
 inventories of these  
 accessions  
 from our report  
 prepared for EMU -  
 OSA CCR 245*

ion 8 catalog numbers

- ✓ 4594
- ✓ 4600
- ✓ 4606
- ✓ 4633
- ✓ 4638
- ✓ 4659 + 4679
- ✓ 4685
- ✓ 4686 < 2 "
- ✓ 4691
- ✓ 4692 < 5 III
- ✓ 4696 + 4714
- ✓ 4715
- ✓ 4769
- ✓ 4773
- ✓ 4775 < 2 "
- ✓ 4776
- ✓ 4779 < 2 "
- ✓ 4788
- ✓ 4789
- ✓ 4791
- ✓ 4795 < 2 "
- ✓ 4796
- ✓ 4801
- ✓ 4806
- ✓ 4817
- ✓ 4820 < 5 III
- ✓ 4822
- ✓ 4845
- ✓ 4846
- ✓ 4847
- ✓ 4848 (4) III
- ✓ 4849
- ✓ 4859
- ✓ 4861 < 2 "
- ✓ 4867
- ✓ 4869
- ✓ 4870
- ✓ 4878
- ✓ 4884
- ✓ 4885
- ✓ 4889
- ✓ 4920 < 2 "
- ✓ 4924
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- ✓ 4927
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- ✓ 4946 < 2 "

- ✓ 4947
- ✓ 4949 < 2 "
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- ✓ 4951 < 2 "
- ✓ 4952 < 2 "
- ✓ 4953
- ✓ 4954
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- ✓ 5486
- ✓ 5494
- ✓ 5516
- ✓ 5520
- ✓ 5555 < 2 "
- ✓ 5582
- ✓ 5586
- ✓ 5589 < 2 "
- ✓ 5594
- ✓ 5636
- ✓ 5695
- ✓ 5707

one sack skull fragments

on 70 catalog numbers

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.351	.4173	.4315	.4379
.1332	.4177	.4316<3	.4381
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.383	.4188	.4318	.4390<3
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.4111	.4210<2	.4325	.4399
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.4113	.4212	.4327	.4444
.4114	.4213	.4328	.4445
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.4117	.4221	.4335	.4457
.4118	.4222	.4338	.4462
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<del>4171</del>	.4313	.4376	

a70





**Appendix I**  
**Correspondence, Devil's Den Bundle Burial**



October 12, 1994  
Columbia Mo 65201

Dear Michelle,

The excavation field notes you sent me October 3 were made by me while I was stationed at EFMO in 1957 or 1958. I jacketed the bundle of bones, and they were part of an exhibit in the museum at EFMO for several (?) months prior to the time that all such exhibits were removed from NPS areas. I recognize the notes for sure but do not remember that I had any assistance (Bleshwell, Kyle, Thompson) in the project. Neither do I remember the term "Devil's Den" was used with reference to the place. I did not name it but do remember the exact location of the site. The location was derived from a USGS Quadrangle map.

Yours Sincerely,  
Robert (Bob) Bray



United States Department of the Interior

NATIONAL PARK SERVICE  
Midwest Archeological Center  
Federal Building, Room 474  
100 Centennial Mall North  
Lincoln, Nebraska 68508-3875

IN REPLY REFER TO:

October 3, 1994

H2217 (MWAC)

Robert Bray

(b) (2), (b) (6)

Dear Mr. Bray:

Per our telephone conversations on September 29 and 30, enclosed are copies of the field notes I told you about. As I explained, we have a bundle burial in our holdings and have no documentation about it. We do not know the site it is from, nor when or by whom it was excavated. We are attempting to determine if these notes relate to the bundle burial, which is partially encased in plaster and was apparently exhibited at Effigy Mounds some time in the past. Page four of these notes identifies a bone bundle from Mound #1 of Devils Den Mound Group. We would like to know if this bone bundle is the bundle burial we have, and hope the enclosed notes might refresh your memory of the Devils Den work or the burial that was once exhibited at Effigy Mounds.

We were very sorry to learn about Wil Logan ourselves, and thought you might want to know. We look forward to hearing from you. Please do not hesitate to telephone us if you should have questions at 402-437-5392. If I am not in, please ask to speak with Tom Thiessen.

Thank you for your cooperation and time.

Sincerely,

  
Michelle L. Watson

Enclosure

MWATSON/lz/LOGAN/10/3/94



# FILE COPY

H14

10/21/94

## Memorandum

To: Park Files, Effigy Mounds NM

From: Administrative Clerk, (b) (2), (b) (6)

Subject: Bundle Burial formerly on exhibit at EFMO

During October, 1994 I did some research in regards to the bundle burial that was formerly on display at Effigy Mounds National Monument. This research, I hope will clear up some of the confusion surround the acquisition, exhibition, and disposition of the bundle burial that came to be known by park employees as "Charlie". Copies of all referenced maps, memorandum, etc. are attached.

The paper trail starts with reference in Ellison Orr's manuscript, Volume XII. Orr mentions a group of three conical mounds - Marquette-Yellow River Mound Group No. 2. - that he did a reconnaissance survey of in 1907 and again in 1915 with Charles F. Pye. These mounds were located on a prominent point overlooking the Mississippi River in Clayton county. Orr does not list the section and township numbers but he does show the demarcation of the Basil Giard claim as being slightly south of the three conicals. Comparing Orr's drawing to present day maps this would place the mound group in Section 15, T95N, R3W, approximately 2 miles south of present day EFMO boundaries. Orr lists the prominent point as being "Prospect Point".

In the archeological files I found excavation notes by Robert T. Bray. In the folder labeled "Marquette-Yellow River Mound Group #2 - Excavation notes are seven sheets of fine-lined graph paper with pencil notes and sketches. The "first sheet" says simply "Notes on the excavation of 2 conical mounds on bluff just north of Marquette." The "second sheet" (labeled page one) is a sketch of a mound. Important notes on this include the first reference to the mounds being called "Devils Den Mound Group". Bray also lists the legal description as SE, NW, S15, T95N, R3W, Clayton County. The notes also indicate the excavation was done by Bray, Blackwell (Ralph), Kile (Robert), and Thompson (Dave??) on June 10, 1957.

Reference is made on page three of the principle owner as Milo Moody, McGregor, IA with no previous record located.

The last three pages give information on Mound No. 2 excavation. Significant notes include the drawing of a bone bundle in the mound excavation drawing. The mound is also noted as being part of Devils Den Mound Group. The excavation took place on June 19-21, 1957; again by Bray, Blackwell, Kile, and Thompson. The last page notes the bone bundle consisting of 31 long bones came from square 2, DD41" (top). The bone bundle was also jacketed with a plaster cast and removed to the monument headquarters.

EFMO's accession book was scanned to see whether any of the above information was present in any of the accessions. Accession 12 listed an acquisition date of June 20, 1957. Further investigation revealed that archeological material from a mound excavation was accession into the monument collection. The material was received from Robert T. Bray and Milo Moody as a gift.

The accession folder for Accession 12 was then pulled to see if any other information was available. The Accession Receiving Report lists one bundle burial excavated from a conical mound in the "Devils Den Mound Group". It also mentions the Marquette-Yellow River Mound Group No. 2 as gives the site number as 13CT50.

Conversations with three long-term employees yielded some substantiation to Charlie's original resting place. Maintenance seasonal Tim Mason (1979), Seasonal park Ranger Dennis Runge (1968), and former superintendent Tom Munson (1971) all recollect the burial coming from Devils Den but believed that the burial was found in the rockshelter below the mound group rather than the mound itself. Tom Munson did concede that burials were seldom intact if found in rockshelters. Remains found in rockshelters tend to be scattered. It appears that Charlie was relatively intact. Dennis Runge claims that Bray did quite a few excavations with Blackwell, Kile, and Thompson. All three of these men were on the maintenance crew at EFMO during the summer of 1957. Bray was reportedly a contract archeologist who utilized park employees to help with the excavations. Dennis Runge also mentioned the possibility that there is a photograph of Devils Den in Orr's photos. This possibility remains to be explored.

Charlie was on display in the museum when Tom came to EFMO in 1971. Tom Munson believes Charlie was sent to MWAC in 1972 or 1973. He recollects a later conversation with Bob Nickels in which neither MWAC or EFMO wanted to retain Charlie. Tom suggested to Bob that it be sent to State Archeologist Shirley Schermer for interment with other remains from EFMO that were being reburied. Possibly Bob Nickels has some recollection of this conversation. Tom stated that EFMO has no use for the burial and would prefer it be reburied.

Park files dating back to the early 1970's have been sent off to the archives but I was able to find one file remaining that briefly mentions the burial and an inventory done in 1973 that indicates that the transfer was done before July, 1973.

Telephone conversations with Tom Thiessen and Michelle Watson from MWAC on Oct. 17, 20, and 21 indicate that MWAC is anxious to catalog Charlie for NAGPRA purposes. If the information above is sufficient I will catalog it under Accession 12 with a catalog number of EFMO-9916.





**Appendix J**  
**Skeletal Remains Curated at**  
**Midwest Archeological Center, NPS**

**NATIONAL PARK SERVICE**

**EFFIGY MOUNDS NATIONAL MONUMENT [MW]**

**NATIVE AMERICAN GRAVES PROTECTION AND REPATRIATION ACT**

**INVENTORY**

**11/10/1995**

**Listing of Human Remains and Associated Funerary Objects  
For Which No Culturally Affiliated Present-Day Indian Tribe  
Can Be Determined**

The following inventory concerns human remains and associated funerary objects for which the NPS is responsible. No items have been determined to be culturally affiliated with present-day Indian tribes. The determination of cultural affiliation was based upon information obtained from NPS museum records, cultural affiliation specialists, and consultation with representatives of the present-day Indian tribes as noted below. Additional information may be on file.

**ID #** 1

**Context Synopsis:** Dale Henning, assisted by Tim Mason, a member of Effigy Mounds staff, was contracted to repair vandal damage to Mound 43 of the Sny Magill Unit, Effigy Mounds NM. Documentation includes a report by Dale R. Henning (1991) titled "Archeological Evaluation of Damage to Mound 43 Sny Magill Unit Effigy Mounds NM, Iowa, on file at the Midwest Archeological Center.

**Accession Data:** MWAC accession no. 569; EPMO accession no. 147

**Provenience:** 13CT18 [SNY MAGILL MOUND NO. 43]

**Cultural Affiliation:** unknown

**Assigned by:** Nickel, Robert, Supervisory Archeologist, NATIONAL PARK SERVICE

**Total Catalog Recs:** 1 **Total Items:** 15

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**Item:** BONE

**State Site No:** 13CT18 **SubContext:**

**Within Site Prov:** SNY MAGILL MOUND NO. 43 **Catalog #:** EPMO 9917

**Measurement:** **Item Count:** 15 **Item Qty:** 0 **Storage Unit:** EA

**Description:** HUMAN REMAINS FOUND IN THE 1991 LOOTING OF SNY MAGILL MOUND NO. 43.

**Cultural Identity:** Identified by: HENNING, DALE R.

**Date/Period:**

**ID #** 2

**Context Synopsis:** One bundle burial excavated from a conical mound in the "Devils Den Mound Group." Because of research conducted by (b) (2), (b) (6) at Effigy Mounds during October, 1994, and through correspondence with Robert Bray, the Devils Den Mound Group, also known as the Marquette-Yellow River Mound Group No. 2, on the bluffs between Marquette and Yellow River has been confirmed as the site from which the burial was removed.

**Accession Data:** MWAC accession no. 35; EPMO accession no. 12

**Provenience:** 13CT50 [DEVIL'S DEN MOUND GROUP]

**Cultural Affiliation:** unknown

**Assigned by:** Nickel, Robert, Supervisory Archeologist, NATIONAL PARK SERVICE

**Total Catalog Recs:** 1 **Total Items:** 0

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**Item:** BUNDLE BURIAL

**State Site No:** 13CT50 **SubContext:**

**Within Site Prov:** DEVIL'S DEN MOUND GROUP **Catalog #:** EPMO 9916

**Measurement:** **Item Count:** 0 **Item Qty:** 1 **Storage Unit:** BX

**Description:** ABOUT 94 WHOLE AND FRAGMENTARY BONES, SOME ARE WRAPPED AND SOME ARE PLASTER JACK ETED.

**Cultural Identity:** Identified by:

**Date/Period:**





**Appendix K**  
**White Paper**  
**Disposition of Human Remains**

## DISPOSITION OF HUMAN REMAINS

### WHITE PAPER

**ISSUE:** What is the appropriate disposition of human remains from archeological sites which have been recovered from Federal lands, through the use of Federal monies, or under Federal sanction?

#### DESCRIPTION

In the course of archeological studies human physical remains (bone, and in some cases, mummified or otherwise preserved soft tissue) may be encountered. The question of whether the remains should be reburied or curated in a scientific facility has been raised by religious, cultural and scientific groups who have an expressed or vested interest in the disposition of these remains. Proponents of reinternment, in the extreme, call for unrestricted reburial of all human remains regardless of age or ethnic affiliation. The extreme opposite position calls for the mandatory curation of all human remains.

Recently, concern over the disposition of human remains has increased. A primary goal of most Native American activist groups is the reburial of all Indian remains. Reactions from scientific communities have resulted in the adoption of resolutions against reburial. The American Academy of Forensic Science (Forensic Anthropology Section) and the American Association of Physical Anthropologists passed resolutions decrying "indiscriminate" reburial. Although the Society for American Archaeology had passed a resolution against reburial unless lineal descent could be demonstrated, the resolution was subsequently withdrawn (November 1984).

Several legal mandates bear on the issue of the disposition of human remains including the American Indian Religious Freedom Act of 1978 (AIRFA), the Archaeological Resources Protection Act of 1979 (ARPA) and its implementing regulations, 43 CFR 7 (applicable portions of the legislation are presented in Appendix I). While AIRFA does not mention human remains directly, it has been used to argue for reinternment on the basis of religious concerns. Section 3.1 of ARPA and Section 3(a) of 43 CFR 7 specifically define graves and human remains which are at least 100 years of age as archeological resources, allow for scientific investigations, and provide for the curation of them in appropriate facilities.

Other antiquities legislation deals less directly with the issue. Human remains from National Register of Historic Place eligible or listed sites would be covered under Section 106 of the National Historic Preservation Act (NHPA) as amended (1980). Just as with ARPA, NHPA (section 101(a)(7)) provides for the long term curation of records and artifacts. The implementing regulations for this act, 36 CFR 60, generally exempt cemeteries and graves of historical figures but allow for their inclusion in the National Register of Historic Places based on age, association with historical events, and potential to yield information important in history and prehistory. The Secretary of the Interior's Standards for Archeology and Historic Preservation (1983) also states that archeological specimens and records should be curated in a suitable repository which provides access to the material for future research. The regulations cite Human Bones and Archeology as a reference for further information.

Although the draft implementing regulation (36 CFR 66) for the Archeological and Historic Preservation Act of 1974 is currently being rewritten, the extant version defines human skeletal remains as scientific material (section 66.1). They also identify that data and material from public lands or collected under Federal sanction remain the property of the Federal government.

## **PRESENT POLICY**

In 1979, a uniform policy dealing specifically with the disposition of human remains was developed by the Heritage Conservation and Recreation Service. This policy was slightly modified and became Department of the Interior policy in March 1982 (it is included in Appendix II). Although initial efforts in formulating the policy preceded passage of ARPA and AIRFA, the requirements of both along with comments from the Bureau of Indian Affairs representing Indian concerns and legal opinions from several solicitors were considered in framing the 1982 departmental policy. The policy pertains to Department of the Interior (DOI) actions on Federal lands and DOI sanctioned projects and relates only to archeologically derived remains. Subsequently, other executive departments have adopted this policy or follow it in principal. Although the initial stimulus to develop departmental policy and guidance came from Indian concerns, the policy and guidance is nondiscriminatory and covers all human remains located as a result of archeological activity. Generally, the Federal government has deferred to State law governing dedicated cemeteries.

The Department of Interior's policy on the disposition of human remains is consonant with AIRFA and applies to remains from public or Indian lands which are located as a result of archeological investigations conducted or authorized by the Department. The major criteria underlying the Departmental policy is that the remains are archeological resources if they are 100 years old and are of archeological interest as stipulated in the ARPA (Sec. 3.(1)) and 43 CFR 7. Consultation with groups who may have an interest in the disposition of the remains is an integral step in the determination process.

The Department's policy and guidance establishes a process for Federal land managers to use in reaching decisions regarding the disposition of human remains. This policy and guidance requires neither unrestricted reburial nor mandatory curation of the remains. It leaves the decision to the land manager for determination based on the merits of each case. The process is consonant with the land manager's ARPA responsibilities and provides for consultation with appropriate religious, cultural and scientific groups with a vested interest in the remains. The land manager must evaluate the potential conflict between religious sentiments and scientific value in reaching the determination of whether reburial or curation is appropriate.

The Departmental Consulting Archeologist is currently preparing additional guidance on the disposition of human remains which will be in the form of a "Preservation Brief." The brief will review the applicable legislation and case law relating to the disposition of human remains, identify the potential religious, cultural, and scientific values, and outline the process by which appropriate interest groups should be contacted. It will serve as guidance to allow the land managing official to determine the disposition of the remains on a case by case basis. Additionally, the Department of the Interior is preparing regulations governing the curation of archeological data and materials which are under Federal jurisdiction. These regulations will be codified as 36 CFR 79.

## APPENDIX I

### RELEVANT PORTIONS OF LEGISLATION BEARING ON THE ISSUE OF THE DISPOSITION OF HUMAN REMAINS

#### NATIONAL HISTORIC PRESERVATION ACT OF 1966 AS AMENDED (PL 89-665)

Sec. 101(a)(7) The Secretary shall promulgate, or revise, regulations-  
(A) ensuring that significant prehistoric and historic artifacts, and associated records, subject to section 110 of this Act, the Act of June 27, 1960 (16 U.S.C. 469c), and the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470aa and following) are deposited in an institution with adequate long term- curatorial capabilities.

36 CFR 60: Implementing Regulations for PL 89-665 (Federal Register November 16, 1981)

Section 60.4 of 36 CFR 60 clarifies the status of historical cemeteries and graves with respect to eligibility to the National Register of Historic Places.

#### 60.4 Criteria for Evaluation.

Criteria considerations. Ordinarily cemeteries, birthplaces, or graves of historical figures, properties owned by religious institutions or used for religious purposes... shall not be considered eligible for the National Register. However, such properties will qualify if they are integral parts of districts that do meet the criteria or if they fall within the following categories:

(c) A birthplace or grave of a historical figure of outstanding importance if there is no appropriate site or building directly associated with his productive life.

(d) A cemetery which derives its primary significance from graves of persons of transcendent importance, from age, from distinctive design features, or from association with historic events.

#### SECRETARY OF THE INTERIORS STANDARDS AND GUIDELINES FOR ARCHEOLOGY AND HISTORIC PRESERVATION

The Secretary's Standards promulgated under PL 89-665 (Federal Register September 29, 1983) provide clarification regarding curation:

Archeological specimens and records are part of the documentary record of an archeological site. They must be curated for future use in research, interpretation, preservation, and resource management activities. Curation of important archeological specimens and records should be provided for in the development of any archeological program or project.

Archeological specimens and records that should be curated are those that embody the information important to history and prehistory. They include artifacts and their associated documents, photographs, maps, and field notes; materials of an environmental nature such as bones, shells, soil and sediment samples, wood, seeds, pollen, and their associated records; and the products and associated records of laboratory procedures such as thin sections, and sediment fractions that result from the analysis of archeological data.



Satisfactory curation occurs when:

1. Curation facilities have adequate space, facilities, and professional personnel;
2. Archeological specimens are maintained so that their information values are not lost through deterioration, and records are maintained to a professional archival standard;
3. Curated collections are accessible to qualified researchers within a reasonable time of having been requested; and
4. Collections are available for interpretive purposes, subject to reasonable security precautions.

Recommended Sources of Technical Information

Human Bones and Archeology. Douglas H. Ubelaker. Interagency Archeological Services, Heritage Conservation and Recreation Commission. U.S. Department of the Interior, Washington, D.C. 1980 (page 44737).

**36 CFR 66: Implementing Regulations for PL 93-291 (Federal Register January 28, 1977)**

The draft implementing regulations for the Archeological and Historic Preservation Act of 1974, 36 CFR 66, are in the process of being rewritten and should be reissued by the end of 1985. They are referenced here because they have been utilized, albeit in draft form, and have provided guidance since 1977. Section 66.1 of the proposed regulations define skeletal remains as scientific material. Section 66.3 (a) (1 and 2) identify that data and material from Public lands or collected under Federal sanction remain the property of the Federal government and that such material is to be maintained in the public trust.

**66.3 Protection of data and materials.**

(a) Data recovery programs result in the acquisition of notes, photographs, drawings, plans, computer output, and other data. They also often result in the acquisition of architectural elements, artifacts, soil, bone, modified stones, pollen, charcoal, and other physical materials subject to analysis, interpretation, and in some instances display. Analytical techniques that can be applied to such data and material change and improve through time, and interpretative questions that may be asked using such data and material also change and develop. For these reasons, and to maintain data and material for public enjoyment through museum display, it is important that the data and material resulting from data recovery programs be maintained and cared for in the public trust.

(1) Data and materials recovered from lands under the jurisdiction or control of a Federal agency are the property of the United States Government. They shall be maintained by the Government or on behalf of the Government by qualified institutions through mutual agreement. A qualified institution is one equipped with proper space, facilities, and personnel for the curation, storage, and maintenance of the recovered data and materials. The exact nature of the requisite space, facilities, and personnel will vary depending on the kinds of data and materials recovered, but in general it is necessary for a qualified institution to maintain a laboratory where specimens can be cleaned, labeled, and preserved or restored if necessary; a secure and fireproof archive for the storage of photographs, notes, etc., and a staff capable of caring for the recovered material.

(2) Data recovered from lands not under the control or jurisdiction of a Federal agency, as a condition of a Federal license, permit, or other

entitlement, are recovered on behalf of the people of the United States Government. They should be maintained as provided under /Paragraph/ 66.3(1)(a) above... Material recovered under such circumstances should be maintained in the manner prescribed under /Paragraph/ 66.3(1)(a) insofar as possible

(b) Data and material resulting from a data recovery program should be maintained by a qualified institution or institutions as close as possible to their place of origin and made available for future research.

#### **Joint Resolution, American Indian Religious Freedom Act (PL 95-341)**

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That henceforth it shall be the policy of the United States to protect and preserve for American Indians their inherent right of freedom to believe, express, and exercise the traditional religions of the American Indian, Eskimo, Aleut, and Native Hawaiians, including but not limited to access to sites, use and possession of sacred objects, and the freedom to worship through ceremonials and traditional rites.

Sec. 2. The President shall direct the various Federal departments, agencies, and other instrumentalities responsible for administering relevant laws to evaluate their policies and procedures in consultation with native traditional religious leaders in order to determine appropriate changes necessary to protect and preserve Native American religious cultural rights and practices. Twelve months after approval of the resolution, the President shall report back to the Congress the results of his evaluation, including any changes which were made in administrative policies and procedures, and any recommendations he may have for legislative action.

There are no implementing regulations for AIRFA

#### **Archaeological Resources Protection Act of 1979 (PL 96-95)**

Sec. 2.(b) The purpose of this Act is to secure, for the present and the future benefit of the American people, the protection of archaeological resources and sites which are on public and Indian lands...

