

A Crude Awakening: The Case of Jácanas

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Abstract

The compliance-driven archaeological excavations conducted at Jácanas have brought to the surface some of the major issues faced in the management and protection of Puerto Rico's historical heritage. This case clearly reflects the legal limitations that we Puerto Ricans have to safeguard our cultural patrimony in federally regulated undertakings resulting from our colonial situation, as well as the colonialist templates by which some of those archaeological interventions in the island are structured. In this presentation, we focus on the deficient methodological protocols, ethical violations, and overall low archaeological standards observed in said work, which serve as a graphic metaphor of the problems inherent in the performance of archaeology in colonial settings.

Since its onset, archaeology has had a tight relationship with both, political and cultural colonialism. From cases such as the English appropriation of marble pieces of the Parthenon in Athens to the utilization of archaeologists from the United States such as J. Alden Mason and Samuel Lothrop to serve as spies in Puerto Rico and other Latin American countries, as denounced by Franz Boas, the examples of the use of this discipline in service of an imperial agenda abound. Although some central archaeologists have made concerted efforts to reflect and step away from this tendency, in many cases archaeology has still not been able to break loose from the colonialist template upon which it was originally founded.

Now, with the firm grounding of contract archaeology, the case has worsened due to the entanglement of this colonialist mentality with the commercial treatment of the cultural heritage. Although the spirit of the laws that led to the development of this brand of archaeology emphasized the protection and preservation of the vestiges of ancient societies for future generations, it has unfortunately also led to the rise of an archaeology without a heart but with a big pocket whose filling-up has, in some cases, guided the decision making process in the management of the archaeological resources that it is supposed to protect.

This situation is even worse in scenarios that live under a colonial status, such as the case of Puerto Rico. Although in legal terms Puerto Rico is a commonwealth, a political formula that allowed the island to be excluded in the mid-20th century from the United Nations list of colonies, it is quite evident that in pragmatic terms the island continued, and still continues, to be a colony of the United States.

This colonial situation and its implications for the management of the cultural resources of the island are nowhere more evident than in the archaeological intervention in Jácanas by New South on behalf of the Corps of Engineers [SLIDE], which clearly is the purpose behind this symposium, organized to mitigate the criticisms that have been made mainly as a result of the deficient archaeological practices that were implemented during its so-called mitigation, which for us serve as a graphic metaphor of the negative residues of coloniality in the practice of our discipline. Due to the fact that within this colonial status Puerto Rico is considered a US territory, both federal and state laws apply in the

protection of the natural and the cultural patrimony of the island. This duality in legal requirements has created many processual problems, particularly when federal funds are used in an undertaking because both the SHPO office of the island and the federal agencies erroneously consider that they are only bound to observe the National Historic Preservation Act, but are exempt of also adhering to the requirements of the state law 112 of 1988, created with the purpose of protecting and managing the cultural and historical patrimony of Puerto Rico.

This has led to the common practice by the SHPO and federal agencies of doing things behind the backs of the state agencies that oversee the better interests of our cultural patrimony, particularly the Consejo de Arqueología Terrestre, which was created by said state law 112. In fact, many undertakings have and are taking place in the island in military bases and other federal facilities for which neither the Consejo nor the people of the island has any information. Interestingly, this information is being withheld by the SHPO, a state agency that is ascribed to the Governor's office and also forms part of the Consejo. This becomes even worse in situations in which even the SHPO is not being informed of these findings by some of those federal agencies as, for instance, is the case of a site just across the river from Jacanas that, as documented recently by Josh Torres, was discovered by the Corps more than a decade ago but still has not been reported to the SHPO.