Sec. 3.(1) The term "archaeological resource" means any material remains of past human life or activities which are of archeological interest, as determined under uniform regulations promulgated pursuant to this Act. Such regulations containing such determination shall include, but not be limited to: pottery, basketry, bottles, weapons, weapon projectiles, tools, structures, or portions of structures, pit houses, rock paintings, rock carvings, intaglios, graves, human skeletal materials, or any portion or piece of any of the foregoing items (emphasis added).

Sec. 4.(a) Any person may apply to the Federal land manager for a permit to excavate or remove any archaeological resource located on public lands or Indian lands and to carry out activities associated with such excavation or removal. The application shall be required, under uniform regulations under this Act, to contain such information as the Federal land manager deems necessary, including information concerning the time, scope, and location and specific purpose of the proposed work.

(b) A permit may be issued pursuant to an application under subsection (a) if the Federal land manager determines, pursuant to uniform regulations under this Act, that

(2) the activity is undertaken for the purpose of furthering archeological knowledge and public interest,

(3) the archaeological resources which are excavated or removed from public lands will remain the property of the United States, and such resources and copies of associated archaeological records and data will be preserved by a suitable university, museum, or other scientific or educational institution...

(c) If a permit issued under this section may result in harm to, or destruction of, any religious or cultural site, as determined by the Federal land manager, before issuing such permit, the Federal land manager shall notify any Indian tribe which may consider the site as having religious or cultural importance. Such notice shall not be deemed a disclosure to the public for purposes of section 9.

(g)(1) No permit shall be required under this section or under the Act of June 8, 1906 (16 U.S.C. 431), for the excavation or removal by any Indian tribe or member thereof of any archaeological resource located on Indian lands of such Indian tribe, except that in the absence of tribal law regulating the excavation or removal of archaeological resources on Indian lands, an individual tribal member shall be required to obtain a permit under this section.

(2) In case of any permits for the excavation or removal of any archaeological resource located on Indian lands, the permit may be granted only after obtaining the consent of the Indian or Indian tribe owning or having jurisdiction over such lands. The permit shall include such terms and conditions as may be requested by such Indian or Indian tribe.

Sec. 5. The Secretary of the Interior may promulgate regulations providing for-

(1) the exchange, where appropriate, between suitable universities, museums, or other scientific or educational institutions, of archaeological resources removed from public lands and Indian lands pursuant to this Act, and

(2) the ultimate disposition of such resources and other resources removed pursuant to the Act of June 27, 1960 (16 U.S.C. 469-469c) or the Act of June 8, 1906 (16 U.S.C. 431-433).

Any exchange or ultimate disposition under such regulation of archaeological resources excavated or removed from Indian lands shall be subject to the consent of the Indian or Indian tribe which owns or has jurisdiction over such lands. Following promulgation of regulations under this section, notwithstanding any other provision of law, such regulations shall govern the disposition of archeological resources removed from public lands and Indian lands pursuant to this Act.

43 CFR 7: Implementing regulations for PL 96-95 (Federal Register February 6, 1984).

The regulations implementing ARPA provide additional information on and clarification of the definition of "archaeological interest."

3(a) "Archaeological Resource" means any material remains of human life or activity which are at least 100 years of age and which are of archaeological interest.

(1) "Of archaeological interest" means capable of providing scientific or humanistic understandings of past human behavior, cultural adaptation, and related topics through the application of scientific or scholarly techniques such as controlled observation, contextual measurement, controlled collection, analysis, interpretation and explanation.

(2) "Material remains " means physical evidence of human habitation, occupation, use, or activity, including the site, location, or context in which such evidence is situated.

(3) The following classes of material remains (and illustrative examples), if they are at least 100 years of age, are of archaeological interest and shall be considered archaeological resources ...

(vi) Human remains (including, but not limited to bone, teeth, mummified flesh, burials, cremations).



## APPENDIX II

United States Department of the Interior

### GUIDELINES FOR THE DISPOSITION OF ARCHEOLOGICAL AND HISTORICAL HUMAN REMAINS

#### BACKGROUND

Archeological investigations frequently encounter various types of interred human remains which are important for their cultural, religious, and scientific values. While a number of bureaus and offices within the Department of the Interior conduct archeological programs, the Department has never developed a consistent approach toward the disposition of archeological and historical human remains. These Guidelines set forth the approach which the Department will pursue in relation to such remains.

Over the past few years the Departmental Consulting Archeologist has received numerous requests from Federal, State and local agencies and professional archeologists for guidance on the appropriate disposition of historical and archeological human remains. In an effort to provide such guidance an interim statement on the disposition of human remains was developed and issued in 1979. In response both to comments on this interim statement and to increasing numbers of requests for further guidance, the Departmental Consulting Archeologist undertook the development of a Departmentwide policy. This policy was developed in consultation with archeologists in other Interior bureaus, the Department's Solicitor's Office, and the National Park Service's Office of Management Policy. These guidelines were approved by Mr. G. Ray Arnett, Assistant Secretary for Fish and Wildlife and Parks, on July 23, 1982.

These guidelines were prepared by Dr. Annetta L. Cheek. For further information, contact the Departmental Consulting Archeologist, National Park Service, Washington, D.C. 20240.

#### GUIDELINES

These Guidelines outline the approach of the Department of the Interior on the disposition of archeological and historical human remains disturbed during archeological investigations conducted or authorized by the Department's bureaus and offices. These guidelines are in addition to and are not meant to replace or supplant any planning procedures established by Federal law or regulations. In order to deal with a variety of legitimate views of living groups toward the exhumation, analysis and disposition of human remains, the Department seeks to establish a consistent approach for its bureaus and offices to follow in determining the proper treatment of such remains. This approach will be applicable when investigations of archeological resources, conducted by or through the Department as an authorized Federal undertaking, will knowingly disturb interments of human remains, when interments are inadvertently disturbed on property owned or managed by the Department, either through natural causes or through human activities, and in any other situation in which the Department must decide on the disposition of disturbed interments of human remains.

While preservation of human remains in situ is generally preferable to removal, preservation in situ is not always feasible. In cases where it is not, it is recognized that proper treatment often involves especially sensitive issues in which scientific, cultural,

and religious values must be considered and reconciled. It is therefore the policy of the Department of the Interior to provide reasonable opportunity for consultation by the responsible bureau or office with groups or individuals interested in the disposition of disturbed human remains. This opportunity should be provided at the earliest feasible time after disturbance or, in the case of planned activity, as soon as it becomes apparent that disturbance of human remains will occur. Each bureau or office shall consider courses of action suggested during consultation as well as any requirements of other entities having legal jurisdiction in particular cases while still fulfilling its responsibilities under historic preservation law and Executive orders.

1. Where the disturbance involves marked or identified interments of human remains, a reasonable effort will be made to identify and locate individuals who can demonstrate direct kinship with those interred individuals. The bureau head or designated representative will consult with such persons who respond in a timely fashion to the notification in the determination of the most appropriate treatment for the interments.
2. Where the disturbance involves interments of human remains known by the bureau to have affinity to specific living groups such as federally recognized Indian tribes or ethnic groups (for example, the Hutterites, Amish, and non-federally recognized Indian groups), a reasonable effort will be made to identify, locate and notify leaders, officials or spokespersons for these groups. In the case of Indian tribes, notice shall be given to the recognized tribal governing body. The bureau head or designated representative will consult with such persons who respond in a timely fashion in the determination of the most appropriate treatment for the interments.
3. Where the disturbance involves interments which the bureau cannot identify with a specific living group, the bureau will make a reasonable effort to notify groups who may be expected to have an interest in the disposition of the remains based on a professional determination of generalized cultural affinity. If such groups identify themselves as having such an interest, they will be provided a reasonable opportunity to consult with the bureau head or designated representative in regard to appropriate treatment of the interment. If any group claims an affinity with the remains, the responsibility for documenting and validating that claim rests with the group.
4. Any bureau or office of the Department charged with the care or custody of human remains will maintain the collection in keeping with the dignity and respect to be accorded all human remains. Costs accruing as a result of consultation, treatment or curation of human remains are to be borne by the bureau, office or Federal agency responsible for the disinterment.
5. The bureau head may request the Departmental Consulting Archeologist or a designated representative to conduct the consultations required by the policy or to provide advice or assistance in related matters.
6. As used above, the interpretation of "reasonable" and "timely" will consider the cultural or scientific value of the human remains and the cost to the government of locating interested parties and providing consultation opportunities.

Department of the Interior  
National Park Service  
COLLECTIONS MANAGEMENT REPORT

I. FISCAL YEAR 1993  
REGION MM  
PARK EFMD  
CENTER

NOTE: An asterisk (\*) in front of a value indicates an estimate.

	NUMBER OF TRANS- ACTIONS	NUMBER OF ITEMS IN TRANSACTIONS								ITEM TOTAL
		IN YEAR	ARCH	ETHN	HIST	ARCHV	BIOL	PALEO	GEOLOG	
II. ACCESSIONS										
1. Gifts	0	0	0	0	0	0	0	0	0	0
2. Exchanges	0	0	0	0	0	0	0	0	0	0
3. Purchases	0	0	0	0	0	0	0	0	0	0
4. Field collections	0	0	0	0	0	0	0	0	0	0
5. Trans. from other NPS units	0	0	0	0	0	0	0	0	0	0
6. Trans. from Fed. institutions	0	0	0	0	0	0	0	0	0	0
7. Incoming loans	0	0	0	0	0	0	0	0	0	0
8. TOTAL ACCESSIONS	0	0	0	0	0	0	0	0	0	0
DEACCESSIONS										
1. Exchanges	0	0	0	0	0	0	0	0	0	0
2. Transfers to other NPS units	0	0	0	0	0	0	0	0	0	0
3. Losses, except theft	0	0	0	0	0	0	0	0	0	0
4. Theft	0	0	0	0	0	0	0	0	0	0
Return of incoming loans	0	0	0	0	0	0	0	0	0	0
5. Other	0	0	0	0	0	0	0	0	0	0
7. TOTAL DEACCESSIONS	0	0	0	0	0	0	0	0	0	0
CATALOGING (Form 10-254) Forms Completed										
1. Registration Data Only	0	0	0	0	0	0	0	0	0	0
2. Registration and Catalog Data	74	56	4	7	0	7	0	0	0	74
3. Catalog Data Only	0	0	0	0	0	0	0	0	0	0
4. Recataloging	0	0	0	0	0	0	0	0	0	0
CONSERVATION										
1. Collection Condition Survey	0	0	0	0	0	0	0	0	0	0
2. Treatments										
a. By NPS Center/Region	0	0	0	0	0	0	0	0	0	0
b. By Park Staff	0	0	0	0	0	0	0	0	0	0
c. By Contractor	109	0	0	0	109	0	0	0	0	109
3. TOTAL CONSERVATION TREATMENTS	109	0	0	0	109	0	0	0	0	109
III. CATALOGING SUMMARY ALL YEARS - Forms Completed										
1. Registration Data Only	0	0	0	0	0	0	0	0	0	0
2. Registration & Catalog Data	9910	8417	29	52	889	650	0	0	0	10037
3. TOTAL FORMS COMPLETED	9910	8417	29	52	889	650	0	0	0	10037
4. Backlog to be cataloged	3875	85	0	0	4217	0	0	800	0	5102
5. TOTAL COLLECTION SUMMARY	13793	8502	29	52	5106	650	0	800	0	15139
IV. FIREARMS:										
1. Total # of firearms/collection	0									
2. Total # of acquired this year	0									
V. USE										
1. Total # of outgoing loans	3									
2. Total # of items/outgoing loans	450									
3. Tot. items from coll. in exhib.	200									
4. Total # research request (park)	6									
5. Total # research request (out)	10									
VI. PLANNING										
Date(s)										
SOC		\$ 0.00								
CMP		FTE 0.00								
CSP										
CCS										
HFR										
EP										
VII. FUNDING										
ARCH = Archeology										
ETHN = Ethnology										
HIST = Includes History, Fine Arts, Photographs, Architecture Specimens										
ARCHV = Archives										
BIOL = Biology										
PALEO = Paleontology										
GEOLOG = Geology										
VIII. NOTEWORTHY ACCESSIONS & DEACCESSIONS & OTHER COMMENTS:										
IX. FORM COMPLETED BY: Sharon Shearer, Admin Clerk (39) 873-3491 2/21/94										
(Name) (Title) (Phone) (Date)										
APPROVAL: <u>James A. Mauer</u>										
(Superintendent for Park Reports; Manager for center reports; Regional Director for Regional Summary)										

Form 10-94 (rev. 8/86)

Department of the Interior  
National Park Service  
COLLECTIONS MANAGEMENT REPORT

I. FISCAL YEAR 1993  
REGION MW  
PARK EFMD  
CENTER

NOTE: An asterisk (\*) in front of a value indicates an estimate.

[X] Park Report [ ] Park Summary [ ] Center Report for Park [ ] Regional Summary	NUMBER OF TRANS- ACTIONS	NUMBER OF ITEMS IN TRANSACTIONS								ITEM TOTAL
		IN YEAR	ARCH	ETHN	HIST	ARCHV	BIOL	PALEO	GEOL	
<b>II. ACCESSIONS</b>										
1. Gifts	0	0	0	0	0	0	0	0	0	0
2. Exchanges	0	0	0	0	0	0	0	0	0	0
3. Purchases	0	0	0	0	0	0	0	0	0	0
4. Field collections	0	0	0	0	0	0	0	0	0	0
5. Trans. from other NPS units	0	0	0	0	0	0	0	0	0	0
6. Trans. from Fed. institutions	0	0	0	0	0	0	0	0	0	0
7. Incoming loans	0	0	0	0	0	0	0	0	0	0
8. TOTAL ACCESSIONS	0	0	0	0	0	0	0	0	0	0
<b>DEACCESSIONS</b>										
1. Exchanges	0	0	0	0	0	0	0	0	0	0
2. Transfers to other NPS units	0	0	0	0	0	0	0	0	0	0
3. Losses, except theft	0	0	0	0	0	0	0	0	0	0
4. Theft	0	0	0	0	0	0	0	0	0	0
Return of incoming loans	0	0	0	0	0	0	0	0	0	0
6. Other	0	0	0	0	0	0	0	0	0	0
7. TOTAL DEACCESSIONS	0	0	0	0	0	0	0	0	0	0
<b>CATALOGING (Forms 10-254) Forms Completed</b>										
1. Registration Data Only	0	0	0	0	0	0	0	0	0	0
2. Registration and Catalog Data	74	56	4	7	0	7	0	0	0	74
3. Catalog Data Only	0	0	0	0	0	0	0	0	0	0
4. Recataloging	0	0	0	0	0	0	0	0	0	0
<b>CONSERVATION</b>										
1. Collection Condition Survey	0	0	0	0	0	0	0	0	0	0
<b>2. Treatments</b>										
a. By NPS Center/Region	0	0	0	0	0	0	0	0	0	0
b. By Park Staff	0	0	0	0	0	0	0	0	0	0
c. By Contractor	109	0	0	0	109	0	0	0	0	109
3. TOTAL CONSERVATION TREATMENTS	109	0	0	0	109	0	0	0	0	109
<b>III. CATALOGING SUMMARY ALL YEARS - Forms Completed</b>										
1. Registration Data Only	0	0	0	0	0	0	0	0	0	0
2. Registration & Catalog Data	9915	* 8417	* 29	* 52	* 800	* 650	0	0	0	* 9948
3. TOTAL FORMS COMPLETED	9915	* 8417	* 29	* 52	* 800	* 650	0	0	0	* 9948
4. Backlog to be cataloged	* 3800	0	0	0	* 3800	0	0	* 800	* 0	* 4600
5. TOTAL COLLECTION SUMMARY	* 13715	* 8417	* 29	* 52	* 4600	* 650	0	* 800	* 0	* 14548
<b>IV. FIREARMS:</b>										
1. Total # of firearms/collection	0									
2. Total # of acquired this year	0									
<b>V. USE</b>										
1. Total # of outgoing loans	3									
2. Total # of items/outgoing loans	* 450									
3. Tot. items from coll. in exhib.	* 200									
4. Total # research request (park)	* 6									
5. Total # research request (out)	* 10									
<b>VI. PLANNING</b>										
Date(s)										
SOC 1992 \$ 10000.00										
CMP 1987 FTE 0.00										
CSP										
CCS 1990										
HFR										
EP 1987										
<b>VII. FUNDING</b>										
ARCH = Archeology										
ETHN = Ethnology										
HIST = Includes History, Fine Arts, Photographs, Architecture Specimens										
ARCHV = Archives										
BIOL = Biology										
PALEO = Paleontology										
GEOL = Geology										

VIII. NOTEWORTHY ACCESSIONS & DEACCESSIONS & OTHER COMMENTS:

IX. FORM COMPLETED BY: SHARON M. GREENER ADMINISTRATIVE CLERK 319-873-3491 02/21/94  
(Name) (Title) (Phone) (Date)

APPROVAL: THOMAS A. MUNSON, SUPERINTENDENT  
(Superintendent for Park Reports; Manager for center reports; Regional Director for Regional Summary)

Form 10-94 (rev. 8/86)



National Park Service  
COLLECTIONS MANAGEMENT REPORT

**FISCAL**  
 1. ~~CYCLE~~ YEAR 1993  
 REGION MW  
 PARK EFMD  
 CENTER MWAC

NOTE: An asterisk (\*) in front of a value indicates an estimate.

	NUMBER OF		NUMBER OF ITEMS IN TRANSACTIONS							
	TRANS-	ACTIONS	ARCH	ETHN	HIST	ARCHV	BIOL	PALED	GEOL	ITEM TOTAL
[ ] Park Report										
[ ] Park Summary										
[X] Center Report for Park										
[ ] Regional Summary										
<b>II. ACCESSIONS</b>										
1. Gifts	0	0	0	0	0	0	0	0	0	0
2. Exchanges	0	0	0	0	0	0	0	0	0	0
3. Purchases	0	0	0	0	0	0	0	0	0	0
4. Field collections	0	0	0	0	0	0	0	0	0	0
5. Trans. from other NPS units	0	0	0	0	0	0	0	0	0	0
6. Trans. from Fed. institutions	0	0	0	0	0	0	0	0	0	0
7. Incoming loans	0	0	0	0	0	0	0	0	0	0
8. TOTAL ACCESSIONS	0	0	0	0	0	0	0	0	0	0
<b>DEACCESSIONS</b>										
1. Exchanges	0	0	0	0	0	0	0	0	0	0
2. Transfers to other NPS units	0	0	0	0	0	0	0	0	0	0
3. Losses, except theft	0	0	0	0	0	0	0	0	0	0
4. Theft	0	0	0	0	0	0	0	0	0	0
5. Return of incoming loans	0	0	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0	0	0
7. TOTAL DEACCESSIONS	0	0	0	0	0	0	0	0	0	0
<b>CATALOGING (Form 10-254) Forms Completed</b>										
1. Registration Data Only	0	0	0	0	0	0	0	0	0	0
2. Registration and Catalog Data	0	0	0	0	0	0	0	0	0	0
3. Catalog Data Only	0	0	0	0	0	0	0	0	0	0
4. Recataloging	0	0	0	0	0	0	0	0	0	0
<b>CONSERVATION</b>										
1. Collection Condition Survey	0	0	0	0	0	0	0	0	0	0
2. Treatments										
a. By NPS Center/Region	0	0	0	0	0	0	0	0	0	0
b. By Park Staff	0	0	0	0	0	0	0	0	0	0
c. By Contractor	0	0	0	0	0	0	0	0	0	0
3. TOTAL CONSERVATION TREATMENTS	0	0	0	0	0	0	0	0	0	0
<b>III. CATALOGING SUMMARY ALL YEARS - Forms Completed</b>										
1. Registration Data Only	0	0	0	0	0	0	0	0	0	0
2. Registration & Catalog Data	3	0	0	0	0	89	0	0	0	89
3. TOTAL FORMS COMPLETED	3	0	0	0	0	89	0	0	0	89
4. Backlog to be cataloged	75	*	85	0	0	417	0	0	0	582
5. TOTAL COLLECTION SUMMARY	78	*	85	0	0	506	0	0	0	591
<b>IV. FIREARMS:</b>										
1. Total # of firearms/collection	0									
2. Total # of acquired this year	0									
<b>V. USE</b>										
1. Total # of outgoing loans	0									
2. Total # of items/outgoing loans	0									
3. Tot. items from coll. in exhib.	0									
4. Total # research request (park)	0									
5. Total # research request (out)	0									
<b>VI. PLANNING</b>										
			SOC			\$	0.00			
			CMP			FTE	0.00			
			CSP							
			CCS							
			HFR							
			EP							
<b>VII. FUNDING</b>										
<b>VIII. NOTEWORTHY ACCESSIONS &amp; DEACCESSIONS &amp; OTHER COMMENTS:</b>										
<b>IX. FORM COMPLETED BY:</b>										
	R.K. NICKEL		SUPERVISORY ARCHEOLOGIST		402-437-5392		01/25/94			
	(Name)		(Title)		(Phone)		(Date)			
<b>APPROVAL:</b>										
	F.A. CALABRESE									
	(Superintendent for Park Reports; Manager for center reports; Regional Director for Regional Summary)									
	Form 10-94 (rev. 8/86)									

COLLECTIONS MANAGEMENT REPORT

1. FISCAL YEAR 1992  
 REGION MW  
 PARK EFMO  
 CENTER \_\_\_\_\_

NOTE: An asterisk (\*) in front of a value indicates an estimate.

	NUMBER OF TRANS- ACTIONS	NUMBER OF ITEMS IN TRANSACTIONS								ITEM TOTAL
		IN YEAR	ARCH	ETHN	HIST	ARCHV	BIOL	PALEO	GEOL	
II. ACCESSIONS										
1. Gifts	0	0	0	0	0	0	0	0	0	0
2. Exchanges	0	0	0	0	0	0	0	0	0	0
3. Purchases	0	0	0	0	0	0	0	0	0	0
4. Field collections	2	0	0	0	89	0	0	0	0	89
5. Trans. from other NPS units	0	0	0	0	0	0	0	0	0	0
6. Trans. from Fed. institutions	0	0	0	0	0	0	0	0	0	0
7. Incoming loans	0	0	0	0	0	0	0	0	0	0
8. TOTAL ACCESSIONS	2	0	0	0	89	0	0	0	0	89
DEACCESSIONS										
1. Exchanges	0	0	0	0	0	0	0	0	0	0
2. Transfers to other NPS units	0	0	0	0	0	0	0	0	0	0
3. Losses, except theft	0	0	0	0	0	0	0	0	0	0
4. Theft	0	0	0	0	0	0	0	0	0	0
5. Return of incoming loans	0	0	0	0	0	0	0	0	0	0
6. Other	0	0	0	0	0	0	0	0	0	0
TOTAL DEACCESSIONS	0	0	0	0	0	0	0	0	0	0
CATALOGING (Form 10-254) Forms Completed										
1. Registration Data Only	0	0	0	0	0	0	0	0	0	0
2. Registration and Catalog Data	6	0	0	0	178	0	0	0	0	178
3. Catalog Data Only	* 3832	* 3732	* 20	* 20	* 20	* 40	0	0	0	* 3832
Recataloging	* 6010	* 6000	0	0	0	* 10	0	0	0	* 6010
CONSERVATION										
1. Collection Condition Survey	0	0	0	0	0	0	0	0	0	0
2. Treatments										
a. By NPS Center/Region	0	0	0	0	0	0	0	0	0	0
b. By Park Staff	0	0	0	0	0	0	0	0	0	0
c. By Contractor	401	0	0	0	401	0	0	0	0	401
3. TOTAL CONSERVATION TREATMENTS	401	0	0	0	401	0	0	0	0	401
III. CATALOGING SUMMARY ALL YEARS - Forms Completed										
1. Registration Data Only	0	0	0	0	0	0	0	0	0	0
2. Registration & Catalog Data	9845	* 8361	* 25	* 45	* 889	* 650	0	0	0	* 9970
3. TOTAL FORMS COMPLETED	9845	* 8361	* 25	* 45	* 889	* 650	0	0	0	* 9970
4. Backlog to be cataloged	* 3819	13	0	0	* 4217	0	0	0	0	* 4230
5. TOTAL COLLECTION SUMMARY	* 13664	* 8374	* 25	* 45	* 5106	* 650	0	0	0	* 14200
IV. FIREARMS:										
1. Total # of firearms/collection	0									
2. Total # of acquired this year	0									
V. USE										
1. Total # of outgoing loans	3									
2. Total # of items/outgoing loans	* 450									
3. Tot. items from coll. in exhib.	* 200									
4. Total # research request (park)	* 4									
5. Total # research request (out)	* 6									
VI. PLANNING										
Date(s)										
SOC 1992										
CMP 1987										
CSP _____										
CCS 1990										
HFR _____										
EP 1987										
VII. FUNDING										
\$ 11820.00										
FTE 0.65										
ARCH = Archeology										
ETHN = Ethnology										
HIST = Includes History, Fine Arts, Photographs, Architecture Specimens										
ARCHV = Archives										
BIOL = Biology										
PALEO = Paleontology										
GEOL = Geology										
VIII. NOTEWORTHY ACCESSIONS & DEACCESSIONS & OTHER COMMENTS:										
IX. FORM COMPLETED BY: _____										
(Name)			(Title)			(Phone)			(Date)	
APPROVAL: _____										
(Superintendent for Park Reports; Manager for center reports; Regional Director for Regional Summary)										
Form 10-94 (rev. 8/86)										

COLLECTIONS MANAGEMENT REPORT

I. FISCAL YEAR 1992  
 REGION MW  
 PARK EFMO  
 CENTER \_\_\_\_\_

NOTE: An asterisk (\*) in front of a value indicates an estimate.

	NUMBER OF TRANS- ACTIONS	NUMBER OF ITEMS IN TRANSACTIONS								ITEM TOTAL	
		IN YEAR	ARCH	ETHN	HIST	ARCHV	BIOL	PALEO	GEOL		
<b>II. ACCESSIONS</b>											
1. Gifts	0	0	0	0	0	0	0	0	0	0	
2. Exchanges	0	0	0	0	0	0	0	0	0	0	
3. Purchases	0	0	0	0	0	0	0	0	0	0	
4. Field collections	2	0	0	0	89	0	0	0	0	89	
5. Trans. from other NPS units	0	0	0	0	0	0	0	0	0	0	
6. Trans. from Fed. institutions	0	0	0	0	0	0	0	0	0	0	
7. Incoming loans	0	0	0	0	0	0	0	0	0	0	
8. TOTAL ACCESSIONS	2	0	0	0	89	0	0	0	0	89	
<b>DEACCESSIONS</b>											
1. Exchanges	0	0	0	0	0	0	0	0	0	0	
2. Transfers to other NPS units	0	0	0	0	0	0	0	0	0	0	
3. Losses, except theft	0	0	0	0	0	0	0	0	0	0	
4. Theft	0	0	0	0	0	0	0	0	0	0	
5. Return of Incoming loans	0	0	0	0	0	0	0	0	0	0	
6. Other	0	0	0	0	0	0	0	0	0	0	
TOTAL DEACCESSIONS	0	0	0	0	0	0	0	0	0	0	
<b>CATALOGING (Form 10-254) Forms Completed</b>											
1. Registration Data Only	0	0	0	0	0	0	0	0	0	0	
2. Registration and Catalog Data	3	0	0	0	89	0	0	0	0	89	
3. Catalog Data Only	* 3832	* 3732	* 20	* 20	* 20	* 40	0	0	0	* 3832	
Recataloging	* 6010	* 6000	0	0	0	* 10	0	0	0	* 6010	
<b>CONSERVATION</b>											
1. Collection Condition Survey	0	0	0	0	0	0	0	0	0	0	
2. Treatments											
a. By NPS Center/Region	0	0	0	0	0	0	0	0	0	0	
b. By Park Staff	0	0	0	0	0	0	0	0	0	0	
c. By Contractor	401	0	0	0	401	0	0	0	0	401	
3. TOTAL CONSERVATION TREATMENTS	401	0	0	0	401	0	0	0	0	401	
<b>III. CATALOGING SUMMARY ALL YEARS - Forms Completed</b>											
1. Registration Data Only	0	0	0	0	0	0	0	0	0	0	
2. Registration & Catalog Data	9842	* 8361	* 25	* 45	* 800	* 650	0	0	0	* 9881	
3. TOTAL FORMS COMPLETED	9842	* 8361	* 25	* 45	* 800	* 650	0	0	0	* 9881	
4. Backlog to be cataloged	* 3800	0	0	0	* 3800	0	0	0	0	* 3800	
5. TOTAL COLLECTION SUMMARY	* 13642	* 8361	* 25	* 45	* 4600	* 650	0	0	0	* 13681	
<b>IV. FIREARMS:</b>											
1. Total # of firearms/collection	0										
2. Total # of acquired this year	0										
<b>V. USE</b>											
1. Total # of outgoing loans	3										
2. Total # of items/outgoing loans	* 450										
3. Tot. items from coll. in exhib.	* 200										
4. Total # research request (park)	* 4										
5. Total # research request (out)	* 6										
<b>VII. FUNDING</b>											
Date(s)											
SOC 1992 \$ 11820.00											
CMP 1987 FTE 0.65											
CSP _____											
CCS 1990 _____											
HFR _____											
EP 1987 _____											
<b>VIII. NOTEWORTHY ACCESSIONS &amp; DEACCESSIONS &amp; OTHER COMMENTS:</b>											
<b>IX. FORM COMPLETED BY:</b> (b) (2), (b) (6) PARK RANGER 319-873-3491 02/08/93											
(Name) (Title) (Phone) (Date)											
APPROVAL: THOMAS A. MUNSON											
(Superintendent for Park Reports; Manager for center reports; Regional Director for Regional Summary)											

COLLECTIONS MANAGEMENT REPORT

I. FISCAL YEAR 1992  
 REGION MW  
 PARK EFMO  
 CENTER MWAC

NOTE: An asterisk (\*) in front of a value indicates an estimate.

	NUMBER OF TRANS- ACTIONS	NUMBER OF ITEMS IN TRANSACTIONS								ITEM TOTAL
		IN YEAR	ARCH	ETHN	HIST	ARCHV	BIOL	PALEO	GEOL	
<b>II. ACCESSIONS</b>										
1. Gifts	0	0	0	0	0	0	0	0	0	0
2. Exchanges	0	0	0	0	0	0	0	0	0	0
3. Purchases	0	0	0	0	0	0	0	0	0	0
4. Field collections	0	0	0	0	0	0	0	0	0	0
5. Trans. from other NPS units	0	0	0	0	0	0	0	0	0	0
6. Trans. from Fed. institutions	0	0	0	0	0	0	0	0	0	0
7. Incoming loans	0	0	0	0	0	0	0	0	0	0
8. TOTAL ACCESSIONS	0	0	0	0	0	0	0	0	0	0
<b>DEACCESSIONS</b>										
1. Exchanges	0	0	0	0	0	0	0	0	0	0
2. Transfers to other NPS units	0	0	0	0	0	0	0	0	0	0
3. Losses, except theft	0	0	0	0	0	0	0	0	0	0
4. Theft	0	0	0	0	0	0	0	0	0	0
5. Return of incoming loans	0	0	0	0	0	0	0	0	0	0
6. Other	0	0	0	0	0	0	0	0	0	0
TOTAL DEACCESSIONS	0	0	0	0	0	0	0	0	0	0
<b>CATALOGING (Form 10-254) Forms Completed</b>										
1. Registration Data Only	0	0	0	0	0	0	0	0	0	0
2. Registration and Catalog Data	3	0	0	0	89	0	0	0	0	89
Catalog Data Only	0	0	0	0	0	0	0	0	0	0
Recataloging	0	0	0	0	0	0	0	0	0	0
<b>CONSERVATION</b>										
1. Collection Condition Survey	0	0	0	0	0	0	0	0	0	0
2. Treatments										
a. By NPS Center/Region	0	0	0	0	0	0	0	0	0	0
b. By Park Staff	0	0	0	0	0	0	0	0	0	0
c. By Contractor	0	0	0	0	0	0	0	0	0	0
3. TOTAL CONSERVATION TREATMENTS	0	0	0	0	0	0	0	0	0	0
<b>III. CATALOGING SUMMARY ALL YEARS - Forms Completed</b>										
1. Registration Data Only	0	0	0	0	0	0	0	0	0	0
2. Registration & Catalog Data	3	0	0	0	89	0	0	0	0	89
3. TOTAL FORMS COMPLETED	3	0	0	0	89	0	0	0	0	89
4. Backlog to be cataloged	* 19	13	0	0	* 417	0	0	0	0	* 430
5. TOTAL COLLECTION SUMMARY	* 22	13	0	0	* 506	0	0	0	0	* 519

IV. FIREARMS:

1. Total # of firearms/collection	0
2. Total # of acquired this year	0

V. USE

1. Total # of outgoing loans	0
2. Total # of items/outgoing loans	0
3. Tot. items from coll. in exhib.	0
4. Total # research request (park)	0
5. Total # research request (out)	0

VI. PLANNING

SOC	_____
CMP	_____
CSP	_____
CCS	_____
HFR	_____
EP	_____

VII. FUNDING

\$	0.00
FTE	0.00

- ARCH = Archeology
- ETHN = Ethnology
- HIST = Includes History, Fine Arts, Photographs, Architecture Specimens
- ARCHV = Archives
- BIOL = Biology
- PALEO = Paleontology
- GEOL = Geology

VIII. NOTEWORTHY ACCESSIONS & DEACCESSIONS & OTHER COMMENTS:

IX. FORM COMPLETED BY: R.K. NICKEL SUPERVISORY ARCHEOLOGIST 402-437-5392 01/28/93  
 (Name) (Title) (Phone) (Date)

APPROVAL: F.A. CALABRESE  
 (Superintendent for Park Reports; Manager for center reports; Regional Director for Regional Summary)



Department of the Interior  
National Park Service  
COLLECTIONS MANAGEMENT REPORT

1. ~~CALENDAR YEAR~~ YEAR 1991  
REGION 7A  
EFMC

12/19/92 - 1/17/93

NOTE: An asterisk (\*) in front of a value indicates an estimate.

SER	NUMBER OF TRANSACTIONS	NUMBER OF ITEMS IN TRANSACTIONS							ITEM TOTAL	
		IN YEAR	ARCH	ETHN	HIST	ARCHV	BIO	PALEO		GEOL
<b>II. ACCESSIONS</b>										
1. Gifts	0	0	0	0	0	0	0	0	0	0
2. Exchanges	0	0	0	0	0	0	0	0	0	0
3. Purchases	0	0	0	0	0	0	0	0	0	0
4. Field collections	3	13	0	0	6	1	0	0	0	20
5. Trans. from other NPS units	0	0	0	0	0	0	0	0	0	0
6. Trans. from Fed. institutions	0	0	0	0	0	0	0	0	0	0
7. Incoming loans	0	0	0	0	0	0	0	0	0	0
8. TOTAL ACCESSIONS	3	13	0	0	6	1	0	0	0	20
<b>DEACCESSIONS</b>										
1. Exchanges	0	0	0	0	0	0	0	0	0	0
2. Transfers to other NPS units	0	0	0	0	0	0	0	0	0	0
3. Losses, except theft	0	0	0	0	0	0	0	0	0	0
4. Theft	0	0	0	0	0	0	0	0	0	0
5. Return of incoming loans	0	0	0	0	0	0	0	0	0	0
6. Other	0	0	0	0	0	0	0	0	0	0
7. TOTAL DEACCESSIONS	0	0	0	0	0	0	0	0	0	0
<b>CATALOGING (Form 10-254) Forms Completed</b>										
1. Registration Data Only	0	0	0	0	0	0	0	0	2	0
2. Registration and Catalog Data	381	0	0	0	0	381	0	0	0	381
3. Catalog Data Only	0	0	0	0	0	0	0	0	0	0
4. Cataloging	0	0	0	0	0	0	0	0	0	0
<b>CONSERVATION</b>										
1. Collection Condition Survey	0	0	0	0	0	0	0	0	0	0
<b>TREATMENTS</b>										
a. By NPS Center/Region	0	0	0	0	0	0	0	0	0	0
b. By Park Staff	0	0	0	0	0	0	0	0	0	0
c. By Contractor	1	0	0	1	0	0	0	0	0	1
3. TOTAL CONSERVATION TREATMENTS	1	0	0	1	0	0	0	0	0	1
<b>III. CATALOGING SUMMARY ALL YEARS - Forms Completed</b>										
1. Registration Data Only	0	750	100	0	0	0	0	0	0	850
2. Registration & Catalog Data	9519	7429	0	900	601	0	0	0	0	8924
3. TOTAL FORMS COMPLETED	9469	8179	100	900	601	0	0	0	0	9784
4. Backlog to be cataloged	22	13	0	3506	0	0	800	0	0	4319
5. TOTAL COLLECTION SUMMARY	9491	8192	100	4406	601	0	800	0	0	14103
<b>IV. FIREARMS:</b>										
1. Total # of firearms/collection	0	VI. PLANNING			VII. FUNDING			ARCH = Archeology		
2. Total # acq. this year	0	Date(s)						ETHN = Ethnology		
<b>USE</b>										
1. Total # of outgoing loans	0	SOC			FYE			HIST = Includes History, Fine Arts, Photographs, Architecture Specimens		
2. Total # of items/outgoing loans	0	CMP						ARCHV = Archives		
3. Tot. items from coll. in exhib.	300	CSF						BIO = Biology		
4. Total # research request (park)	0	CCS						PALEO = Paleontology		
5. Total # research request (out)	0	HFF						GEOL = Geology		
6. Total # research request (out)	0	ED								

WORTHY ACCESSIONS & DEACCESSIONS & OTHER COMMENTS:

FORM COMPLETED BY: Sharon Greener Park Ranger (319) 873-3491 3/16/92  
(Name) (Title) (Phone) (Date)

BY: Thomas A. Munson  
(Superintendent for Park Reports; Manager for Center Reports; Regional Director for Regional Summary)

Form 10-94 (rev. 3/26)

National Park Service  
 COLLECTIONS MANAGEMENT REPORT

REGION NW  
 CENTER EFMD

NOTE: An asterisk (\*) in front of a value indicates an estimate.

	NUMBER OF	NUMBER OF ITEMS IN TRANSACTIONS									ITEM TOTAL
		TRANS-	ARCH	ETHN	HIST	ARCHV	BIOG	PALED	GEOL		
II. ACCESSIONS											
1. Gifts	0	0	0	0	0	0	0	0	0	0	0
2. Exchanges	0	0	0	0	0	0	0	0	0	0	0
3. Purchases	0	0	0	0	0	0	0	0	0	0	0
4. Field collections	2	1	0	0	0	1	0	0	0	0	2
5. Trans. from other NPS units	0	0	0	0	0	2	0	0	0	0	0
6. Trans. from Fed. institutions	0	0	0	0	0	0	0	0	0	0	0
7. Incoming loans	0	0	0	0	0	0	0	0	0	0	0
8. TOTAL ACCESSIONS	2	1	0	0	0	2	0	0	0	0	2
DEACCESSIONS											
1. Exchanges	0	0	0	0	0	0	0	0	0	0	0
2. Transfers to other NPS units	0	0	0	0	0	0	0	0	0	0	0
3. Losses, except theft	0	0	0	0	0	0	0	0	0	0	0
4. Theft	0	0	0	0	0	0	0	0	0	0	0
5. Return of incoming loans	0	0	0	0	0	0	0	0	0	0	0
6. Other	0	0	0	0	0	0	0	0	0	0	0
7. TOTAL DEACCESSIONS	0	0	0	0	0	0	0	0	0	0	0
CATALOGING (Form 10-254) Forms Completed											
1. Registration Data Only	0	0	0	0	0	0	0	0	0	0	0
2. Registration and Catalog Data	381	0	0	0	0	381	381	0	0	0	381
3. Catalog Data Only	0	0	0	0	0	0	0	0	0	0	0
4. Recataloging	0	0	0	0	0	0	0	0	0	0	0
CONSERVATION											
1. Collection Condition Survey	0	0	0	0	0	0	0	0	0	0	0
Treatments											
a. By NPS Center/Region	0	0	0	0	0	0	0	0	0	0	0
b. By Park Staff	0	0	0	0	0	0	0	0	0	0	0
c. By Contractor	1	0	0	1	0	0	0	0	0	0	1
3. TOTAL CONSERVATION TREATMENTS	1	0	0	1	0	0	0	0	0	0	1
III. CATALOGING SUMMARY ALL YEARS - Forms Completed											
1. Registration Data Only	* 850	* 750	* 100	0	0	0	0	0	0	* 850	
2. Registration & Catalog Data	* 8619	* 7425	0	0	902	601	0	0	0	* 8934	
3. TOTAL FORMS COMPLETED	* 9469	* 8175	* 100	0	902	601	0	0	0	* 9784	
4. Backlog to be cataloged	0	0	0	0	3000	0	0	0	0	800	3800
5. TOTAL COLLECTION SUMMARY	* 9469	* 8175	* 100	0	3902	601	0	0	0	* 880	13584
IV. FIREARMS:											
1. Total # of firearms/collection	0	VI. PLANNING		VII. FUNDING		ARCH = Archeology					
2. Total # of acquired this year	0	Date(s)				ETHN = Ethnology					
V. USE											
1. Total # of outgoing loans	0	SOC	1985	\$	7500.00	HIST = Includes History, Fine Arts, Photographs, Architecture Specimens					
2. Total # of items/outgoing loans	0	CMP		FTE	0.50	ARCHV = Archives					
3. Tot. items from coll. in exhib.	200	CSP	1992			BIOG = Biology					
4. Total # research request (park)	0	CCS				PALED = Paleontology					
5. Total # research request (out)	0	HFR	1987			GEOL = Geology					

VIII. NOTWORTHY ACCESSIONS & DEACCESSIONS & OTHER COMMENTS:

FORM COMPLETED BY: SHARON GREENER PARK RANGER 319-873-3491 03/16/92  
 (Name) (Title) (Phone) (Date)

APPROVAL: THOMAS A. MUMSON *Thomas A. Mumson*

Supervisor for Park Reports; Manager for center reports; Regional Director for Regional Summary)

Form 10-94 (rev. 8/86)

U.S. Department of the Interior  
National Park Service  
COLLECTIONS MANAGEMENT REPORT

10/1/92 - 9/30/92  
CALENDAR YEAR 1991  
REGION MW  
OFF EFMD  
ICN MHSC

NOTE: An asterisk (\*) in front of a value indicates an estimate.

1. Park Report	2. Park Summary	3. Center Report for Park	4. Regional Summary	NUMBER OF ITEMS IN TRANSACTIONS									
				NUMBER OF TRANS-ACTIONS IN YEAR	ARCH	ETHN	HIST	ARCHV	BIOL	PALEO	GEOL	ITEM TOTAL	
<b>ACCESSIONS</b>													
1. Gifts	0	0	0	0	0	0	0	0	0	0	0	0	0
2. Exchanges	0	0	0	0	0	0	0	0	0	0	0	0	0
3. Purchases	0	0	0	0	0	0	0	0	0	0	0	0	0
4. Field collections	1	12	0	0	6	0	0	0	0	0	0	0	18
5. Trans. from other NPS units	0	0	0	0	0	0	0	0	0	0	0	0	0
6. Trans. from Fed. institutions	0	0	0	0	0	0	0	0	0	0	0	0	0
7. Incoming loans	0	0	0	0	0	0	0	0	0	0	0	0	0
8. TOTAL ACCESSIONS	1	12	0	0	6	0	0	0	0	0	0	0	18
<b>DEACCESSIONS</b>													
1. Exchanges	0	0	0	0	0	0	0	0	0	0	0	0	0
2. Transfers to other NPS units	0	0	0	0	0	0	0	0	0	0	0	0	0
3. Losses, except theft	0	0	0	0	0	0	0	0	0	0	0	0	0
4. Theft	0	0	0	0	0	0	0	0	0	0	0	0	0
5. Return of incoming loans	0	0	0	0	0	0	0	0	0	0	0	0	0
6. Other	0	0	0	0	0	0	0	0	0	0	0	0	0
7. TOTAL DEACCESSIONS	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>CATALOGING (Form 10-254) Forms Completed</b>													
1. Registration Data Only	0	0	0	0	0	0	0	0	0	0	0	0	0
2. Registration and Catalog Data	0	0	0	0	0	0	0	0	0	0	0	0	0
3. Catalog Data Only	0	0	0	0	0	0	0	0	0	0	0	0	0
4. Total Cataloging	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>CONSERVATION</b>													
1. Collection Condition Survey	0	0	0	0	0	0	0	0	0	0	0	0	0
2. Treatments													
a. By NPS Center/Region	0	0	0	0	0	0	0	0	0	0	0	0	0
b. By Park Staff	0	0	0	0	0	0	0	0	0	0	0	0	0
c. By Contractor	0	0	0	0	0	0	0	0	0	0	0	0	0
3. TOTAL CONSERVATION TREATMENTS	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>I. CATALOGING SUMMARY ALL YEARS - Forms Completed</b>													
1. Registration Data Only	0	0	0	0	0	0	0	0	0	0	0	0	0
2. Registration & Catalog Data	0	0	0	0	0	0	0	0	0	0	0	0	0
3. TOTAL FORMS COMPLETED	0	0	0	0	0	0	0	0	0	0	0	0	0
4. Backlog to be cataloged	1*	22	13	0	0*	506	0	0	0	0	0	0	519
5. TOTAL COLLECTION SUMMARY	1*	22	13	0	0*	506	0	0	0	0	0	0	519
<b>FIREARMS:</b>													
1. Total # of firearms/collection	0												
2. Total # of acquired this year	0												
<b>USE</b>													
1. Total # of outgoing loans	0												
2. Total # of apps/outgoing loans	0												
3. Tot. items from coll. in exhib.	0												
4. Total # research request (park)	0												
5. Total # research request (out)	0												
<b>II. NOTeworthy ACCESSIONS &amp; DEACCESSIONS &amp; OTHER COMMENTS:</b>													
FORM COMPLETED BY:	R. K. NICKE	SUPERVISORY ARCHEOLOGIST		402-437-5392	02/25/92								
	(Name)	(Title)		(Phone)	(Date)								
APPROVAL:	F. A. CALABRESE												
	(Superintendent for Park Reports; Manager for center reports; Regional Director for Regional Summary)												
	Form 10-94 (rev. 8/86)												



# United States Department of the Interior



NATIONAL PARK SERVICE  
EFFIGY MOUNDS NATIONAL MONUMENT  
RR 1, BOX 25A  
HARPERS FERRY, IOWA 52146-9744

IN REPLY REFER TO:

H1817(MI)

(319) 873-3491

March 21, 1991

## Memorandum

To: Regional Director, Midwest Region  
Attention: Regional Curator

From: Superintendent, Effigy Mounds NM

Subject: Annual Collections Management Report  
Reply due: April 1    Response required

As requested, enclosed is a diskette with the Collection Management Report for Effigy Mounds National Monument and a hard copy for your use.