It is within this context that case of Jácenas unfolded. The SHPO never formally informed the Consejo in any of their monthly meetings of the archaeological excavations

that were being conducted at the site at thus the work proceeded through the section 106 process, without any observation of the state law and without any consultation with local governments or any other interested parties, even when the federal code of regulations provides such a guidance in order to avoid precisely this type of situation. In the evaluation of the historical properties present at this site, federal criteria for eligibility were applied and decisions were made based on those criteria. In fact, it was the application of those federal criteria that led to the complete destruction of a 19th century cultural resource during the work in Jacanas because it did not meet federal eligibility requirements, not even under the catch-all Criteria D, although these remains date to one of the periods of which we know less in Puerto Rican history.

This way of handling this historical occupation to a great extent mirrors the negligent manner in which the rest of the excavations in the precolonial portion of the site were conducted. First, we should note the quasi-fetishist way in which heavy machinery was employed in the excavations, starting on phase 2[**SLIDE**]. Instead of complementing manual excavations, this eventually became the primary way in which archaeological contexts were intervened during the mitigation phase[**SLIDE**]. Backhoes replaced the hands of the archaeologists in the excavation of most of the site, [**SLIDE**] although it was clear that the site presented a quite remarkable and complicated stratigraphy full of archaeological materials and overlapping anthropogenic lenses [**SLIDE**] whose careful documentation was compromised by the preponderant use of this excavation method.

Due to the deficient survey protocols applied at the site, it was in the last stages of this machine stripping when some of the most conspicuous elements associated to what has been interpreted as one of the biggest ballcourts ever documented in the Antilles were identified [SLIDE]. Some stone slabs that contain petroglyphs, whose level of complexity have only been documented in Caguana, the main ballcourt site of the insular Caribbean, suffered the effects of this form of excavation [SLIDE], and thus were clearly mutilated with the backhoe. We believe that when one finds something like this, which in Puerto Rico and the rest of the Antilles almost had no precedent, as an archaeologist one simply needs to stop and make a decision [SLIDE], a decision that can either be made with your heart, adhering to the ethical and moral standards of the discipline and taking into consideration the people whose history you are intervening with, or one that is made with the pocket, thinking of dollar signs and future contracts. Unfortunately, the archaeologists chose the second alternative, and continued mitigating a site that was unmitigatable [SLIDE] employing poor excavation methods, [SLIDE] extracting materials indiscriminately and using them to adorn the tops of the stone slabs that surrounded the batey [SLIDE], quite literally desecrating it.

Instead of stopping and changing strategy, [SLIDE] they continued to use the backhoe to strip away the court floor where the activities that were held by our ancestors in those sacred spaces took place, [SLIDE] extracting the foundations of many of the monoliths thus leaving their luck to the force of gravity, [SLIDE] some of them falling down [SLIDE] while others ended far away from their original contexts [SLIDE]. The end

result of all of this was a mutilated site, whose remains were often accumulated in piles that were literally full of archaeological materials [SLIDE].

At this point, we want to clarify that we are not against the use of heavy machinery in archaeology. In fact, we have used this type of equipment to document house floors in several sites in the island and we have also used it in the excavations of deep deposits such as the one of Paso del Indio, a site whose earliest context went down to four meters below surface [SLIDE]. Our point is that this type of equipment needs to serve to assist archaeological excavations and not as a replacement for the careful treatment of archaeological remains, particularly in a site of such complexity and importance.

This is particularly so when human remains come to play. [SLIDE] Not only were the more than sixty burials unearthed at the site mostly uncovered using heavy machinery, thus not documenting adequately those mortuary contexts. [SLIDE] This handling of human remains not only violated their respectful treatment, but also did not even adhere to what was stipulated on the MOA that the Corps signed with the SHPO regarding the ways in which these funerary contexts were to be documented.

[SLIDE] The deficiencies in the archaeological practices conducted at this site were denounced by the members of the Consejo, which is composed of some of the most prominent archaeologists of the island, including Miguel Rodriguez, former president of the International Association for Caribbean Archaeology and Dean of the Centro de Estudios Avanzados de Puerto Rico y el Caribe, Diana Lopez, full professor of

Anthropology at the main campus of the Universidad de Puerto Rico, and Gus Pantel, full professor at the Universidad Politécnica de Puerto Rico. They all not only characterized this work as a textbook on how not to do archaeology, but also unanimously expressed that state law 112 was violated in this undertaking.