Unfortunately, when we tried to create just the EFM01990.txt file the "create" function on the CMR Program could not read the information found in the directory. The instructions sent with the software program said that this could happen as these functions were not fine tuned. Consequently, we have included the complete CMR directory for Effigy Mounds on the diskette for your use in retrieving the Effigy Mounds Collection Management Report.

If you have any questions about the diskette and its contents, please contact (b) (2), (b) (6) or Friday Wiles.

Thomas A. Munson

Enclosures (2)  
Collections Management Report  
Diskette





U.S. Department of the Interior  
National Park Service  
COLLECTIONS MANAGEMENT REPORT

I. CALENDAR YEAR 1990 *4/1/90 - 3/31/90*  
 REGION MW  
 PARK EFMO  
 CENTER \_\_\_\_\_

NOTE: An asterisk (\*) in front of a value indicates an estimate.

	NUMBER OF		NUMBER OF ITEMS IN TRANSACTIONS								
	TRANS-	ACTIONS	IN YEAR	ARCH	ETHN	HIST	ARCHV	BIOL	PALED	GEOL	ITEM TOTAL
<input checked="" type="checkbox"/> Park Report											
<input type="checkbox"/> Park Summary											
<input type="checkbox"/> Center Report for Park											
<input type="checkbox"/> Regional Summary											
<b>II. ACCESSIONS</b>											
1. Gifts	0	0	0	0	0	0	0	0	0	0	0
2. Exchanges	0	0	0	0	0	0	0	0	0	0	0
3. Purchases	0	0	0	0	0	0	0	0	0	0	0
4. Field collections	0	0	0	0	0	0	0	0	0	0	0
5. Trans. from other NPS units	0	0	0	0	0	0	0	0	0	0	0
6. Trans. from Fed. institutions	0	0	0	0	0	0	0	0	0	0	0
7. Incoming loans	0	0	0	0	0	0	0	0	0	0	0
8. TOTAL ACCESSIONS	0	0	0	0	0	0	0	0	0	0	0
<b>DEACCESSIONS</b>											
1. Exchanges	0	0	0	0	0	0	0	0	0	0	0
2. Transfers to other NPS units	0	0	0	0	0	0	0	0	0	0	0
3. Losses, except theft	0	0	0	0	0	0	0	0	0	0	0
4. Theft	0	0	0	0	0	0	0	0	0	0	0
5. Return of incoming loans	0	0	0	0	0	0	0	0	0	0	0
6. Other	0	0	0	0	0	0	0	0	0	0	0
7. TOTAL DEACCESSIONS	0	0	0	0	0	0	0	0	0	0	0
<b>CATALOGING (Form 10-254) Forms Completed</b>											
1. Registration Data Only	0	0	0	0	0	0	0	0	0	0	0
2. Registration and Catalog Data	1194	0	0	0	0	908	286	0	0	0	1194
3. Catalog Data Only	1589	395	0	0	0	908	286	0	0	0	1589
4. Recataloging	0	0	0	0	0	0	0	0	0	0	0
<b>CONSERVATION</b>											
1. Collection Condition Survey	0	0	0	0	0	0	0	0	0	0	0
2. Treatments											
a. By NPS Center/Region	0	0	0	0	0	0	0	0	0	0	0
b. By Park Staff	0	0	0	0	0	0	0	0	0	0	0
c. By Contractor	0	0	0	0	0	0	0	0	0	0	0
3. TOTAL CONSERVATION TREATMENTS	0	0	0	0	0	0	0	0	0	0	0
<b>III. CATALOGING SUMMARY ALL YEARS - Forms Completed</b>											
1. Registration Data Only	* 850	* 750	* 100	0	0	0	0	0	0	0	* 850
2. Registration & Catalog Data	* 8619	* 7425	0	0	0	908	286	0	0	0	* 8619
3. TOTAL FORMS COMPLETED	* 9469	* 8175	* 100	0	0	908	286	0	0	0	* 9469
4. Backlog to be cataloged	0	0	0	400	0	0	1000	0	200	0	1600
5. TOTAL COLLECTION SUMMARY	* 9469	* 8175	* 100	400	0	908	1286	0	200	0	11069
<b>IV. FIREARMS:</b>											
1. Total # of firearms/collection	0										
2. Total # of acquired this year	0										
<b>V. USE</b>											
1. Total # of outgoing loans	0										
2. Total # of items/outgoing loans	0										
3. Tot. items from coll. in exhib.	* 200										
4. Total # research request (park)	0										
5. Total # research request (out)	0										
<b>VI. PLANNING</b>											
		SOC	1985			\$ 7500.00					
		CMP				FTE 0.50					
		CSP									
		CCS	1990								
		HFR									
		EP	1987								
<b>VII. FUNDING</b>											
<b>VIII. ABBREVIATIONS:</b>											
ARCH	=	Archeology									
ETHN	=	Ethnology									
HIST	=	Includes History, Fine Arts, Photographs, Architecture Specimens									
ARCHV	=	Archives									
BIOL	=	Biology									
PALED	=	Paleontology									
GEOL	=	Geology									
<b>IX. NOTEWORTHY ACCESSIONS &amp; DEACCESSIONS &amp; OTHER COMMENTS:</b>											
<b>X. FORM COMPLETED BY:</b> SHARON GREENER PARK RANGER 319-873-3491 03/21/91											
(Name)			(Title)			(Phone)			(Date)		
APPROVAL <i>Thomas A. M...</i>											
(Superintendent for Park Reports; Manager for center reports; Regional Director for Regional Summary)											

Form 10-94 (rev. 8/86)

Keep  
11-17-97

UNITED STATES DEPARTMENT OF THE INTERIOR  REPORT OF SURVEY		Sheet <u>1</u> of <u>1</u>			
		Report No. RS-6290-0-0002			
		Date 7/16/90			
Originating Office and Telephone No. (include area code) Effigy Mounds National Monument Rural Route 1, Box 25A (319) 873- Harpers Ferry, IA 52146		Accountable Office and Location Effigy Mounds National Monument Rural Route 1, Box 25A Harpers Ferry, IA 52146			
The following items are: (check one) <input type="checkbox"/> Lost <input type="checkbox"/> Stolen <input type="checkbox"/> Damaged <input type="checkbox"/> Destroyed <input checked="" type="checkbox"/> Other (specify)					
A FULL AND COMPLETE STATEMENT MUST BE ATTACHED OUTLINING CIRCUMSTANCES INVOLVING THE IDENTIFIED PROPERTY					
ITEM NO.	QUANTITY OR PROPERTY NO.	ITEM DESCRIPTION	ORIGINAL ACQUISITION COST (OAC)	CONDITION CODE (See Reverse)	ESTIMATED VALUE
		See attached list.			
Accountable Officer Recommended disposition (check one): <input type="checkbox"/> Repair/ Reutilization <input type="checkbox"/> Sale/ Trade-in <input type="checkbox"/> Salvage <input type="checkbox"/> Scrap/ Destruction <input checked="" type="checkbox"/> Abandon <input type="checkbox"/> Other (specify)					
To the best of my knowledge the attached statement is correct and recommendations are in the best interest of the Government.					
Signature of Cognizant Employee _____ 7/16/90		Signature of Custodial Officer _____ 7/16/90		Signature of Accountable Officer _____ 7/16/90	
Board of Survey findings and determinations: <input type="checkbox"/> A complete statement of Board findings and determinations is attached. Miscellaneous material that does not fit the scope of Collection Statement for artifact/museum storage at Effigy Mounds NM. Deaccession from collection.					
Signature of Board Chairperson: _____ 7/16/90		Signature of Board Member: _____ 7/16/90		Signature of Board Member: _____ 7/16/90	
Reviewing Authority: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Returned for technical insufficiency (statement attached)				Superintendent _____ 7/16/90	
Head of Bureau or Office: (required only for disagreement between Board and Reviewing Authority) Statement of resolution:				Signature: _____ Date:	
Certificate of disposition-destruction: I certify that Item No. (s) _____ listed above has been destroyed					
Name of Destroying Official:		Title:		Signature:	
Witness Name:		Title:		Signature:	
Witness Name:		Title:		Signature:	
Adjustment to property records (Property Official Signature):		Date Completed		Adjustment to financial records (Financial Official Signature):	

## CONDITION CODES

- 1 = Unused—good
- 2 = Unused—fair
- 3 = Unused—poor
- 4 = Used—good
- 5 = Used—fair
- 6 = Used—poor
- 7 = Repairs required—good (less than 15% of Original Acquisition Cost (OAC) required).
- 8 = Repairs required—fair (16-40% of OAC required).
- 9 = Repairs required—poor (41-65% of OAC required).
- X = Salvage—Repair exceeds 65% of OAC, but parts have remaining value making cannibalization cost effective.
- S = Scrap—there is no remaining value except for basic material content.

Deaccessioned catalog num. rs - 7/16/90

Acc. 8

4846	5032	4789	4962	4769	5051	5636	5076
5481	5231	5042	4961	4861	5056	4963	5001
4820	5477	4920	4955	5017	5394	5393	4959
5589	5124	5047	4956	5221	5516	4960	4928
4929	4972	5099	4953	5091	5479	5100	4849
4924	4971	5434	4951	4692	4927	4594	4816
4930	4970	5072	4952	5000	4954	5236	4800
4980	5127	4939	4950	5089	5190	4889	4790
4679	5200	4925	4949	5041	4600	4822	
4593	5227	4715	4947	5090	4870	4817	
5028	5097	5189	4946	5088	5112	4806	
5474	5038	5188	4945	5555	5113	4801	
5475	4788	5707	5105	4606	5114	4884	
5473	4791	5362	5106	5341	5115	4958	
5476	4795	5220	5179	4638	5116	5014	
5482	5153	5239	4659	4592	5117	4878	
5484	4633	5695	5101	4859	5118	5002	
5483	5147	5430	5379	5025	5122	5104	
5478	5021	4885	5102	5034	5119	5109	
5471	5156	4998	5018	5033	4965	5148	
5486	4694	5594	5582	5020	4867	5213	
5121	4981	5520	5187	5019	4964	5558	
5586	5093	5026	5180	5016	4779	5706	
5096	4691	4869	5181	5013	4773	5694	
4966	4685	4696	5132	5012	4776	5317	
5225	4686	5494	5219	4619	5378	5212	
5206	5233	5108	5107	5123	4848	5144	
4940	5232	5427	5103	5480	4847	5111	
5425	5428	5426	4775	5098	4845	5077	

Acc. 16

642	638	1656	648	652	656
641	637	645	649	653	657
640	643	646	650	654	
639	644	647	651	655	

Acc. 95

1940      1941

Acc. 132 - 7249, 7331

Acc. 5 - 3929

Acc. 70

4551

Also deaccessioned are uncataloged portions of Accession numbers 1, 5, 8, 16, 53, 70, 78, 95, 106, 107, 109, 111, and 132.





# United States Department of the Interior



NATIONAL PARK SERVICE  
EFFIGY MOUNDS NATIONAL MONUMENT  
RR 1, BOX 25A  
HARPERS FERRY, IOWA 52146  
(319) 873-3491

REPLY REFER TO:

H1817 (MWR-MI)

February 22, 1990

## Memorandum

To: Regional Director, Midwest Region  
From: Superintendent, Effigy Mounds  
Subject: Annual Collections Management Report  
Reply due: February 26, 1990 Response required

As requested, enclosed is a diskette with the Collection Management Report for Effigy Mounds National Monument and a hard copy for your use.

Unfortunately, when we tried to create just the EFM01989.txt file the "create" function on the CMR Program could not read the information found in the directory. The instructions sent with the software program said that this could happen as these functions were not fine tuned. Consequently, we have included the complete CMR directory for Effigy Mounds on the diskette for your use in retrieving the Effigy Mounds Collection Management Report.

Also enclosed, please find our Annual Inventory of Museum Property.

If you have any questions about the diskette and its contents or the inventory, please contact (b) (2), (b) (6) or Friday Wiles.

Thomas A. Munson

Enclosures 3:  
Diskette  
Collections Management Report  
Inventory of Museum Property

National Park Service  
 COLLECTIONS MANAGEMENT REPORT

CALENDAR YEAR 1989  
 REGION 4  
 PARK EFMD  
 CENTER

NOTE: An asterisk (\*) in front of a value indicates an estimate.

NUMBER OF TRANSACTIONS	NUMBER OF ITEMS IN TRANSACTIONS									
	IN YEAR	ARCH	ETHN	HIST	ARCHV	BIDL	PALED	GEOL	ITEM TOTAL	
<b>ACCESSIONS</b>										
1. Gifts	0	0	0	0	0	0	0	0	0	0
2. Exchanges	0	0	0	0	0	0	0	0	0	0
3. Purchases	0	0	0	0	0	0	0	0	0	0
4. Field collections	0	0	0	0	0	0	0	0	0	0
5. Trans. from other NPS units	0	0	0	0	0	0	0	0	0	0
6. Trans. from Fed. institutions	0	0	0	0	0	0	0	0	0	0
7. Incoming loans	0	0	0	0	0	0	0	0	0	0
8. TOTAL ACCESSIONS	0	0	0	0	0	0	0	0	0	0
<b>DEACCESSIONS</b>										
1. Exchanges	0	0	0	0	0	0	0	0	0	0
2. Transfers to other NPS units	0	0	0	0	0	0	0	0	0	0
3. Losses, except theft	0	0	0	0	0	0	0	0	0	0
4. Theft	0	0	0	0	0	0	0	0	0	0
5. Return of incoming loans	0	0	0	0	0	0	0	0	0	0
6. Other	0	0	0	0	0	0	0	0	0	0
7. TOTAL DEACCESSIONS	0	0	0	0	0	0	0	0	0	0
<b>CATALOGING (Form 10-254) Forms Completed</b>										
1. Registration Data Only	0	0	0	0	0	0	0	0	0	0
2. Registration and Catalog Data	0	0	0	0	0	0	0	0	0	0
3. Catalog Data Only	3541	3541	0	0	0	0	0	0	0	3541
4. Recataloging	0	0	0	0	0	0	0	0	0	0
<b>CONSERVATION</b>										
1. Collection Condition Survey	0	0	0	0	0	0	0	0	0	0
2. Treatments										
a. By NPS Center/Region	0	0	0	0	0	0	0	0	0	0
b. By Park Staff	0	0	0	0	0	0	0	0	0	0
c. By Contractor	0	0	0	0	0	0	0	0	0	0
3. TOTAL CONSERVATION TREATMENTS	0	0	0	0	0	0	0	0	0	0
<b>1. CATALOGING SUMMARY ALL YEARS - Forms Completed</b>										
1. Registration Data Only	* 904	* 750	0	* 100	0	* 25	0	* 29	* 904	
2. Registration & Catalog Data	7907	* 7753	0	* 100	0	* 25	0	* 29	* 7907	
3. TOTAL FORMS COMPLETED	* 8811	* 8503	0	* 200	0	* 50	0	* 58	* 8811	
4. Backlog to be cataloged	0	0	0	* 200	* 1000	* 1000	0	* 200	* 2400	
5. TOTAL COLLECTION SUMMARY	* 8811	* 8503	0	* 400	* 1000	* 1050	0	* 258	* 11211	
<b>FIREARMS:</b>										
1. Total # of firearms/collection	0									
2. Total # of acquired this year	0									
<b>USE</b>										
1. Total # of outgoing loans	0									
2. Total # of items/outgoing loans	0									
3. Tot. items from coll. in exhib.	* 200									
4. Total # research request (park)	0									
5. Total # research request (out)	0									

11. NOTeworthy ACCESSIONS & DEACCESSIONS & OTHER COMMENTS:

FORM COMPLETED BY: SHARON GREENER PARK RANGER 319-873-3491 02/21/90  
 (Name) (Title) (Phone) (Date)

APPROVAL: *Thomas A. Mammone*  
 (Superintendent for Park Reports; Manager for center reports; Regional Director for Regional Summary)

Form 10-94 (rev. 8/86)

Department of the Interior  
National Park Service  
COLLECTIONS MANAGEMENT REPORT

I. CALENDAR YEAR 1987  
REGION NW  
PARK EFMO  
CENTER HWAC

NOTE: An asterisk (\*) in front of a value indicates an estimate.

	NUMBER OF:									
	TRANS- ACTIONS	ARCH	ETHN	HIST	ARCHV	BIOL	PALED	GEOL	ITEM	TOTAL
II. ACCESSIONS										
1. Gifts	0	0	0	0	0	0	0	0	0	0
2. Exchanges	0	0	0	0	0	0	0	0	0	0
3. Purchases	0	0	0	0	0	0	0	0	0	0
4. Field collections	0	0	0	0	0	0	0	0	0	0
5. Trans. from other NPS units	0	0	0	0	0	0	0	0	0	0
6. Trans. from Fed. institutions	0	0	0	0	0	0	0	0	0	0
7. Incoming loans	0	0	0	0	0	0	0	0	0	0
8. TOTAL ACCESSIONS	0	0	0	0	0	0	0	0	0	0
DEACCESSIONS										
1. Exchanges	0	0	0	0	0	0	0	0	0	0
2. Transfers to other NPS units	0	0	0	0	0	0	0	0	0	0
3. Losses, except theft	0	0	0	0	0	0	0	0	0	0
4. Theft	0	0	0	0	0	0	0	0	0	0
5. Return of incoming loans	0	0	0	0	0	0	0	0	0	0
6. Other	0	0	0	0	0	0	0	0	0	0
7. TOTAL DEACCESSIONS	0	0	0	0	0	0	0	0	0	0
CATALOGING (Form 10-254) Forms Completed										
1. Registration Data Only	0	0	0	0	0	0	0	0	0	0
2. Registration and Catalog Data	0	0	0	0	0	0	0	0	0	0
3. Catalog Data Only	0	0	0	0	0	0	0	0	0	0
4. Recataloging	0	0	0	0	0	0	0	0	0	0
CONSERVATION										
1. Collection Condition Survey	0	0	0	0	0	0	0	0	0	0
2. Treatments										
a. By NPS Center/Region	0	0	0	0	0	0	0	0	0	0
b. By Park Staff	0	0	0	0	0	0	0	0	0	0
c. By Contractor	0	0	0	0	0	0	0	0	0	0
3. TOTAL CONSERVATION TREATMENTS	0	0	0	0	0	0	0	0	0	0
III. CATALOGING SUMMARY ALL YEARS - Forms Completed										
1. Registration Data Only	0	0	0	0	0	0	0	0	0	0
2. Registration & Catalog Data	0	0	0	0	0	0	0	0	0	0
3. TOTAL FORMS COMPLETED	0	0	0	0	0	0	0	0	0	0
4. Backlog to be cataloged	0	0	0	0	0	0	0	0	0	0
5. TOTAL COLLECTION SUMMARY	0	0	0	0	0	0	0	0	0	0
IV. FIREARMS:										
1. Total # of firearms/collection	0									
2. Total # of acquired this year	0									
V. USE										
1. Total # of outgoing loans	0									
2. Total # of items/outgoing loans	0									
3. Tot. items from coll. in exhib.	0									
4. Total # research request (park)	0									
5. Total # research request (out)	0									
VI. PLANNING										
SOC _____										
CMP _____										
CSP _____										
CCS _____										
HFR _____										
EP _____										
VII. FUNDING										
\$ _____ 0.00										
FTE _____ 0.00										
ARCH = Archeology										
ETHN = Ethnology										
HIST = Includes History, Fine Arts, Photographs, Architecture Specimens										
ARCHV = Archives										
BIOL = Biology										
PALED = Paleontology										
GEOL = Geology										
VIII. NOTEWORTHY ACCESSIONS & DEACCESSIONS & OTHER COMMENTS:										
IX. FORM COMPLETED BY: <u>ROBERT K. NICKEL</u> SUPERVISORY ARCHEOLOGIST <u>402-437-5392</u> <u>92/23/90</u>										
(Name) (Title) (Phone) (Date)										
APPROVAL: <u>F.A. CALABRESE</u>										
(Superintendent for Park Reports; Manager for center reports; Regional Director for Regional Summary)										

Form 10-94 (rev. 8/86)

U.S. Department of the Interior  
National Park Service  
COLLECTIONS MANAGEMENT REPORT

I. CALENDAR YEAR 1988  
REGION MWR  
PARK EFMO  
CENTER \_\_\_\_\_

NOTE: An asterisk (\*) in front of a value indicates an estimate.

	NUMBER OF ITEMS IN TRANSACTIONS									
	NUMBER OF TRANS- ACTIONS	ARCH	ETHN	HIST	ARCHV	BIOL	PALED	GEOLOG	ITEM TOTAL	
[ ] Park Report										
[X] Park Summary										
[ ] Center Report for Park										
[ ] Regional Summary										
<b>II. ACCESSIONS</b>										
1. Gifts	0	0	0	0	0	0	0	0	0	0
2. Exchanges	0	0	0	0	0	0	0	0	0	0
3. Purchases	0	0	0	0	0	0	0	0	0	0
4. Field collections	0	0	0	0	0	0	0	0	0	0
5. Transfers from other NPS units	0	0	0	0	0	0	0	0	0	0
6. Transfers from Fed. institutions	0	0	0	0	0	0	0	0	0	0
7. Incoming loans	0	0	0	0	0	0	0	0	0	0
8. TOTAL ACCESSIONS	0	0	0	0	0	0	0	0	0	0
<b>DEACCESSIONS</b>										
1. Exchanges	0	0	0	0	0	0	0	0	0	0
2. Transfers to other NPS units	0	0	0	0	0	0	0	0	0	0
3. Losses, except theft	0	0	0	0	0	0	0	0	0	0
4. Theft	0	0	0	0	0	0	0	0	0	0
5. Return of incoming loans	0	0	0	0	0	0	0	0	0	0
6. Other	0	0	0	0	0	0	0	0	0	0
7. TOTAL DEACCESSIONS	0	0	0	0	0	0	0	0	0	0
<b>CATALOGING (Form 10-254) Forms Completed</b>										
1. Registration Data Only	0	0	0	0	0	0	0	0	0	0
2. Registration and Catalog Data	0	0	0	0	0	0	0	0	0	0
3. Catalog Data Only	0	0	0	0	0	0	0	0	0	0
4. Recataloging	0	0	0	0	0	0	0	0	0	0
<b>CONSERVATION</b>										
1. Collection Condition Survey	0	0	0	0	0	0	0	0	0	0
2. Treatments										
a. By NPS Center/Region	0	0	0	0	0	0	0	0	0	0
b. By Park Staff	0	0	0	0	0	0	0	0	0	0
c. By Contractor	0	0	0	0	0	0	0	0	0	0
3. TOTAL CONSERVATION TREATMENTS	0	0	0	0	0	0	0	0	0	0
<b>CATALOGING SUMMARY ALL YEARS - Forms Completed</b>										
1. Registration Data Only	4366	4366	0	0	0	0	0	0	0	4366
2. Registration & Catalog Data	2786	2786	0	0	0	0	0	0	0	2786
3. TOTAL FORMS COMPLETED	7152	7152	0	0	0	0	0	0	0	* 7152
4. Backlog to be cataloged	* 5836	* 1836	* 1000	* 500	* 1300	* 1000	0	* 200	* 5836	
5. TOTAL COLLECTION SUMMARY	* 12988	* 8988	* 1000	* 500	* 1300	* 1000	0	* 200	* 12988	

IV. FIREARMS:  
1. Total # of firearms/collection | 0 |  
2. Total # of acquired this year | 0 |

V. USE  
1. Total # of outgoing items | 0 |  
2. Total # of items/outgoing loans | 0 |  
3. Tot. items from coll. in exhib. |\* 200 |  
4. Total # research request (park) | 0 |  
5. Total # research request (out) | 0 |

VI. PLANNING  
Date(s)  
SOC \_\_\_\_\_  
CMP \_\_\_\_\_  
CSP \_\_\_\_\_  
CCS \_\_\_\_\_  
HFR \_\_\_\_\_  
EP \_\_\_\_\_

VII. FUNDING  
\$ 15463.00  
FTE 0.05

ARCH = Archeology  
ETHN = Ethnology  
HIST = Includes History, Fine Arts, Photographs, Architecture Specimens  
ARCHV = Archives  
BIOL = Biology  
PALED = Paleontology  
GEOLOG = Geology

VIII. NOTEWORTHY ACCESSIONS & DEACCESSIONS & OTHER COMMENTS:

IX. FORM COMPLETED BY:

Pleading Number : 2013029772 (Name) Submission date : 2013-07-01 14:46:03

Confirmation Number: 648660526 (Date) page 199 of 201

APPROVAL:

487



3-6

U.S. Department of the Interior  
NATIONAL PARK SERVICE

COLLECTIONS MANAGEMENT REPORT

I. Calendar Year 1988  
Region Midwest Region  
Park Effigy Mounds NM  
Center (if applicable) \_\_\_\_\_

(SEE REVERSE FOR INSTRUCTIONS)

NOTE: Use ( ) around any figures that are estimates

- (Check One)  Park Report
- Park Summary
- Center Report for Park
- Regional Summary

II.	NUMBER OF TRANS-ACTIONS IN YEAR	NUMBER OF ITEMS IN TRANSACTIONS							ITEM TOTAL
		ARCH*	ETHN*	HIST*	ARCHV*	BIOL*	PALEO*	GEOL*	
<b>II. ACCESSIONS</b>									
1. Gifts									
2. Exchanges									
3. Purchases									
4. Field Collections									
5. Transfers from other NPS units									
6. Transfers from other Federal Institutions									
7. Incoming loans									
8. TOTAL ACCESSIONS									
<b>DEACCESSIONS</b>									
1. Exchanges									
2. Transfers to other NPS units									
3. Losses, excluding thefts (Describe in COMMENTS)									
4. Thefts									
5. Return of Incoming loans									
6. Other (Describe in COMMENTS)									
7. TOTAL DEACCESSIONS									
<b>CATALOGING (Form 10-254)</b>									
1. Forms completed, Registration Data only									
2. Forms completed, Registration and Catalog Data									
3. Forms completed, Catalog Data only									
4. Recataloging: forms completed									
<b>CONSERVATION</b>									
1. Collection Condition Survey									
2. Treatments									
a. Treatments by NPS Center/Region									
b. Treatments by park staff									
c. Treatments by contractor									
3. TOTAL CONSERVATION TREATMENTS									
<b>III. CATALOGING SUMMARY ALL YEARS</b>									
1. Forms completed, Registration Data only	4366	4366							4366
2. Forms completed, Registration and Catalog Data	2786	2786							2786
3. TOTAL FORMS COMPLETED	7152	7152							7152
4. Backlog to be cataloged	(5836)	(1836)	(1000)	(500)	(1300)	(1000)		(200)	(5836)
5. TOTAL COLLECTION SUMMARY	(12988)	(8988)	(1000)	(500)	(1300)	(1000)		(200)	(12988)

IV. FIREARMS:

1. Total number of firearms in museum collection	0
2. Total number of firearms acquired this year	0

V. USE:

1. Total number of outgoing loans	0
2. Total number of items in outgoing loans	0
3. Total items from park collections in park exhibits	(200)
4. Total number of collections research requests (in park)	0
5. Total number of collections research requests (outside)	0

VI. PLANNING:

Date(s)  
SOC 1985  
CMP \_\_\_\_\_  
CSP \_\_\_\_\_  
CCS \_\_\_\_\_  
HFR \_\_\_\_\_  
EP \_\_\_\_\_

VII. FUNDING:

\$ 15,463  
FTE .05

- \*ARCH = Archeology
- \*ETHN = Ethnology
- \*HIST = Includes History, Fine Arts, Photographs, Architectural Specimens
- \*ARCHV = Archives
- \*BIOL = Biology
- \*PALEO = Paleontology
- \*GEOL = Geology

VIII. NOTEWORTHY ACCESSIONS AND DEACCESSIONS AND OTHER COMMENTS:  
Part of the backlog includes 1,636 objects with completed worksheets but catalog cards have not been filled out, entered into Arncs or printed.

IX. FORM COMPLETED BY: James S. David, Chief, I&RM (319)873-3491 3/2/89  
(Name) (Title) (Phone No.) (Date)



## Certificate Of Service

e-Appeal has handled service of the assembled pleading to MSPB and all of the Parties.

Following is the list of the Parties in the case:

Name & Address	Documents	Method of Service
MSPB: Central Regional Office	Agency File - Part 2	e-Appeal / e-Mail
(b) (2), (b) (6) Appellant	Agency File - Part 2	e-Appeal / e-Mail
William H. Roemerman, Esq. Appellant Representative	Agency File - Part 2	e-Appeal / e-Mail

(b) (2), (b) (6) v. DEPARTMENT OF THE INTERIOR  
Docket # CH-0752-13-0640-I-1  
Submission of Settlement Agreement  
Summary Page

**Case Title :** (b) (2), (b) (6) v. DEPARTMENT OF THE INTERIOR

**Docket Number :** CH-0752-13-0640-I-1

**Pleading Title :** Submission of Settlement Agreement

**Filer's Name :** Amy Duin, Esq.

**Filer's Pleading Role :** Agency Representative



**Details about the supporting documentation**

N/A

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(b) (2), (b) (6) v. DEPARTMENT OF THE INTERIOR  
Docket # CH-0752-13-0640-1-1  
Submission of Settlement Agreement  
Online Interview

1. Do the parties want the agreement to be entered into the record for enforcement purposes?

Yes

---

2. Is the Settlement Agreement written?

Yes

---

3. Would you like to enter the settlement agreement or upload a file containing the settlement agreement?

See attached pleading text document

---

4. Does your pleading assert facts that you know from your personal knowledge?

Yes

---

5. Do you declare, under penalty of perjury, that the facts stated in this pleading are true and correct?

Yes

---

UNITED STATES OF AMERICA  
MERIT SYSTEMS PROTECTION BOARD  
Central Regional Office

(b) (2), (b) (6) )  
Appellant, ) MSPB Docket No.: CH-0752-13-0640-I-1  
)  
)  
)  
v. )  
)  
)  
SALLY JEWELL, SECRETARY, )  
DEPARTMENT OF THE INTERIOR, )  
Agency. )

---

SETTLEMENT AGREEMENT AND RELEASE

---

(b) (2), (b) (6) (Appellant) and the U.S. Department of the Interior (Agency), National Park Service, acting by and through its authorized representative, Patricia S. Trap, mutually agree to the following terms and conditions, and knowingly and voluntarily enter into this written SETTLEMENT AGREEMENT AND RELEASE (Settlement Agreement), a document which fully and finally resolves all claims made by Appellant arising from and associated with the above-captioned appeal filed with the Merit Systems Protection Board (the Appeal) or with the Department of the Interior.

**PREMISES/RECITALS**

WHEREAS, Appellant was removed for alleged misconduct effective June 26, 2013, and the Agency has made a good faith assessment that the MSPB could overturn the misconduct separation;

WHEREAS, Appellant desires to settle all claims or potential claims, asserted or unasserted, related to or arising from her employment with the National Park Service and knowingly and voluntarily agrees to settle all issues arising from, or which could have arisen from and associated with the Appeal, and Appellant and the Agency seek to avoid further administrative and/or judicial litigation in accordance with the terms and conditions hereinafter set forth;

NOW THEREFORE, in consideration of these premises, Appellant and the Agency intend to be legally bound by, and knowingly, voluntarily, and mutually agree to, the terms and conditions described fully below.



## TERMS AND CONDITIONS

1. **Effective Date.** This Settlement Agreement shall become effective as of the date the Agreement is signed by all parties and after expiration of the revocation period as outlined in Paragraph 6 of this Agreement.

2. **Effect of Signatures.** The signatures affixed to this Settlement Agreement establish that Appellant and the Department of the Interior (a) have read this entire document, (b) have knowingly, voluntarily, and in good faith entered into this Settlement Agreement, (c) have not been induced by or through fraud, misrepresentation, duress, threat, or coercion, (d) fully understand all terms and conditions described in this Settlement Agreement, (e) agree with all terms and conditions described in this Settlement Agreement, and (f) agree to satisfy and perform, in good faith, the terms and conditions described in this Settlement Agreement.

3. **No Other Appeals Made by Appellant.** Appellant represents that, with the exception of this Appeal, she has not filed or made any other Appeal, grievance, claim, or complaint against the Agency or any of its employees in any judicial or administrative forum.

4. **Appellant's Self-Executing Dismissal With Prejudice.** On the effective date of this Settlement Agreement, Appellant voluntarily and automatically withdraws and dismisses with prejudice the Appeal identified as (b) (2), (b) (6) v. Sally Jewell, Secretary, U.S. Department of the Interior, MSPB Docket No.: CH-0752-13-0640-I-1. This Settlement Agreement shall constitute Appellant's written, knowing, voluntary, and automatic withdrawal and dismissal with prejudice of the Appeal.

5. **Appellant's Knowing and Voluntary Release of All Claims.** In exchange for the valuable consideration provided to and acknowledged by Appellant and described fully in this Settlement Agreement, Appellant voluntarily agrees for herself and her heirs, executors, administrators, representatives (legal and personal) and assigns, to fully and forever release and discharge the Agency (including all Agency officers, employees, agents, servants, instrumentalities, representatives, administrators, successors, and assigns), from any and all matters, issues, complaints, appeals, claims, actions, grievances, demands, damages, expenses, and liabilities of every kind or nature whatsoever, that Appellant has raised, could have raised, or contemplated raising, arising directly or indirectly from any acts, omissions, incidents, or circumstances arising out of or relating to Appellant's employment with the Agency, up to and including the date Appellant signs this Settlement Agreement. This release of claims includes, but is not limited to, Appellant's knowing, voluntary, and complete release, waiver, withdrawal, and dismissal of, however designated, all grievances, complaints, demands, appeals, claims, issues or causes of action in any forum, administrative or judicial, pursuant to the Age Discrimination in Employment Act (ADEA) of 1967, as amended, 29 U.S.C. §§ 621 *et seq.*; Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §§ 2000e *et seq.*; and the Rehabilitation Act of 1973, as amended, 29 U.S.C. §§ 701 *et seq.* Appellant further acknowledges and agrees that she has consulted with counsel, who approves of this Settlement Agreement as signified by the attorney's signature below, or Appellant has freely and knowingly chosen not to consult with counsel regarding the terms and conditions contained in this Settlement Agreement.

- a. **No Effect on OWCP.** The parties agree that nothing in this Agreement will affect any potential OWCP claims Appellant may file with the Department of Labor.

**6. Age Discrimination in Employment Act Statement.** Pursuant to and consistent with 29 U.S.C. § 626(f), Appellant acknowledges and agrees that she has read this Settlement Agreement and fully understands its terms and conditions, and has entered into this Settlement Agreement knowingly and voluntarily and of her own free will. Appellant further acknowledges that she has been given twenty-one (21) days to consider this Settlement Agreement, which documents the valuable consideration provided to Appellant. Appellant acknowledges, understands, and agrees that if she signs this Settlement Agreement within twenty-one (21) days of her receipt of the Settlement Agreement, her signature on this Settlement Agreement shall constitute a knowing and voluntary waiver of the right to a 21-day consideration period. Appellant also acknowledges and understands that, no later than seven (7) days following the date on which she signs this Settlement Agreement, she may revoke this Settlement Agreement by providing written notice to Amy Duin, Attorney-Advisor, Office of the Solicitor, U.S. Department of the Interior, 755 Parfet Street, Suite 151, Lakewood, CO 80215. For such revocation to be valid, it must be delivered so that it is received on or before the expiration of the seven (7) day revocation period. Appellant acknowledges that this Settlement Agreement constitutes written advice to consult with an attorney before signing this Settlement Agreement. By signing this Settlement Agreement, Appellant understands that she is not waiving any rights or claims under the ADEA that may arise after the date she signs this Settlement Agreement.

**7. No Other Consideration.** Appellant agrees that, with the exception of the consideration specifically described in this Settlement Agreement, she is not entitled to any other consideration, monetary amounts, back pay, compensatory damages, interest, unpaid benefits, or any other costs or compensation in connection with (a) the resolution of the Appeal and (b) the resolution of other pending or contemplated claims dismissed, waived, withdrawn, and released in accordance with the terms of this Settlement Agreement.

**8. No Precedential Value.** This Settlement Agreement shall neither establish any precedent nor be used to justify similar terms in any subsequent appeal, complaint, claim, case, or matter before the U.S. Merit Systems Protection Board; the U.S. Equal Employment Opportunity Commission; the U.S. Office of Special Counsel; the Federal Labor Relations Authority; the Agency's Office of Inspector General; the Agency's Office of Hearings and Appeals; or any other administrative or judicial body or forum.

**9. No Admission of Liability.** This Settlement Agreement shall not in any way constitute an admission or concession from the Agency that its employees, or other employees of the Federal government, committed any harmful procedural error, engaged in any prohibited personnel practice, treated Appellant in a discriminatory or retaliatory manner, or violated any Federal or State laws, rules, regulations, or policies and any such actions are specifically and individually denied. In addition, the Agency, its officers, employees, agents, servants, instrumentalities, representatives, administrators, successors, and assigns specifically deny that they individually or collectively committed any harmful procedural error, engaged in any prohibited personnel practice, treated Appellant in a discriminatory or retaliatory manner, or



violated any Federal or State laws, rules, regulations, or policies. This Settlement Agreement is entered into by Appellant and the Agency for the purpose of compromising disputed claims and avoiding the expenses and risks of litigation, not for the purpose of assigning blame or validating the claim(s) made in the Appeal, and/or other pending or contemplated claims dismissed, waived, withdrawn, and released in accordance with the terms of this Settlement Agreement.

10. **Merger Clause.** This Settlement Agreement represents the complete understanding between Appellant and the Agency, and supersedes all other written or verbal (express or implied) agreements that Appellant and the Agency discussed or exchanged or considered and that address the Appeal, and/or other pending or contemplated claims dismissed, waived, withdrawn, and released in accordance with the terms of this Settlement Agreement.

11. **Amendments/Modifications In Writing.** This document constitutes the final and complete statement of the terms contained in the Settlement Agreement and agreed to by the parties. There are no other terms expressed or implied. The terms of this Settlement Agreement may not be modified or renegotiated unless in writing and by mutual written consent signed by Appellant and the Agency, acting by and through an authorized Agency/Bureau representative.

12. **Severability.** If any paragraph or portion of this Settlement Agreement is determined to be unenforceable, the rest and remainder of this Settlement Agreement shall remain in full force and effect.

13. **MSPB Record.** This Settlement Agreement will be made a part of the Merit System Protection Board record for purposes of enforcement. The parties shall only seek to enforce or set aside this Agreement pursuant to the rules and regulations of the Merit Systems Protection Board, and the Board will retain jurisdiction for purposes of this Agreement. If Appellant believes that the Agency has failed to comply with the terms of this Settlement Agreement, prior to seeking enforcement with the MSPB, she shall provide written notice to the Office of the Solicitor, U.S. Department of the Interior, 755 Parfet Street, Suite 151, Lakewood, CO 80215, U.S. Department of the Interior, of the alleged noncompliance within thirty (30) days of the date on which she knew or should have known of the alleged noncompliance. The parties agree that, once the Agency receives written notice of noncompliance, the Agency has 30 days to look into the alleged noncompliance prior to Appellant filing an enforcement action with the MSPB.

14. **Lump Sum Payment.** The Agency shall make a one-time lump sum payment to Appellant in the amount of <sup>(b) (2), (b) (6)</sup>. It is further understood that this lump sum payment represents non-wage compensatory damages to Appellant. The Agency shall not withhold from the compensatory damages amount, although it is understood between the parties that this payment may be subject to taxation and will be reported to the Internal Revenue Service on Form 1099-MISC. Appellant agrees that any taxes due on the payment of this amount are her responsibility. Appellant agrees to provide her bank account and routing number to the Agency within 7 days of the effective date of this Agreement. Appellant understands that the Agency will make all reasonable efforts to make payment within approximately 45 calendar days after receipt of Appellant's bank account and routing number.

15. **Attorney's Fees.** The Agency shall make a one-time lump sum payment, for attorney's fees and costs, of \$15,000 to Appellant's attorney, Mr. William H. Roerman (TIN: 42-1365381), Crawford, Sullivan, Read & Roerman, P.C., 1800 First Avenue NE, 200 Wells Fargo Bank Building, Cedar Rapids, Iowa 52402-5435. Appellant's attorney agrees to provide their bank account and routing number to the Agency within 7 days of the effective date of this Agreement. Appellant and Appellant's attorney understand that the Agency will make all reasonable efforts to make payment within approximately 45 calendar days after receipt of Appellant's attorney's bank account and routing number.

16. **No Employment with the Agency.** Appellant agrees that she will not at any time after the effective date of this Agreement, apply for, be considered for, or accept employment in any U.S. Department of the Interior position, including all bureaus and offices. Should there be now or at any time in the future any violation of this paragraph, Appellant agrees that the Agency may reject her application for employment for any U.S. Department of the Interior position, cease to consider her for a position, or summarily remove her from any future position she may hold. Appellant further waives and abandons any right to challenge her non-selection for, or removal from, any U.S. Department of the Interior position before any forum, including any court, administrative agency including, but not limited to, the Merit Systems Protection Board, legislative body, or union grievance process. This paragraph shall not be construed to affect Appellant's potential employment with any other Federal agency, other than the U.S. Department of the Interior.

17. **Retention of Records.** The parties understand that the Agency may retain, reference, and refer to all records, information, documentation, and communications relating to the April 18, 2013 Notice of Proposed Removal, the June 25, 2013 Decision on Proposed Removal, and the underlying matters leading up to the April 18, 2013 Notice of Proposed Removal.

18. **Cancellation of Removal Action.** The Agency agrees to cancel the following action from Appellant's OPF (Official Personnel Folder) and FPPS (Federal Personnel Payroll System) within thirty (30) calendar days after the effective date of this Agreement:

- a. SF-50, effective date of 6/26/13, Removal

19. **Administrative Leave.** The Parties agree that Appellant will be placed on Administrative Leave from June 26, 2013 through March 31, 2014.

- a. **Back Pay.** It is understood between the parties that the Administrative Leave from June 26, 2013 through March 31, 2014 represents back pay (normal wages) to Appellant, and will be subject to all usual and customary income tax and other withholdings, including FERS, OASDI, Medicare, FEGLI, TSP, and medical benefits. This payment will also include any adjustment to pay, including step increases and cost of living adjustments, that Appellant would have normally received during the back pay period, given Appellant's last performance rating of record. The amount of back pay will be deducted by the amount of retirement annuity payments, refunds of retirement contributions, severance, and annual leave that was paid out in a lump sum payment. This amount will be reported to

the Internal Revenue Service on Form W-2. This payment will be made by the Agency via electronic funds transfer (EFT). Appellant understands that the Agency will make all reasonable efforts to make payment within approximately ninety days (90) days after the effective date of this Agreement.

- i. **Restoration of Annual Leave.** The Agency agrees that any accrued annual leave in excess of Appellant's applicable annual leave ceiling at the end of pay year 2013 which would be forfeited, will be restored to Appellant.

20. **LWOP.** Appellant agrees to be on voluntary Leave Without Pay (LWOP) from April 1, 2014 through May 16, 2014.

21. **Abolishment of Position.** The parties understand and agree that Appellant's position of Administrative Technician (Museum Technician) (GS-0303-07) at Effigy Mounds National Monument was already in the process of being abolished at the time of settlement discussions. The Agency agrees to abolish the position of Administrative Technician (Museum Technician) (GS-0303-07) at Effigy Mounds National Monument.

22. **Involuntary Separation.** The parties understand and agree that Appellant will be involuntarily separated from her position with the Agency on June 13, 2014 due to the abolishment of her position. The required specific written notice by the Agency is attached to this Agreement as Exhibit A. The parties agree that the Agency will not make Appellant a reasonable offer of another position within the Agency. The parties also agree that retention registers will not be used to determine assignment rights for Appellant in accordance with reduction-in-force procedures.

23. **Waiver of MSPB Appeal Rights.** Appellant agrees that she waives her right to file an MSPB appeal against the Agency on any action related in any way to this Agreement, including any potential appeal on involuntary separation/retirement and/or RIF. This Agreement does not affect Appellant's right to file an MSPB appeal on any retirement decision made by OPM.

24. **Retirement.** Appellant agrees to apply for discontinued service retirement on May 16, 2014. Appellant agrees to, in good faith, work with and supply any necessary documents and/or information to the NPS HROC (Human Resource Operations Center) to prepare the discontinued service retirement application prior to May 16, 2014. Nothing in this Agreement guarantees that Appellant will be determined by OPM to be eligible for retirement. Such an eligibility determination is in the sole discretion of the OPM.

- a. If OPM denies Appellant's application for discontinued service retirement, then the parties agree that, once OPM's denial decision is final (after all potential appeals), Appellant has 30 calendar days to contact the Office of the Solicitor, U.S. Department of the Interior, 755 Parfet Street, Suite 151, Lakewood, CO 80215, in writing to request to re-open mediation. For purposes of this paragraph an OPM decision is 'final' when all appeals have



been exhausted or when the time for filing an appeal has expired or when Appellant declares to the Solicitor that she will abandon further appeals of an OPM decision.

25. (b) (2), (b) (6)

[Redacted]

[Redacted]

[Redacted]

26. **Duplicate, Faxed and Electronic Copies as Originals.** This Settlement Agreement may be executed in any number of counterparts. Executed duplicate, faxed, and electronic copies of this Settlement Agreement shall represent originals and have the same force and effect as an original.

(b) (2), (b) (6)

4/14/14

(b) (2), (b) (6)

Date

Patricia S. Trap

Date

Appellant

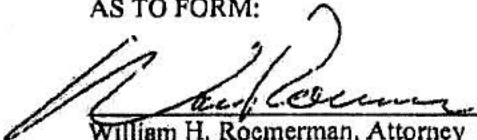
Deputy Regional Director

Midwest Region

National Park Service

U.S. Department of the Interior

AS TO FORM:

 4/14/14

William H. Roemer, Attorney  
Appellant's Representative

Date

been exhausted or when the time for filing an appeal has expired or when Appellant declares to the Solicitor that she will abandon further appeals of an OPM decision.

25. (b) (2), (b) (6)

[Redacted]

[Redacted]

[Redacted]

of contact, and the correct point of contact is Shirley Peterson, or her successor.