[SLIDE] This claim was echoed by the former Governor of the island, who visited the site and contentiously argued that federal agencies need to respect us and our laws. In fact, federal agencies are not exempt of adhering to state laws, particularly in cases in which some of the statuses of federal and state regulations are not in conflict with each other. In this light, it should be noted that Section 106 and the state law 112 are not in conflict with regards to the need to obtain a permit for conducting archaeological excavations in the island, since the SHPO does not have the legal power to grant such permits; it simply serves to assist Federal agencies so that they consider the effects of their actions on historic properties and to afford the advisory council a reasonable opportunity to comment on matters of historical preservation in federally funded undertakings. So, the Section 106 review process encourages, but does not mandate, preservation. The only agency in the island that has the power to grant such authorizations and/or to demand the preservation of a site is the Consejo, under state law 112, and thus the Corps of Engineers and any other federal or state agency are thus required to obtain such permits before the onset of any undertaking in the island.

The same issue applies to the removal of materials from Puerto Rico. The SHPO does not have the power to authorize the transport of archaeological materials outside the

island. The only agency that has the power to grant such a permit is the Consejo, which includes representatives of two of the agencies that were involved in this project, the Department of Natural Resources and the SHPO, both of which are supposed to inform the Consejo of the archaeological activities that they have any inderence upon. Thus, by hiding this information, both the SHPO and the Department of Natural Resources acted, as a part of the Consejo, against the better interests of the cultural patrimony of the island and also against the law which they are sworn to protect. As a result, these materials were illegally removed from Puerto Rico and are still illegally housed outside the island.

Furthermore, in the standards set in section 36 CFR, part 79 is established that archaeological collections should be curated in a facility that meets the federal requirements, which is in the same state or the one closest to the context from which these were excavated. Although the SHPO and the Corps may not know it, the deposit of the Institute of Puerto Rican culture meets such standards. But, if the Corps or any other federal agency is not happy with such facility, it would be a great contribution and perhaps a way of mitigating this archaeological malpractice to create in Puerto Rico appropriate facilities such that the materials that they extract in their undertakings are accessible to the people of the island and other interested parties.

And, despite all of this legal muddle, it is clear that sometimes things that are legally correct are not morally or ethically so. Although not recognized as such by the US government as are the Native American Tribes, the indigenous peoples that inhabited the

island in precolonial times are our ancestors and thus we have the historical and moral right to better observe for the respectful treatment of our cultural patrimony.

This leads us to question, after all the hundreds of thousands of dollars that were spent and the irreversible damage inflicted upon the site, what's in it for us? A symposium designed to wash the hands of those involved in the creation of this havoc? In fact, it is clear that our participation as part of this public relations event, the one that is supposed to present the "other" point of view, was placed at the beginning of this symposium so that the rest of the papers, almost all dealing with Jácanas, can water down our arguments. Now, the methodological aberrations that we presented here will suddenly become paths toward social complexity, archaeological indicators of competing chieftancies, household patterns, etc., etc. Walls will become straight, strata will appear in profile drawings and, images like this (SLIDE) will become this [SLIDE] through the magical power of graphic art.

However, most of what really happened at this site was this (SLIDE), this(SLIDE), this(SLIDE), and this (SLIDE). This situation, strictly from an archaeological perspective, is outrageous. But, from our perspective as Puerto Ricans, it is simply unacceptable, a highly disrespectful treatment of our cultural patrimony. And, one thing that we want to make clear is that our position should not be trivialized as a simple anti-American rant. Our point is that this was bad archaeology and bad archaeology has no nationality.

This case has crudely awaked us to the dangers involved in the performance of a colonialist based, commercially motivated archaeology. Hopefully, it also serves to awaken those others that are involved in such a practice so that this situation is never repeated again in our island or anywhere else.