26. Duplicate, Faxed and Electronic Copies as Originals. This Settlement Agreement may be executed in any number of counterparts. Executed duplicate, faxed, and electronic copies of this Settlement Agreement shall represent originals and have the same force and effect as an original.

(b) (2), (b) (6)

(b) (2), (b) (6)  
Appellant

AS TO FORM:

Date

4/14/14

Patricia S. Trap  
Deputy Regional Director  
Midwest Region  
National Park Service  
U.S. Department of the Interior

Date

4-17-14

William H. Roemer, Attorney Date  
Appellant's Representative

Attachment A



IN REPLY REFER TO

## United States Department of the Interior

NATIONAL PARK SERVICE  
Effigy Mounds National Monument  
151 HWY 76  
Harpers Ferry, Iowa 52146

April 14, 2014

### Memorandum

To: (b) (2), (b) (6) Administrative Technician (Museum Technician) (GS-0303-07)

From: James Nepstad, Superintendent, Effigy Mounds National Monument

Subject: Eligibility for discontinued service retirement based on position abolishment

Reference: (a) CSRS and FERS Handbook for Personnel and Payroll Offices

1. To better utilize resources, the administrative duties of your position are being assigned to a part-time Administrative Clerk GS-0303-04 position, and the curatorial duties are being assigned to a full-time Curatorial Technician GS-1015-07 position. Your position will be abolished no later than June 13, 2014 as a result of this action.
2. We do not know at this time how the abolishment of your position will affect you other than that you will no longer occupy your present position and may be separated from the service. Official retention registers will be used to determine your assignment rights in accordance with reduction-in-force procedures, and you will receive specific advance notice at least sixty days prior to the effective date of the personnel action to be taken. We are advising you of the abolishment of your position now to assist you in your personal planning.
3. Your records show that you meet the age and service requirements for discontinued service retirement as explained in reference (a). Because of the abolishment of your position, you are eligible to apply for discontinued service retirement. If you are interested in further information on this subject, please contact Blake Dodge, Chief, Employee Benefits Branch, at (303-985-6834).
4. Please be assured that you are under no obligation or pressure to apply for discontinued service retirement. This is not a reduction-in-force notice; rather, as noted above, it is advance information provided to you for personal planning purposes.
5. If you qualify for and are offered a position within the commuting area that is not lower than two grades below that of your current position, you will no longer be eligible to apply for discontinued service retirement.

## Certificate Of Service

e-Appeal has handled service of the assembled pleading to MSPB and all of the Parties.

Following is the list of the Parties in the case:

Name & Address	Documents	Method of Service
MSPB: Central Regional Office	Submission of Settlement Agreement	e-Appeal / e-Mail
(b) (2), (b) (6) Appellant	Submission of Settlement Agreement	e-Appeal / e-Mail
William H. Roerman, Esq. Appellant Representative	Submission of Settlement Agreement	e-Appeal / e-Mail



**MERIT SYSTEMS PROTECTION BOARD AGREEMENT TO MEDIATE**

Case Name: (b) (2), (b) (6) v. DOI - NPS  
 MSPB Docket Number: CH-0752-13-0640-I-1

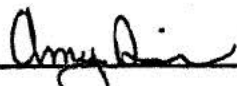
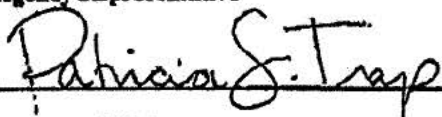
**AGREEMENT TO MEDIATE:** The undersigned agree to engage in mediation in an effort to resolve issues raised before the Merit Systems Protection Board.

1. **STATEMENT AS TO VOLUNTARINESS:** The parties understand that mediation is voluntary and may be terminated at any time.
  
2. **AGREEMENT AS TO TIMELINESS:** The parties recognize that mediation is intended to be an expeditious process which should normally be completed within 30 days of the signing of this Agreement. The parties therefore agree to make themselves available to mediate the case and conclude the process and any settlement agreement without delay. Although the Board cannot guarantee that the mediation will occur as the parties request, to facilitate this process, the parties provide the following information:  
Dates within the next 45 days when each will be available for the mediation:  
 Appellant & Representative  
  
 Agency Representative and Settlement Authority  
 September 16 or 20, 2013 – Please contact Amy Duin (303-231-5353, ext 287) to discuss additional dates  
  
Anticipated location for mediation (city and state, specific location if known, or whether the parties prefer a telephonic or video mediation). Please note that in-person mediations are held only in the continental US:  
 Telephonic
  
3. **NEUTRALITY OF MSPB MEDIATORS:** The parties understand that the mediator has no authority to decide the case and is not acting as an advocate or attorney for any party.
  
4. **ROLE OF MEDIATOR AS FACILITATOR:** The parties understand that the mediator acts as a facilitator to help the parties reach their own settlement on mutually acceptable terms.
  
5. **RIGHT TO REPRESENTATION:** The parties understand that they have a right to have a representative assist them during the mediation process.
  
6. **AGREEMENT NOT TO SUBPOENA AND NON-DISCLOSURE:** The parties agree not to subpoena the mediator, any observer, or any documents prepared by or submitted to the mediator. The mediator will not voluntarily testify on behalf of any party, disclose communications of the parties, or submit any type of report in connection with the merits of this mediation. The mediator's non-disclosure will not extend to violations of the law for which confidentiality cannot be assured.

will not voluntarily testify or disclose communications made by the parties during the joint sessions of the mediation. The parties' non-disclosure will not extend to violations of the law for which confidentiality cannot be assured.

- 8. **EXTENT OF LEGAL OBLIGATIONS OF PARTIES:** No party shall be bound by anything said or done at the mediation unless a written settlement is reached and executed by all necessary parties. If a settlement is reached, the agreement shall be reduced to writing and, when signed and approved by the appropriate authorities for all parties, shall be binding upon all parties to the agreement.
- 9. **AGREEMENT AS TO SETTLEMENT AGREEMENT AND ENFORCEMENT OF TERMS:** The parties fully understand, acknowledge, and agree that in the event that a fully executed settlement agreement is reached as a result of this mediation, they may request that the Board enter the settlement agreement into the record for purposes of future enforcement. The Board's requirements for entry of a settlement into the record must be met before the agreement can be accepted.
- 10. **AGREEMENT AS TO NON-RECORDATION OF MEDIATION SESSION:** The parties agree that this mediation session will not be video taped or recorded and no transcript will be produced of the mediation session.
- 11. **ACKNOWLEDGMENT, UNDERSTANDING, AND AGREEMENT:** By agreement below, we acknowledge that we have read, understand, and agree to this Mediation Agreement.

---

<b>Appellant</b>	<b>Date</b>
<hr/>	
<b>Appellant's Representative</b>	<b>Date</b>
	9-9-13
<b>Agency Representative</b>	<b>Date</b>
	9.5.13
<b>Agency Official</b>	<b>Date</b>
<hr/>	
<b>Mediator</b>	<b>Date</b>

# FAX



U.S. DEPARTMENT OF THE INTERIOR  
Office of the Solicitor  
Rocky Mountain Region  
755 Parfet Street, Suite 151  
Lakewood, CO 80215  
Phone: (303) 231-5353  
FAX: (303) 231-5363

CONFIDENTIAL

**TO:** MSPB  
**FAX:** 312-886-4231  
**FROM:** Amy Duin  
Phone: 303-231-5353, ext 287  
**NUMBER OF PAGES (w/cover):** 3  
**DATE:** September 10, 2013  
**SUBJECT:** MAP Agreement



**Recipient. Please Note:** This facsimile is intended for the use of the individual or entity to which it is addressed. It may contain information that is privileged, confidential, or otherwise protected by applicable law. If you are not the intended recipient, you are hereby notified that any dissemination, distribution, copying, or use of this facsimile or its contents is strictly prohibited.

To report a problem with fax transmission, or if you receive this transmission in error, immediately call 303-231-5353, ext. 0 to notify the sender and destroy all received documents.

(b) (2), (b) (6) v. DEPARTMENT OF THE INTERIOR

Docket # CH-0752-13-0640-I-1

Motion to Change Date of Status Conference

Summary Page

**Case Title :** (b) (2), (b) (6) v. DEPARTMENT OF THE INTERIOR

**Docket Number :** CH-0752-13-0640-I-1

**Pleading Title :** Motion to Change Date of Status Conference

**Filer's Name :** Amy Duin, Esq.

**Filer's Pleading Role :** Agency Representative

**Details about the supporting documentation**

N/A



## Table of Contents

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Uploaded Pleading Text Document	4
Certificate of Service	7



(b) (2), (b) (6) v. DEPARTMENT OF THE INTERIOR

Docket # CH-0752-13-0640-I-1

Motion to Change Date of Status Conference

Online Interview

1. Would you like to enter the text online or upload a file containing the pleading?

See attached pleading text document

---

2. Does your pleading assert facts that you know from your personal knowledge?

Yes

---

3. Do you declare, under penalty of perjury, that the facts stated in this pleading are true and correct?

Yes

---

UNITED STATES OF AMERICA  
MERIT SYSTEMS PROTECTION BOARD  
Central Regional Office

(b) (2), (b) (6) )  
Appellant, ) MSPB Docket No.: CH-0752-13-0640-I-1  
)  
)  
v. )  
)  
SALLY JEWELL, SECRETARY, )  
DEPARTMENT OF THE INTERIOR, ) Date: August 8, 2013  
Agency. )

---

MOTION TO CHANGE DATE OF STATUS CONFERENCE

---

A preliminary status conference has been set for August 19, 2013 at 11:00 a.m., CDT in the above captioned appeal. Unfortunately, the Agency's Representative will be on an airplane during this time and will be out of town for an EEO case the rest of that week. After conferring with Appellant's Representative, the Agency proposes the following dates to reschedule the preliminary status conference:

August 26, 2013  
September 3, 2013  
September 4, 2013  
September 6, 2013

The Agency respectfully requests that the preliminary status conference be changed to one of the above proposed dates.

Respectfully submitted this 8th day of August, 2013.



For the U.S. Department of the Interior:

By: /s/ Amy Duin  
Amy Duin, Esq.  
U.S. Department of the Interior  
Office of the Solicitor, Rocky Mountain Region  
755 Parfet Street, Suite 151  
Lakewood, CO 80215  
Phone: 303-231-5353, ext. 287  
Fax: 303-231-5363  
Email: amy.duin@sol.doi.gov

**CERTIFICATE OF SERVICE**  
**(b) (2), (b) (6) v. DOI-NPS**  
**MSPB Docket No.: CH-0752-13-0640-I-1**

I hereby certify that a true and correct copy of the foregoing document entitled Motion to Change Date of Status Conference was submitted via e-filing, unless otherwise indicated, this 8th day of August 2013 to:

**Administrative Judge**

Michele Schroeder  
Administrative Judge  
Merit Systems Protection Board  
Central Regional Office  
230 South Dearborn Street, Room 3100  
Chicago, IL 60604-1669

**Appellant**

**(b) (2), (b) (6)**

**Appellant's Representative**

William H. Roerman, Esq.  
Crawford, Sullivan, Read, & Roerman, P.C.  
1800 First Avenue, NE  
200 Wells Fargo Bank Building  
Cedar Rapids, IA 52402-5435

## Certificate Of Service

e-Appeal has handled service of the assembled pleading to MSPB and all of the Parties,  
Following is the list of the Parties in the case:

Name & Address	Documents	Method of Service
MSPB: Central Regional Office	Motion to Change Date of Status Conference	e-Appeal / e-Mail
(b) (2), (b) (6) Appellant	Motion to Change Date of Status Conference	e-Appeal / e-Mail
William H. Roerman, Esq. Appellant Representative	Motion to Change Date of Status Conference	e-Appeal / e-Mail



Pleading Filed in (b) (2), (b) (6) v. DEPARTMENT OF THE INTERIOR (CH-0752-13-0640-I-1)

e-appeal@mspb.gov

Thu 8/8/2013 7:11 PM

To: CENTRAL REGIONAL OFFICE <CENTRALREGIONALOFFICE@mspb.gov>;

1 attachment

APD\_401947.pdf;

A new pleading has been submitted in the case (b) (2), (b) (6) v. DEPARTMENT OF THE INTERIOR. Following is the information on the submitted pleading. A copy of the pleading is attached to this mail.

Short Case Title: (b) (2), (b) (6) v. DEPARTMENT OF THE INTERIOR

Docket #: CH-0752-13-0640-I-1

Pleading Title: Motion to Change Date of Status Conference

Pleading Filed by: Amy Duin, Esq.

Role of the Filer: Agency Representative

eFiling Identifier of the Filer: 16161994

DMS ID : 878874

MSPB Assignee : Schroeder, Michele

Following are the e-Fileers in the case:

Party Name: (b) (2), (b) (6) Email Address: (b) (2), (b) (6)

Party Name: William H. Roemer, Esq.; Email Address: wroemer@crowfordsullivan.com

Party Name: Amy Duin, Esq.; Email Address: amy.duin@sol.doi.gov

(b) (2), (b) (6) v. DEPARTMENT OF THE INTERIOR  
Docket # CH-0752-13-0640-I-1  
Registration as E-Filer  
Summary Page

**Case Title :** (b) (2), (b) (6) v. DEPARTMENT OF THE INTERIOR

**Docket Number :** CH-0752-13-0640-I-1

**Pleading Title :** Registration as E-Filer

**Filer's Name :** Amy Duin, Esq.

**Filer's Pleading Role :** Agency Representative

**Details about the supporting documentation**

N/A



## **Registration as E-Filer**

Registration as an E-Filer enables you to file any or all of your pleadings with the Board in electronic form. Registration also means you consent to accept service of all pleadings filed by other registered E-Filers and all documents issued by the Board in electronic form. You will receive notice of these documents at the e-mail address you provided the Board. The e-mail will include a link that takes you to the Repository at E-Appeal Online, where you can access and download the pleading or Board issuance as a PDF document. If registered as an E-Filer, you may file any pleading, or portion of a pleading, by non-electronic means. You can withdraw your registration as an e-filer at any time.

I hereby register as an e-filer.

Amy Duin, Esq.

7/22/2013 11:29 PM

## Certificate Of Service

e-Appeal has handled service of the assembled pleading to MSPB and the following Parties.

Name & Address	Documents	Method of Service
MSPB: Central Regional Office	Assembled Pleading	e-Appeal / e-Mail
(b) (2), (b) (6) Appellant	Assembled Pleading	e-Appeal / e-Mail
William H. Roerman, Esq. Appellant Representative	Assembled Pleading	e-Appeal / e-Mail

Pleading Filed in (b) (2), (b) (6) v. DEPARTMENT OF THE INTERIOR (CH-0752-13-0640-I-1)

e-appeal@mspb.gov

Mon 7/22/2013 10:30 PM

To: CENTRAL REGIONAL OFFICE <CENTRALREGIONALOFFICE@mspb.gov>;

1 attachment

APD\_372660.pdf;

A new pleading has been submitted in the case (b) (2), (b) (6) v. DEPARTMENT OF THE INTERIOR. Following is the information on the submitted pleading. A copy of the pleading is attached to this mail.

Short Case Title: (b) (2), (b) (6) v. DEPARTMENT OF THE INTERIOR

Docket #: CH-0752-13-0640-I-1

Pleading Title: Change of e-Filing Status

eFiling Identifier of the Filer: 16161994

DMS ID : 851993

MSPB Assignee : Schroeder, Michele

Following are the e-Fileers in the case:

Party Name: (b) (2), (b) (6) Email Address: (b) (2), (b) (6)

Party Name: William H. Roerman, Esq.; Email Address: wroerman@crawfordsullivan.com





## United States Department of the Interior

NATIONAL PARK SERVICE  
National Capital Region  
1100 Ohio Drive, S.W.  
Washington, D.C. 20242

10.C (NCR-ADM)

June 25, 2013

### Memorandum

**To:** (b) (2), (b) (6) Administrative Technician (Museum Technician), Effigy Mounds National Monument

**From:** Nancie Ames, Associate Regional Director Administration, National Capital Region

**Subject:** Decision on Proposed Removal

On or about April 18, 2013, you received a letter notifying you of your proposed removal from the National Park Service, the U.S. Department of Interior, for (1) Lack of Candor and (2) Inappropriate Use of Government Computer. The proposal was made for the efficiency of the service and in accordance with 5 U.S.C., Chapter 75, Subchapter II; 5 C.F.R. Part 752, Subpart D; and the U.S. Department of the Interior Manual at 370 D.M. 752.

You were afforded 14 calendar days from the date you received the notice of proposed removal to respond to me orally and/or in writing. You requested an extension of 30 days and were granted an additional 14 days in which to respond. Through your attorney, you provided me with an 18-page written response, dated May 16, 2013. In your response, you again requested additional time to respond. I considered your additional request, but I determined that 28 calendar days was sufficient time for you to respond. Therefore, your second request for additional time is denied. In reaching my decision on your proposed removal, I have carefully considered the information contained in the proposal notice, the case file, and your written response.

Through your attorney, in your May 16, 2013, written response, you stated, "In the summer of 1990, Effigy Mounds National Monument (EFMO) Superintendent Thomas Munson improperly removed ancient human remains from the Monument's collection. For the next 20 years, (b) (2), (b) (6) told nearly everyone in authority about that removal." You then provide information relating to the background leading up to the charges. Your response states you "fully informed" Superintendent Gustin of the removal of the human remains; however, the records indicate Superintendent Gustin believed the remains were returned to Iowa Office of the State Archaeologist and were interred in one of the state cemeteries. You also described your efforts

in providing the Superintendents who followed Ms. Gustin, in addition to Dr. Dale Henning, information related to the missing human remains. However, you provide almost no information in response to the actual charge of Lack of Candor. Although you informed Superintendent Nepstad that the remains were missing, you failed to provide him with complete information. You did not inform Superintendent Nepstad that you were in fact responsible for the physical removal of the items from the collection; that you helped place them in Superintendent Munson's vehicle; and that Munson was the last person you knew of that had physical control of the remains. In addition, you fail to address your less than candid responses during your interviews with Special Agent David Barland-Liles. Your lack of candor with Superintendent Nepstad and during the investigation conducted by Special Agent Barland-Liles is what led to the proposal of removal relating to Charge 1.

Your response to the charge of inappropriate use of a government computer is that you happened upon the external hard disk; you looked on the disk and determined there was information which was potentially relevant to your (b) (2), (b) (6) EEO case; and instead of returning it to Ms. DeShazer you decided to put it in your drawer. Your response was that you were concerned Ms. DeShazer would get in trouble if it was known she left the disk at your work station. You acknowledged that you could have handled this situation in a better way. You also stated you did not have the ability to access any current emails, other than your own, and at no time did you attempt to do so.

I have also reviewed the Department of the Interior Table of Offenses and Penalties and considered what are commonly referred to as the "Douglas Factors" which are discussed below in more detail. Based upon my review of all of the aforementioned I find the following;

**Charge 1: Lack of Candor.**

This charge is supported by a preponderance of the evidence and the charge is sustained.

**Charge 2: Inappropriate Use of a Government Computer.**

This charge is supported by a preponderance of the evidence and the charge is sustained.

**Penalty Analysis**

The Merit Systems Protection Board, in its landmark decision, *Douglas v. Veterans Administration*, 5 M.S.P.R. 280 (1981), established criteria that supervisors should consider in determining an appropriate penalty to impose for the employee's misconduct. These twelve factors are commonly referred to as "Douglas Factors." The following relevant factors have been considered in determining the severity of discipline in this case, in addition to the Proposing Official's *Douglas Factor* analysis.

- (1) Nature and Seriousness of Offense – the nature and seriousness of the offense, and its relation to the employee's duties, position, and responsibilities, including whether the offense was intentional or technical or inadvertent, or was committed maliciously or for gain, or was frequently repeated.



**Charge 1: Lack of Candor:**

I have taken into consideration the nature and seriousness of the offense and its relation to your duties and responsibilities of your position. Your position of Administrative Technician (Museum Technician) required direct access to human remains in the Monument's museum collection. In 1990, when you were a seasonal Park Ranger employee, upon the direction of Mr. Thomas Munson, Superintendent 1971- 1994 (retired), you intentionally removed items from the collection. At the time of their removal, your action was not malicious in nature, and you were unaware of the ramifications of your action.

However, in June 2011, knowing human remains were still missing from the Park's collection, you allowed a 100% inventory of the collection to take place. At no time did you notify Superintendent Nepstad that you had removed the items at the request of Superintendent Munson, and that you were fully aware the items would not be found in the Park. You intentionally withheld this critical information and misled Park management. You continued to withhold information until January 2012, when you were interviewed as part of the official investigation into the missing items. It was at this time that Superintendent Nepstad first learned that you knew what had taken place in 1990, when the items were removed from the collection.

**Charge 2: Inappropriate use of government computer:**

As an employee who provided IT support to Park staff, you were aware that it was inappropriate to maintain data from Florencia Wiles' computer. Upon learning of the contents of the portable hard drive connected to your computer, you intentionally withheld it rather than returning it to Ms. (b) (2), (b) (6) or turning it in to Park management.

I agree with the proposing official that the offenses you are charged with are serious and warrant action.

- (2) **Employee's Job** – the employee's job level and type of employment, including supervisory or fiduciary role, contacts with the public, and prominence of the position.

**All Charges:**

Your position is not considered prominent in nature and you do not have any supervisory or fiduciary responsibilities.

However, during your tenure at Effigy Mounds National Monument you have participated numerous times in meetings with the twelve affiliated tribes and have been perceived as a staff member who can be trusted with information sensitive to the tribes.

- (3) **Disciplinary Record** – the employee's past disciplinary record.

You have no past disciplinary records.

- (4) Work Record – the employee's past work record, including length of service, performance on the job, ability to get along with fellow workers, and dependability.

You have approximately twenty-five (25) years of satisfactory service at Effigy Mounds National Monument, in which you have had mixed relationships with your fellow workers. Your seven years (1987-1993) of seasonal service was satisfactory and enabled you to be hired into a permanent position.

However, I agree with the proposing official that although your years of service serve as a mitigating factor as to the penalty proposed, your service does not offset the seriousness of your misconduct and the adverse impact your misconduct has had on the Agency.

- (5) Effect on Future Performance – the effect of the offense upon the employee's ability to perform at a satisfactory level and its effect upon the supervisor's confidence in the employee's ability to perform assigned duties.

Your actions have affected my confidence in your ability to perform your duties, as well as the proposing official's confidence in your ability to perform your duties.

Your actions have led to a total lack of trust by the proposing official, the National Park Service, and me. You have been placed in a position over the years to protect the curatorial items of Effigy Mounds National Monument, and your actions led me to seriously question if you are capable of protecting these resources.

The proposing official has also expressed a lack of trust in your ability to perform your network administrator duties to support the computer operations in the park. I agree with the proposing official's concerns.

- (6) Consistency with Other Penalties – consistency of the penalty with those imposed upon other employees for the same or similar offenses.

Charge 1: Lack of Candor.

I have not proposed or decided upon same or similar charges for which you are being charged with. Although past employees have been removed for egregious offenses, there has been no similar misconduct of this level that I am aware of in the past comparable to yours within the Monument or the Midwest Region.

Charge 2: Inappropriate use of a government computer.

I have not proposed or decided upon same or similar charges for which you are being charged with.

- (7) Consistency with Table of Penalties – consistency of the penalty with any applicable agency table of penalties.

I have also reviewed the Agency's Table of Offenses and Penalties. The penalty proposed is consistent with penalties for similar offenses as outlined in the Agency's Table of Offenses and Penalties as outlined in the Department of the Interior Manual on Discipline and Adverse Actions (370 DM 752), dated December 22, 2006).

**Charge 1: Lack of Candor.**

The Department of the Interior Table of Penalties, dated December 26, 2006, recommends a penalty range from a 14-day suspension to removal for a first offense for charges relating to "misrepresentation, falsification, exaggeration, concealment or withholding of material fact in connection with an official government investigation, inquiry or other administrative proceeding" (Item 18), which is similar to the Lack of Candor charge. I find that the penalty of proposed removal for this charge alone is consistent with the Table of Penalties.

**Charge 2: Inappropriate use of a government computer.**

The Department of the Interior Table of Penalties, dated December 26, 2006, recommends a penalty range from a Written Reprimand to 14-day suspension for a first offense, and up to 30 day suspension to removal for more serious misconduct, for Item 20, "prohibited/improper use of Government property (e.g., office equipment; supplies; facilities; credentials; records; communication resources; cellular phones; official time); misuse of the Internet/electronic mail; using the Internet/electronic mail for unauthorized purposes," which is similar to the Inappropriate Use of Government Computer charge. Looking at this charge standing alone, I find that a 14-day suspension is consistent with the Table of Penalties.

However, when considering both charges together, I find that removal is consistent with Table of Penalties.

- (8) **Notoriety and Impact** – the notoriety of the offense or its impact upon the reputation of the Agency.

**Charge 1: Lack of Candor.**

The National Park Service is entrusted with the care of the artifacts, human remains and funerary objects of the peoples who lived on our park lands historically. Relationships with the affiliated tribes are critical to our ability to continue to care for these resources. The reputation of Effigy Mounds National Monument and the National Park Service has been damaged by your lack of candor and inaction on your part. An employee, who purposefully withholds specific information that impacts the direction of an investigation harms the ability to swiftly take action and negatively impacts the reputation of the Monument and the Service. It is unknown how long it will take to rebuild the level of trust with the twelve American Indian tribes affiliated with Effigy Mounds National Monument and to restore the reputation of the Service. It is also unknown how long it



will take the Iowa Office of the State Archaeologist to trust the Park in the care of our cultural resources.

**Charge 2: Inappropriate use of a government computer.**

The circumstances of your inappropriate use of a government computer will not have a direct impact on the reputation of the agency; however, it does have a very direct impact on your reputation within the monument relative to losing the trust of management and your fellow employees. It is unknown and unclear if management or any of your co-workers will trust you in the future.

- (9) Clarity of Notice – the clarity with which the employee was on notice of any rules that were violated in committing the offense, or had been warned about the conduct in question.

**Charge 1: Lack of Candor.**

You may have been unaware in 1990 of the rules associated with the care of our cultural resources, yet you indicated that over time you told nearly everyone in authority what happened to the human remains. However, when you had the opportunity to provide Superintendent Nepstad specific information as to what actually occurred in 1990 and what your role was relative to the human remains, you failed to do so, even prior to the official investigation that began in December 2011. In addition, during the investigation into the missing human remains, you shared that you failed to disclose what you knew, over the past 22 years, not in an attempt to violate any laws, but in the hope that someone would independently discover what happened and you would not need to be the source of that information.

**Charge 2: Inappropriate use of a government computer.**

Although not your official title, as a network administrator you are aware of the rules of computer usage in the National Park Service. In addition, annually you are required to complete Federal Information Systems Security Awareness (FISSA) training which provides clear notice of all the rules associated with use of a government computer and associated files/records.

- (10) Potential for Rehabilitation – potential for the employee's rehabilitation.

**Charge 1: Lack of Candor.**

You have expressed little remorse for your actions and continue to focus on the past. Although there is great concern for the initial removal of the human remains, the fact that you continued to mislead Superintendent Nepstad until the internal investigation took place leads me to believe there is no potential for rehabilitation. At no time did you proactively provide Superintendent Nepstad with the specific information as to what occurred in 1990. This information was critical and directly impacted the course of the

investigation. I believe we could still be looking for these remains had an investigation not occurred.

**Charge 2: Inappropriate use of a government computer.**

You fully understand the rules of computer use. When placed in a situation where you had access to files which were not yours, instead of turning the portable hard drive over to the proper owner, you again did nothing. You placed the drive in your desk instead of returning it, as would be required by any other employee.

Your actions described in both charges lead me to believe you are not able to discern the proper steps to be taken in situations where you feel your actions could be questioned.

- (11) **Mitigating Circumstances** – mitigating circumstances surrounding the offense, such as unusual job tensions, personality problems, mental impairment, harassment, or bad faith, malice or provocation on the part of others involved in the matter.

There appears to be no mitigating circumstance surrounding the offense. You did not indicate you were under any unusual job tensions, personality problems, mental impairment, harassment or bad faith. In addition, there was no malice or provocation on the part of others which lead you to withhold this information.

- (12) **Availability of Alternative Sanctions** – the adequacy and effectiveness of alternative sanctions to deter such conduct in the future by the employee or others.

**Charge 1: Lack of Candor.**

The Monument has no other alternative sanctions which can be offered to deter this type of conduct in the future.

**Charge 2: Inappropriate use of a government computer.**

The only alternative sanction appropriate for this charge, in addition to disciplinary action, is to remove all Network Administrator access and duties from your position.

### **Decision**

I find the proposed penalty of removal is reasonable under the circumstances, and consistent with the Table of Offenses and Penalties.

Specifically, the misconduct resulting in Charge 1: Lack of Candor, standing alone, is egregious enough to support the penalty of removal in this case. I do not find that Charge 2: Inappropriate use of a government computer, standing alone supports removal. It does however, support disciplinary action consistent with circumstances described in the Table of Offenses and Penalties (Item 20), for misconduct warranting a 14-day suspension. However, when considering both charges together, I find that removal is the appropriate penalty.

Accordingly, it is my decision to remove you from federal service effective Wednesday, June 26, 2013. This action will become a permanent record in your Official Personnel File, and the Official Notice of the Personnel Action, Standard Form 50 (SF 50), will be provided under separate cover once finalized. I find that this action will improve the efficiency of the Federal service for the reasons cited in the referenced Notice of Proposed Removal.

#### **Employee Rights and Procedures**

You have the right to appeal this Decision to the Merit Systems Protection Board (MSPB). An appeal to the MSPB must be filed no later than the effective date of the action being appealed, or 30 days after the date of the appellant's receipt of the agency's decision, whichever is later. If a party does not submit an appeal within the time set by statute, regulation, or order of a judge, it will be dismissed as untimely filed unless a good reason for the delay is shown. The judge will provide the party an opportunity to show why the appeal should not be dismissed as untimely.

Your appeal must be in writing and give reasons for contesting the action, together with a copy of the notice of proposed action, the agency decision being appealed and, if available, the SF-50 or similar notice of personnel action. No other attachments should be included with the appeal. A copy of the appeal form may be found at <http://www.mspb.gov/appeals/forms.htm> or you may submit an appeal via the internet at <https://e-appeal.mspb.gov/>. A copy of the MSPB's regulations concerning appeals is available at <http://www.mspb.gov>. If you would like a paper copy of the MSPB's regulations concerning appeals, or if you have any questions, please contact Denise Stewart, Human Resources Specialist at: (402)661-1650.

Your appeal should be addressed to:

Merit Systems Protection Board  
Central Field Office  
230 South Dearborn Street  
31st Floor  
Chicago, IL 60604-1669

If you decide to file an appeal with the MSPB, you should notify the Board that the Agency contact official for the purpose of your appeal is:

Amy Duin, Attorney  
US Department of the Interior  
Office of the Solicitor, Rocky Mountain Region  
755 Parfet Street, Suite 151  
Denver, CO 80215  
Telephone: 303-231-5353  
Fax: 303-231-5363  
Email: [amy.duin@sol.doi.gov](mailto:amy.duin@sol.doi.gov)

You may seek corrective action before the Office of Special Counsel, [www.osc.gov](http://www.osc.gov). However, if you do so, your appeal will be limited to whether the Agency took one or more covered

personnel actions against you in retaliation for making protected whistleblowing disclosures. You will be forgoing the right to otherwise challenge this removal.

If you believe that you have been unlawfully discriminated against, you may contact an EEO counselor within 45 days of the effective date of this action to file a complaint of discrimination. Please note that in accordance with 29 C.F.R. §1614.302 you may not initially file both a mixed case EEO complaint and a MSPB appeal on the same matter; whichever is filed first shall be considered an election to proceed in that forum.

*Nancy Ames*

Cc: Crawford, Sullivan, Read \* Roemerma, P.C., Attention: William H. Roemerma, 1800 First Avenue NE, 200 Wells Fargo Bank Building, Cedar Rapids, Iowa 52402-5435 (Sent Email 06/25/2013, and Fedex)

**Receipt Acknowledgement**

You are requested to sign and date the acknowledgement copy of this memorandum as evidence that you have received it. Your signature does not mean that you agree or disagree with the contents of this memorandum and by signing you will not forfeit any of the rights mentioned. However, your failure to sign will not void the contents of this memorandum.

Receipt Acknowledged: \_\_\_\_\_ Date: \_\_\_\_\_



## United States Department of the Interior

NATIONAL PARK SERVICE  
Effigy Mounds National Monument  
151 HWY 76  
Harpers Ferry, Iowa 52146

IN REPLY REFER TO:

//Sent via US Postal Service Registered Return Receipt and via US Postal Service, Regular Mail//

April 18, 2013

CONFIDENTIAL – FOR OFFICIAL USE ONLY

Memorandum

To: (b) (2), (b) (6) Administrative Technician (Museum Technician), Effigy Mounds National Monument

From: Superintendent, Effigy Mounds National Monument

Subject: Notice of Proposed Removal

This notice is to advise you that I am proposing to remove you from your position of Administrative Technician (Museum Technician), GS-0303-07, and from the Federal Service for (1) Lack of Candor; and (2) Inappropriate Use of Government Computer. I am proposing this action to promote the efficiency of the Federal Service in accordance with 5 U.S.C. Chapter 75, Subchapter II, 5 C.F.R. Part 752, subpart D, and U.S. Department of the Interior Manual at 370 D.M. 752.

### Background:

In order to fully understand the egregiousness of the misconduct for which you are being charged, it is important to explain why Effigy Mounds National Monument came into existence and then to briefly outline the history associated with your actions regarding the investigation of missing human remains from the Effigy Mounds National Monument museum collection.

### *Effigy Mounds National Monument History:*

Effigy Mounds National Monument was authorized by Presidential Proclamation 2860 on October 25, 1949. The Monument preserves outstanding representative examples of significant phases of prehistoric Indian mound building cultures in the American Midwest; protects wildlife and natural values within the monument; and provides for scientific study and appreciation of its features for the benefit of this and future generations. The Monument contains nationally significant archeological resources comprising one of the largest concentrations of prehistoric earthen mounds in the United States, including some of the finest and best preserved examples of effigy mounds in their original forms, providing an insight into the social, spiritual, and, ceremonial life of pre-European contact peoples of this region.



The Monument's cultural resources and collections document the full breadth of archeological investigations in the Monument, from early mound documentation and exploration to modern methods of archeological investigation that incorporate a variety of techniques and native perspectives. National Park Service (NPS) cultural resource management involves research, evaluation, documentation, and registration of national monument resources, along with the establishment of priorities to ensure that these resources are appropriately preserved, protected, and interpreted to the public. The cultural resources of Effigy Mounds are finite and nonrenewable; as a result, national monument management activities and policies must reflect an awareness of their irreplaceable character.

In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), Monument officials consult with twelve culturally associated tribes to determine the cultural affiliation of human remains and funerary objects held in the museum collection at the monument. As the human remains and funerary objects are identified, they are removed from the collections and repatriated.

In summary, a large percentage of the mounds held, and continue to hold, the remains of deceased members of the American Indian communities who constructed them. The contents of the mounds are just as important as the mounds themselves, but in many ways, they are more important. The mounds were constructed to protect the deceased individuals who were laid to rest within them. The National Park Service has a profound obligation, articulated in the Archeological Resources Protection Act (ARPA), NAGPRA, and even the National Park Service Organic Act, to protect the contents of these mounds.

***Investigation History of Missing Human Remains:***

Effective January 2, 2011, I was assigned as the Superintendent of Effigy Mounds National Monument. In late April of 2011, you presented to me a copy of Dr. Dale Henning's report from 1998 which informed me that human remains from the Monument's museum collection had gone missing at some point in the past.

I and the Monument's law enforcement official, Bob Palmer, spent a few days trying to verify that the human remains were indeed missing. On April 27, 2011, former Superintendent Tom Munson informed Palmer that he did not know where the human remains might be. On April 28, 2011, Munson called Palmer and asked him to come to his personal residence in Prairie du Chien, Wisconsin. When Palmer arrived, Munson handed him a box that upon quick inspection contained obvious human remains. Palmer took the contents of the box back to the Monument.

With the assistance of staff from the Iowa Office of the State Archaeologist, I, along with law enforcement and curatorial staff from the National Park Service, spent the next several months looking into the issue, and ultimately verified that only a portion of the human remains had been returned. A substantial amount of the human remains that had gone missing were still missing and unaccounted for. During this time, you often assisted as we looked into this issue, yet you did not inform me or anyone else that you held information that cast serious doubt upon Munson's assertion that the remains had gotten to his house by accident.

In December 2011, a formal investigation into the missing human remains was initiated. During this formal investigation, evidence revealed that you had been withholding critical information

from me and investigators relating to your personal involvement in the removal of the human remains from the Monument's collection in 1990 and where you had last seen those human remains. This information later proved to be pivotal in the eventual retrieval of the rest of the missing human remains from Tom Munson's garage in May 2012.

The investigation revealed the following:

- In July of 1990, while Congress was debating the enactment of the Native American Graves Protection and Repatriation Act (NAGPRA), Effigy Mounds National Monument Superintendent Thomas Munson (1971-1994), directed you to remove all Native American human remains that were stored in the Monument's museum collection. Most of the human remains that were in the collection had been removed from prehistoric burial sites within the boundaries of the Monument during mid-century archeological excavations. Superintendent Munson wanted the remains removed from the collection before the enactment of the NAGPRA. Munson believed that this would allow the National Park Service to keep the funerary objects on display in the Monument's Visitor Center, since the funerary objects would no longer be associated with any human remains. You removed the human remains from the Monument's collection and placed them in two boxes. You and Superintendent Munson each carried a box of the human remains and placed them in the trunk of Munson's vehicle. Munson told you he was taking the remains to his home.
- At the direction of Munson, on July 16, 1990, you prepared a Report of Survey for the human remains indicating the remains had been "deaccessioned" and "abandoned." A deaccession requires a transfer of the human remains from one legitimate owner to another, i.e. the National Park Service to an affiliated tribe or other Federal entity. National Park Service officials and subject matter experts were unaware that you and Munson removed the human remains from the Monument's collection, and placed them in the trunk of Munson's vehicle. You later prepared the Collections Management Report for 1990. Former Superintendent Munson signed this report, which contained inaccurate information showing no deaccessions for the year.

National Park Service experts on Effigy Mounds archeology and human remains within the Midwest Archeological Center, began asking questions about the status of the Monument's human remains in 1996, after noting that the Monument's November 1995 NAGPRA Inventory showed no human remains were housed at the Monument. Beginning at that time, National Park Service officials made numerous attempts to locate the missing human remains, which were ultimately retrieved from the residence of former Superintendent Munson in 2011 and 2012. At no point during those attempts of the 1990s did you share the fact that you had helped Munson place two boxes of human remains in the trunk of Munson's personal vehicle.

You did not share the information that you helped Munson place two boxes of human remains in the trunk of Munson's personal vehicle with current investigators until May 16, 2012, and then only tentatively. The information you shared in 2012 prompted the Federal investigator to question former Superintendent Munson again and perform a consent search of his garage, leading to the retrieval of the last of the missing human remains. It was later discovered that during the summer of 2011, you shared with another Monument employee, (b) (2), (b) (6) the fact that you had placed one of the boxes in Munson's personal vehicle.

Had you been candid with me in April 2011, or at the very least, at the beginning of the investigation about your role and participation in what occurred in 1990, it would have resulted in a more expedient and less costly investigation to the government. Rather, in your discussions with me and in your initial interview with the investigator, you were vague in regards to your knowledge of what occurred. Specifically, you withheld the fact that you personally packed up the human remains in two boxes and assisted Munson in placing the human remains in the trunk of his personal vehicle. This enabled Munson to maintain an alibi that suggested the human remains had either been given to the Midwest Archeological Center; had been placed in a locker in the Monument and subsequently thrown out when the locker was disposed of; or somehow accidentally moved to his personal residence when he moved out of Monument housing in 1990.

When you were selected and hired into your current position of Administrative Technician (Museum Technician), you were placed into a position of trust relative to the Monument's curatorial program and property, in addition to your administrative duties, which also required a higher level of trustworthiness due to the sensitive information you work with. During the entire investigation into the missing human remains, based on both your personal knowledge and experience, and the documentation contained within your application for your current position, you had full knowledge of the significance of the human remains; the National Park Service's role to protect and preserve these remains; the importance of the remains to the tribes; and your responsibilities for the protection of the remains under the Native American Graves Protection and Repatriation Act. The experience you documented in your application for employment for the period of March 1, 1989 through October 17, 1993, validates this. In your application, you stated:

- "In 1989, I assumed the curatorial duties of the monument's archeological, archival, historical and biological collection of approximately 20,000 objects."
- "...85% of my duties were curatorial in nature."
- "Serves as an advisor to park management on the park's cultural resources. Monitors cultural resources, identifies potential... management regarding status and mitigation of impacts (present and future)"
- "...maintaining effective working relations with Native Americans and other traditionally associated groups, agencies..."
- "*Conducts or coordinates the review of park projects to assure protection of cultural resources and compliance with applicable Preservation Act, the Archeological Resources Protection Act (ARPA), and the Native American Graves Protection and Repatriation Act...*" (emphasis added)
- "...matters relating to compliance, Section 106 of the NHPA, NAGPRA, ARPA, NPS Management Policies, and Director's Orders."
- "Evaluates all park records and archival and manuscript donations against applicable Director's Orders, park scope of collection criteria. Conducts research into collection origins and undertakes fact-checking without supervision."
- "*Is responsible for maintaining the park's collection which covers a combination of disciplines including archeology, ethnology, paleontology. Incumbent catalogues, accessions, deaccessions objects, verifying the accuracy of information in collection records, catalog databases, prepares all reports, inspects artifacts, monitors environmental conditions of collections storage and exhibits, and automated collections management system. Participates in an advisory capacity in all park discussions and decisions pertaining to inventories collections.*" (emphasis added)

- “Organizes the collections and maintains minimum levels for proper preservation, security and fire protection, collection storage controls, and maintains the environment for collections, including light, temperature, and relative humidity. Provides authoritative technical direction for the management of the park’s archives including; but not limited to, maps, notes, plans, historic documents and resource management records. Researches identification, authentication, dates, provenance, historical and scientific data, and other information as required for individuals and organizations when requested. Conducts research necessary to identify and/or authenticate museum objects.”

Based on your own description of your prior work experience, shown above, you had knowledge of your obligations as a Museum Technician relating to the nationally significant archeological resources at Effigy Mounds National Monument. Even though you committed the original misconduct as a GS-4 seasonal employee and under the direction of the Superintendent at the time, you withheld this information for 18 years after the Superintendent retired. Additionally, the most egregious conduct is that you continued to mislead and withhold this information after multiple attempts by National Park Service and law enforcement officials to ascertain the whereabouts and disposition of the human remains. This is inexcusable. All this occurred while you were in a position of trust and responsibility relative to the museum collection, and you were privy to the purpose and seriousness of the investigation.

During the course of this investigation it was determined necessary to check your work computer to ascertain if there was any relevant information tied to the investigation of the missing human remains. During the forensics investigation, it was found that you had inappropriately accessed your supervisor, Florencia Wiles’, e-mails and personal documents in her work database. It was also found that you inappropriately accessed the e-mail database of other co-workers, including Merle Frommelt. You did all these actions while you were a network system administrator, and you violated the trust placed in you.

Finally, your knowledge and involvement regarding the events of 1990 relating to the missing human remains, compared to your later interviews with investigators in January and May 2012, demonstrated probable cause existed for a violation of 18 U.S.C. § 1001 – *Statements or entries generally – ... knowing and willfully (1) falsifies, conceals, or covers up by any trick, scheme, or device a material fact; (2) makes any materially false, fictitious, or fraudulent statement or representation; or (3) makes or uses any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry* – a felony. Probable cause also existed for your acts to be a violation of the following: ARPA, 16 U.S.C. § 470(ee) – a felony; 18 U.S.C. §371 – Conspiracy to commit offense or to defraud the United States – a felony; 18 U.S.C. § 3 - Accessory after the fact – a felony; and 18 U.S.C. § 4 – Misrepresentation of felony. However, the Department of Justice declined to prosecute you.

Although the Department of Justice declined to prosecute you, I have a responsibility to administratively move forward due to your misconduct. Based on the background information explained above, which clearly reflects your lack of candor in this current investigation, and that you abused your authority as a network system administrator, I propose to remove you from your current position and from the Federal service. To be clear, I am not basing this proposed removal on any of the above-referenced criminal statutes.

**Charges and Specifications:**

**Charge 1 – Lack of Candor**

This charge is based on information from a Federal investigation initiated December 2011. I initiated an official Federal investigation because of missing human remains from the Effigy Mounds National Monument museum collection. From April 2011, prior to the investigation having been initiated, through May 2012, you withheld relevant facts that affected the course of my inquiry and an official Federal investigation conducted by National Park Service Special Agent David Barland-Liles. Prior to and during the investigation, you did not disclose pertinent information relating to your knowledge of, and your involvement in, the removal of human remains from the Monument's museum collection in July 1990, nor did you disclose your knowledge of where the human remains were last seen. During the course of the investigation, evidence revealed that beginning in approximately 1996, there were multiple attempts through the years to locate the missing human remains. You had the opportunity to report and provide complete information as to what occurred and who had knowledge of where the human remains may be located, but you did not report everything you knew, especially where you had last seen them.

The following information provides specific details regarding the official investigation:

On April 25, 2011, you presented me with a copy of twin reports from 1998 that were prepared by Dr. Dale Henning. Both reports contained numerous mentions of missing human remains. I asked you if the tribes had ever received notice of this information, or if they received copies of the Henning reports. You replied that you did not think so. At this point, I began my inquiries with various NPS officials to try to find out if anyone had information about the missing remains or if the tribes had ever been notified. By April 28, 2011, I was able to determine that the remains were still missing, and the tribes had not been notified.

During this period, law enforcement official Bob Palmer had contacted former Superintendent Munson. Munson originally responded that the remains had been sent to the Midwest Archeological Center years ago. The next day, Munson contacted Palmer, stating that he may have found something. Palmer was able to retrieve a box from Munson. The box appeared old and deteriorated, and it contained plastic bags of human remains. Palmer transported the bags of human remains back to the Monument. On April 29, 2011, I began working with the Office of the State Archaeologist to have the Director of the State Burials Program, Shirley Schermer, come to the Monument to examine the returned remains and make a determination if they were all present. On May 4-6, 2011, Regional Curator Carolyn Wallingford (now retired), and Regional Registrar Keely Rennie-Tucker visited the Monument to examine the Monument's museum records. Although the records appeared to be in disarray, it was originally thought that all the human remains were present.

During this initial inquiry process it was found that the Park's records indicated numerous inconsistencies. I consulted with you for information relating to the inconsistencies in the record relating to the July 1990 event. I also asked you to research the Monument's records relating to the museum collection. On May 23, 2011, you emailed me a list of human remains that were "deaccessioned" in 1990 and repatriations/reburials that occurred from 2001-2008. You did not provide me with all of the critical details related to your personal involvement with the 1990



"deaccession." You failed to inform me that Mr. Munson directed you to box up the human remains, and that you helped place the boxes in the trunk of his vehicle. In addition, you did not provide the 1990 Report of Survey to me.

On June 10, 2011, Ms. Schermer confirmed that a great deal of human remains that were allegedly deaccessioned in 1990 were still missing. This prompted Palmer to again visit former Superintendent Munson. Munson provided no new information at this time, but suggested that Palmer check all the attics and crawlspaces at the Monument. Palmer asked Munson to check his home and garage, and on June 15, 2011, Munson reported that he had searched and found nothing else. I then began making arrangements for a 100% inventory of the Monument's collection to verify beyond a doubt that remains were still missing from the Monument.

From July 11-18, 2011, you assisted Steve Viet from Grand Portage, Tricia Miller from Keweenaw, and Ms. Schermer with a 100% inventory of the Monument's museum collection. This process was witnessed by Patt Murphy of the Iowa Tribe of Kansas and Nebraska. The results of the inventory concluded that human remains were still missing. On July 13, 2011, I finally located the Report of Survey used to supposedly "deaccession" the human remains in July of 1990. I had made multiple inquiries with you about how the Monument had "deaccessioned" the items, and you had never provided this to me.

On August 9, 2011, the Midwest Region agreed to form a team or "review board," led by Special Agent David Barland-Liles, to investigate the issue of the missing human remains. The team included tribal representatives, representatives from the Iowa Office of the State Archaeologist (OSA), and representatives from the Iowa State Historic Preservation Office (SHPO). On December 6-7, 2011, the review board held its first face-to-face meeting, and the formal investigation of the missing human remains commenced.

On January 18, 2012, you participated in a voluntary interview with Special Agent Barland-Liles. During this interview, you revealed for the first time to anyone investigating this matter that you were ordered by Munson to remove the human remains from the museum collection in 1990, and you placed the human remains in one or two boxes and handed them to Munson. You further stated, "I can't remember if it was one box or two boxes I gave to Tom." You then revealed that you never divulged your participation in the event, because you were never directly asked. You hoped the NPS and/or Dr. Henning would be able to independently discover what took place without you, since Munson was your friend. You wanted to protect Munson and not rat him out.

On May 16, 2012, you participated in another interview with Special Agent Barland-Liles. As he pressed you for details, you said you were remembering the events of 1990. Explaining the July date on the Report of Survey was helping you remember how hot the weather was when the events transpired which further jogged your memory. You revealed that you believed you and Munson *may* have both carried a box of remains to Munson's sedan in the Effigy Mounds parking lot and placed them in his trunk. The Special Agent walked with you to the parking lot of the Effigy Mounds Visitor Center hoping that the location where the event took place would help you remember additional details. You said that your level of certainty about placing the boxes in Munson's trunk remained low. You had a vague recollection of Munson saying he was taking the remains to his house, and you believed that he had already moved from the National Park Service housing to Prairie du Chien, Wisconsin, at the time you may have helped him place the boxes in his trunk. You said that if Munson was going to do something legitimate with the human remains,

that he would have told you, for instance, transferring them to the Midwest Archeological Center. It was these undisclosed details that dramatically changed the course and focus of the investigation and reduced the probability of involvement of any individuals other than you and former Superintendent Munson. It was not until this investigation interview that you finally disclosed specific details of what occurred; your involvement in regards to the missing human remains; and where the remains might be located.

The next day, May 17, 2012, Special Agent Barland-Liles interviewed both Munson and (b) (2), (b) (6). During the interview, (b) (2), (b) (6) realized that (b) (2), (b) (6) had not been truthful during a previous interview. She then gave Barland-Liles consent to search the Munson's garage. The second box of human remains was immediately located, and Munson admitted he knew the human remains were there the entire time.

On June 14, 2012, Special Agent Barland-Liles and I met with members of the review board to review the findings of the investigation. Administrative Technician (b) (2), (b) (6) was present to help facilitate this meeting. On June 18, 2012, (b) (2), (b) (6) informed me that you had confided to her during the summer of 2011, while on a lunchtime walk, that you were nervous about the investigation that was beginning to build at that time. When (b) (2), (b) (6) asked why you were nervous, you stated it was "because I boxed up the remains and helped Tom Munson put them in the trunk of his car." (b) (2), (b) (6) stated that you were worried about the potential consequences of your involvement. Your comments to her were unsolicited. (b) (2), (b) (6) noticed during the review board meeting on June 14, 2012, that your "full knowledge and memory of the event," as reported during your lunchtime walk in 2011, was different than what you told Special Agent Barland-Liles in January and May of 2012. I then notified Barland-Liles of this conversation with (b) (2), (b) (6). The revelation of the clarity of your knowledge regarding the events of 1990, as revealed to (b) (2), (b) (6) in the summer of 2011, compared to your interviews with investigators in January and May 2012, demonstrates your continued lack of candor.

Based on the information obtained through this investigation, I find that Charge 1- Lack of Candor, is appropriate and supportive of this proposed removal. Considering that part of your assigned duties involved management of the Effigy Mounds museum collection, I find that your conduct in the investigation of the missing human remains is inexcusable. You were entrusted with museum collection responsibilities at the time the remains disappeared, throughout the length of the current investigation, and for many years in between. The fact that you participated in the removal of the human remains 22 years ago is egregious. Your lack of candor during the course of the investigation and during your interviews, where you continued to withhold relevant facts that took over a year for the Government to investigate, is also egregious. These facts were so vital to the investigation, that once armed with the information, investigators were able to retrieve the rest of the missing human remains within one day. Had you been upfront and candid with me when you provided me with the Dr. Henning's reports on April 25, 2011, this issue would have been investigated and come to a conclusion in a far less costly and more expedient timeframe. You wasted government time and money through your lack of candor.

#### **Charge 2 – Inappropriate Use of Government Computer**

During the course of the investigation into the missing human remains, and your eventual placement on Administrative Leave, it was determined that it was appropriate to perform a forensic search of your work computer and portable drives. The portable hard drive connected to

your computer was found to contain sensitive, private data from your supervisor, Florencia Wiles', computer. Ms. Wiles' personal documents were tucked away in a misleadingly named folder labeled \Collections\Save. Ms. Wiles had no knowledge of you having these documents, nor did she give you permission to obtain and save them on the portable drive connected to your work computer, in the \Collections\Save folder. It was also found that you used your computer to access the email databases and archives of other employees.

As a Network Administrator for Effigy Mounds, I find that your actions were an egregious abuse of the authority that you had been entrusted with to assist with such a critical part of the Monument's day-to-day information technology requirements. The mandatory computer use training you took year after year informed you that the unauthorized use of another employee's computer or email is not allowed. Each time you log into your work computer and onto the National Park Service network, you acknowledge your responsibility regarding computer usage. You also complete an annual training requirement by taking the Federal Information Systems Security Awareness + Privacy and Records Management (FISSA) training. In addition, during the FISSA training, you are required to read and acknowledge the NPS Rules of Behavior (RoB) document, which contains Section 2.2, specifically designated for anyone with Administrative privileges.

As a System administrator for Effigy Mounds, you were provided special access to the NPS Network, email program, and the administration of computer access for other employees. This special access was granted in order for you to perform duties related to the administrative work you were assigned. You had no valid reason or the authority to access the content of your supervisor or other employee email accounts or documents, because you were not assigned duties to monitor other employees' computer usage.

### Penalty Analysis

This proposed action will improve the efficiency of the Federal service by impressing upon you the severity of your misconduct and will demonstrate that such behavior is not tolerated. It will further improve the efficiency of the service so that we may rebuild the trust with the associated tribes to carry out the responsibilities the Department of the Interior has assigned to us.

The Merit Systems Protection Board, in its landmark decision, *Douglas v. Veterans Administration*, 5 M.S.P.R. 280 (1981), established criteria that supervisors should consider in determining an appropriate penalty to impose for the employee's misconduct. These twelve factors are commonly referred to as "*Douglas Factors*." The following relevant factors have been considered in determining the severity of discipline in this case.

1. ***Nature and Seriousness of Offense*** – the nature and seriousness of the offense, and its relation to the employee's duties, position, and responsibilities, including whether the offense was intentional or technical or inadvertent, or was committed maliciously or for gain, or was frequently repeated.

### **Charge 1 - Lack of Candor**

You have been the primary employee of Effigy Mounds National Monument who has museum collection duties and has been responsible for all issues involving the Monument's collection for multiple years. The Monument's museum collection contains artifacts of extraordinary value and/or high sensitivity, so a great deal of trust is placed in any employee who works with the collection. The offense of which you are accused directly relates to your museum duties, and this offense destroys your credibility and renders you unfit to carry out those duties. Your primary administrative duties (maintaining personnel files, timekeeping, etc.) also require trust, and that trust has been destroyed by your actions.

This is an extremely serious matter involving the most sensitive resources of this National Park Service unit. The remains of more than 40 people were illegally removed from the park in July 1990, and for all intents and purposes, "disappeared." All of these 40+ people lived and died in what is now Effigy Mounds National Monument. The Monument was set aside to protect the mounds and their contents, including these remains. Thus, the remains of these people transcend what we normally think of as "primary" or "fundamental" resources in the National Park Service.

You withheld vital information from an active investigation into a serious and sensitive issue (the disappearance of human remains) for more than a year, and you provided conflicting, misleading, and/or incomplete information to investigators, thereby impeding an investigation which has cost the Federal government tens of thousands of dollars.

### **Charge 2 -- Inappropriate Use of Government Computer.**

You also seriously abused your computer privileges. A portable hard drive connected to your work computer was found to have sensitive, private data from your supervisor's computer, and was saved in a misleadingly named "Collection\Save" folder. You also used your computer access to access the email databases and archives of other employees in an unauthorized fashion. You were assigned duties as a network administrator for the Monument, and with these actions you once again violated a position of trust.

2. *Employee's Job* – the employee's job level and type of employment, including supervisory or fiduciary role, contacts with the public, and prominence of the position.

### **Charge 1-Lack of Candor.**

You are in a GS-7 position that has both administrative and museum-related duties. Although you have no supervisory role, you nonetheless were in a position of trust. You work with sensitive personnel files, maintain timekeeping, and work with priceless artifacts in the museum collection. Since the fall of 2011, you were the only employee in the Monument entrusted with a key to the museum collection.

The duties assigned to you in your position require you to be very involved with matters relating to the twelve American Indian tribes the Monument consults with. This includes

following the regulations and guidelines that are in place to properly accession and deaccession objects and artifacts in the Effigy Mounds museum collection. The tribes are understandably very upset about the human remains issue, and it is unlikely you will ever have credibility with them again.

**Charge 2 – Inappropriate Use of Government Computer.**

As a network administrator for the Monument's computer network, you were entrusted with enhanced privileges to enable you to help other Monument employees with their computer problems. You violated this trust by inappropriately –and without authorization – accessing and copying information that was stored on the computers of your coworkers and supervisor, despite the annual mandatory training informing you that such activity was not allowed.

**3. *Disciplinary Record* – the employee's past disciplinary record.**

**All Charges:**

I am not aware of any past disciplinary action against you.

**4. *Work Record* – the employee's past work record, including length of service, performance on the job, ability to get along with fellow workers, and dependability.**

**All Charges:**

You served as a seasonal employee from 1987 through 1993, when you were then hired into a permanent position. You have worked at Effigy Mounds National Monument since that time.

My knowledge of you has been that you get along reasonably well with some employees, and very poorly with others.

**5. *Effect on Future Performance* – the effect of the offense upon the employee's ability to perform at a satisfactory level and its effect upon the supervisor's confidence in the employee's ability to perform assigned duties.**

**All charges:**

Your actions have rendered you unfit to serve in any capacity in any position that involves trust. You have proven yourself to be misleading, and have repeatedly demonstrated a capacity to withhold information if it serves your purposes. These actions were directly related to your role as the sole employee with museum collection duties in the Monument. In addition, by inappropriately accessing and copying sensitive information from the computers and email databases of your fellow employees and your supervisor, you also demonstrated that you cannot be trusted with any sort of access to the Monument's computer network or any other sensitive data such as personnel files. A very large percentage of your job entails working with computers, personnel files, and the



Monument's museum collection. I would consider it extremely irresponsible to have you continue to serve in any of your current roles. If you were to stay, I would have to establish an entirely new position for you, and would need to hire another individual to replace your current position, which is vital to the Monument.

6. **Consistency with Other Penalties** – consistency of the penalty with those imposed upon other employees for the same or similar offenses.

**Charge 1- Lack of Candor.**

I have never dealt with an issue even approaching the level of seriousness for the offense you are accused of. I am not aware of any data existing to measure consistency against the specifics of this charge.

**Charge 2— Inappropriate Use of Government Computer.**

Likewise, no other park employee that I am aware of has been accused of inappropriately accessing and acquiring sensitive personal information from a coworker's computer, or of inappropriately accessing another employee's email database or archives. Again, I have no existing data to measure consistency against related to this charge.

7. **Consistency with Table of Penalties** – consistency of the penalty with any applicable agency table of penalties.

**Charge 1-Lack of Candor.**

The Department of the Interior Table of Penalties, Item 18, "misrepresentation, falsification, concealment or withholding of material fact in connection with an official government investigation" is similar to the Lack of Candor charge, and it carries with it a suggested penalty range of 14-day suspension to removal for a first offense. I believe the offense of which you are accused is serious enough to warrant going to the far side of that spectrum. Removal is certainly consistent with the Table of Penalties for serious offenses, and in my opinion, is warranted in this case.

**Charge 2— Inappropriate Use of Government Computer.**

The Department of the Interior Table of Penalties, Item 20, "improper use of government property" most closely applies to this charge of Inappropriate Use of Government Computer, with a suggested penalty range of Written Reprimand to 14-day suspension. However, more severe discipline (including removal) may be appropriate for a first/second offense. You were provided administrator rights and accesses to the Park's network and abused the authority of that access by accessing your supervisor's computer database and retrieving and saving personal documents; and, accessing the email and archives of other Monument employees. Combined with the other serious offenses and violations of trust that have come to my attention relative to you, I find it even more appropriate to recommend the more serious penalty. Proposed removal for this charge is appropriate considering the position of trust you are in as a Monument network administrator.

8. *Notoriety and Impact* – the notoriety of the offense or its impact upon the reputation of the Agency.

**Charge 1- Lack of Candor.**

This incident has, and will continue to cause, profound damage to the credibility and reputation of the National Park Service, particularly with the twelve American Indian tribes with whom we consult on Effigy Mounds National Monument matters. The term "cover up" has been used in many conversations on this matter that have arisen with the associated tribes. Understandably, there is a great deal of interest in this issue with the press, and most details have not been shared as of yet due to the fact that the matter is still under investigation as it relates to other individuals. But there will eventually come a day when this story likely sees the light of day, and at that time the National Park Service will be confronted with the difficult task of defending itself against the shameful actions of some of its employees.

The notoriety of this issue relative to the mission and reputation of the National Park Service is on the extreme end of the spectrum. I and my successors – and the Agency itself – will be dealing with fallout from this debacle for years to come. The offense of improperly removing the remains of more than 40 people is serious enough, but the consequences of covering up the offense and protecting the primary offender has made a very bad situation far worse. Rebuilding the trust with the associated tribes will potentially take years. Having you remain in this position and employed by the National Park Service, regardless of the position you may hold, will permanently damage our creditability with tribal nations.

**Charge 2— Inappropriate Use of Government Computer.**

The notoriety of the offenses related to the inappropriate and unauthorized access to other employees' email and the computer records of your supervisor is not as serious as the other issues described in Charge 1; however, in light of your position of trust, they are certainly notorious on a Monument-wide scale, and will impact the ability of Monument employees to trust you.

9. *Clarity of Notice* – the clarity with which the employee was on notice of any rules that were violated in committing the offense, or had been warned about the conduct in question.

**Charge 1 –Lack of Candor**

You were very aware of the fact that I was taking the issue of missing human remains very seriously, as we are charged to preserve and protect them under the Organic Act of 1916 establishing the National Park Service, the 1949 Presidential Proclamation establishing Effigy Mounds National Monument, the Archeological Resource Protection Act, the Native American Graves Protection and Repatriation Act, and various laws and treaties related to the government to government relationship with tribes and their sacred lands, objects and especially, the remains of their ancestors. I had many conversations with you about where the investigation was going, what I planned to do, and my frustrations with Tom Munson's alibis. You did nothing and said nothing to me of what actually occurred

and your involvement. Your information was critical and could have taken the investigation on a completely different path. In February 2012, I had a conversation with you in which I told you that I needed everyone in the Monument – you included – to immediately check through their files and immediately hand over any documents that even might be relevant to the investigation. In June 2012, I found documents in your workspace that were highly relevant to the investigation. You did nothing to dissuade me from performing a 100% inventory of the museum collection (costing thousands of dollars) in the summer of 2011, despite knowing full well that the remains I was looking for were most definitely not in the Monument's collection.

#### **Charge 2 Inappropriate Use of Government Computer**

Relative to the computer-related offense that you are accused of, there is no mistaking the fact that clear and repeated notice was provided that access to or possession of computer data for which you were not authorized violates Department of the Interior and National Park Service policies related to computer use. All NPS employees with computer access, including you, take annual training that covers these topics in detail.

10. *Potential for Rehabilitation* – potential for the employee's rehabilitation.

#### **All Charges:**

From what I know, you are unremorseful and feel that you have done nothing wrong. From the reports of your interviews with investigators, you come across as an innocent victim, and tried to blame others. You continued to be less than candid to investigators, and I have no reason to believe this will change. As far as I am concerned, you cannot serve in any position that involves any level of trust, especially relative to the museum collection, the Monument's computer network, or personnel records. I believe this renders you completely unfit for the duties that are assigned to you.

11. *Mitigating Circumstances* – mitigating circumstances surrounding the offense, such as unusual job tensions, personality problems, mental impairment, harassment, or bad faith, malice or provocation on the part of others involved in the matter.

#### **Charge 1-Lack of Candor.**

I long defended your actions relative to boxing up the remains and handing them over to former superintendent Munson. You were a seasonal employee in July 1990, responding to an order from a superintendent. I even defended you as recently as June 2012 at a meeting with tribal representatives. But a few days later, after learning that for more than a year, you had been withholding the one key fact that ultimately solved the whole mystery of the missing remains, my confidence in you was utterly shattered. There are no reasonable mitigating circumstances that I am aware of.

#### **Charge 2 Inappropriate Use of Government Computer**

To my knowledge, there are no mitigating circumstances relative to this charge.

12. **Availability of Alternative Sanctions** – the adequacy and effectiveness of alternative sanctions to deter such conduct in the future by the employee or others.

**Charge 1- Lack of Candor**

If an employee of a preservation agency violates the remains of the ancestors of modern-day American Indian tribes who work closely with the Monument – or if that employee protects someone who has done this – it represents a violation of trust that is truly extraordinary. The only possible way for you to continue employment with Effigy Mounds National Monument is if I establish an entirely new (and currently unneeded and unfunded) position for you. In light of the seriousness of your offenses, it is very difficult for me to imagine why I might dedicate badly needed funds to a position the Monument doesn't need – especially a position that would be occupied by an employee that I, the Monument's staff, and the American Indian tribes we work with, can no longer trust. I honestly believe there are no viable alternatives to removal.

**Charge 2- Inappropriate Use of Government Computer**

You were entrusted with enhanced network accesses. The violations that you committed regarding computer access are serious, and I do not believe there are viable alternatives to the proposed removal on this second charge.

**Employee Rights and Procedures**

You have the right to reply to this Proposal orally and/or in writing (and furnish affidavits and other documentary evidence), no later than fourteen (14) calendar days after you receive it. Your reply must be presented to the Deciding Official, Associate Regional Director, Administration, Nancie Ames of the Northeast Regional Office. For tracking purposes, your reply should be sent in a sealed envelope addressed to Ms. Ames, and forwarded to Human Resources Specialist Denise Stewart at the address indicated below. Ms. Stewart will forward your response to Ms. Ames.

National Park Service  
Midwest Region  
Attention: Denise Stewart  
601 Riverfront Drive  
Omaha, Nebraska 68102  
Fax: (402) 661-1650  
Email: denise\_stewart@nps.gov

If you would like to provide an oral reply, please contact Ms. Stewart and she will arrange the appointment for you to talk with Ms. Ames.


Your reply should include any information or evidence you want the Deciding Official to consider in making the Decision. If you need to request an extension of time to reply, your request must be in writing and must be received by the Deciding Official no later than close of business at the end

of the current fourteen (14) calendar day response date. It must state the reason for your request and the amount of additional time needed. The Deciding Official will respond to you, in writing, either granting or denying (fully or partially) the time extension request.

You have a right to review the material relied upon to support this proposal. A copy of the materials are enclosed.

During the reply process, you can represent yourself or be represented by an attorney or other representative. However, management has the right to disallow as your representative an individual whose activities as representative would cause a conflict of interest or position, or an employee whose release from his or her official position would result in unreasonable costs or whose priority work assignments preclude his or her release. If you elect a representative, you must designate the individual, in writing, to the Deciding Official prior to any oral and/or written reply.

Since you are on administrative leave, a change of hours to use official time will not be granted. Full consideration will be given to any reply you make and you will receive a written decision on the proposal at the earliest practicable date after receipt of your reply. If you choose not to reply, a decision will be made as soon as practicable after expiration of the time allowed for your reply. The proposed action, if sustained by the deciding official, will not be effective earlier than thirty (30) calendar days from the date on which you receive this notice. You will remain on administrative leave status during the thirty (30) day notice period, unless you request and receive approval from your supervisory chain for any type of leave.



James A. Nepstad  
Superintendent

#### Receipt Acknowledgement

You are requested to sign and date one of the original copies of this memorandum that we have sent you as evidence that you have received it, and return it in the enclosed self-addressed, stamped envelope. Your signature does not mean that you agree or disagree with the contents of this memorandum and by signing you will not forfeit any of the rights mentioned. However, your failure to sign will not void the contents of this memorandum.

Receipt Acknowledged: \_\_\_\_\_ Date: \_\_\_\_\_



Appeal Filed in (b) (2), (b) (6) - Initial Appeal

e-appeal@mspb.gov

Mon 7/8/2013 3:16 PM

To: CENTRAL REGIONAL OFFICE <CENTRALREGIONALOFFICE@mspb.gov>;

1 attachment

Merged.pdf;

A new appeal has been submitted in the case (b) (2), (b) (6) - Initial Appeal.  
A copy of the appeal is attached to this email. Information on the submitted appeal follows.

Case Title: (b) (2), (b) (6) - Initial Appeal  
Appeal Title: Agency Personnel Action or Decision  
Appeal Number: 201305470  
Appellant Name: (b) (2), (b) (6)  
Agency Name: Department of the Interior  
DMS ID : 840641