

## ACRA Board of Directors Baltimore Midyear Meeting

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Board Members Present (representing a quorum) left to right: Tom Wheaton, Duane Peter, David Ketz, Mike Polk, Patrick O'Bannon, Dan Roberts, Charissa Wang, Dana McGowan, Chuck Niquette, Loretta Neumann, Don Weir, Kevin Pape, and David Heisler. (Jeanne Harris, ACRA Newsletter Editor, was also present.)

#### Summary

March 30, 1996

Mike Polk, ACRA Secretary, distributed minutes from the October 1995 Washington, D.C., Board meeting as well as minutes of the Annual Business Meeting. Minor changes were suggested to the board minutes and, with those changes, the minutes were approved by the board.

Chuck Niquette, ACRA President, reviewed the latest legislative problems concerning CRM in Washington. Steve Hodap, Congressman Jim Hansen's aide, indicates that reauthorization of the National Historic Preservation Act (NHPA) is in trouble. Hansen's House Interior subcommittee is looking at reauthorization of NHPA this year. Last year, in a vote on funding of the Advisory Council for Historic Preservation (ACHP) that same committee voted 11-4 against funding. This year the same people

are on the committee and their minds have not changed. It is critical that this reauthorization bill moves out of the subcommittee or it could die and not even be reauthorized, a step which is necessary for its survival. There is a possibility that, on the Senate side, Simpson from Wyoming could get it out of subcommittee which could force the bill out of the House subcommittee. Loretta Neumann (board member) and Chuck Niquette will provide information about what we can do.

Tom Wheaton, Executive Director of ACRA, next presented the latest ACRA statistics and his accomplishments since the last board meeting. We now have 110 corporate members and 23 associate members. A total of \$85,000 in dues has been received since the organization's inception. ACRA is now recognized as a national organization: members are invited

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## **Board Of Directors**

**Shelley Bookspan**

PHR Environmental Consultants

**Cory D. Breternitz**

Soil Systems, Inc.

**Lee Cox**

Dolan Research, Inc.

**David Heisler**

Calverton, MD

**Dale Jaeger**

The Jaeger Company

**David Ketz**

The 106 Group Ltd.

**Thomas Lennon**

Western Cultural  
Resource Management, Inc.

**Carol Mehls**

Western Historical Studies

**Dana McGowan**

Jones & Stokes Associates, Inc.

**Loretta Neumann**

CEHP, Incorporated

**Charles Niquette**

Cultural Resource Analysts, Inc.

**Patrick O'Bannon**

Kise Franks & Straw

**W. Kevin Pape**

Gray & Pape, Inc.

**Duane Peter**

Geo-Marine, Inc.

**Michael Polk**

Sagebrush Archaeological  
Consultants, L.L.C.

**Daniel Roberts**

John Milner Associates, Inc.

**Judith Robinson**

Robinson & Associates

**Kathryn Toepel**

Heritage Research Associates, Inc.

**Charissa Wang**

Hardlines: Design & Delineation

**Donald J. Weir**

CCRG, Inc.

**Thomas Wheaton**

New South Associates, Inc.

## **Antitrust Guide for Mem- bers of Trade Associations and Professional Societies**

**By Thomas R. Wheaton, Executive Director,  
ACRA**

*ACRA recently received a copy of an article on the topic of antitrust laws entitled "Antitrust Guide for Members of Trade Associations and Professional Societies". It has no publication date or author, but does present some information that might be useful for our membership when talking to other members and competitors.*

The single most significant law affecting trade associations and professional societies is the Sherman Antitrust Act, which makes unlawful every contract, combination or conspiracy, in restraint of trade or commerce. A trade association or professional society by its very nature is a combination, thus satisfying what would ordinarily be a difficult element in proving an antitrust violation. The Federal Trade Commission Act, the Clayton Antitrust Act, and the Robinson-Patman Act also are applicable to trade associations and professional societies, for they also forbid anticompetitive activities.

There are four main areas of antitrust concern for trade associations and professional societies: price fixing; membership; industry self-regulation; and standardization and certification. The area of greatest concern has been price fixing. The government may infer a violation of the Sherman Act, for example, by the mere fact that all or most of the members of a trade association are doing the same thing with respect to prices or other terms and conditions of trade. It is not required that there be an actual agreement to set prices. Rather, price fixing is a very broad term which includes any concerted effort or action which has an effect on prices, terms or conditions of trade, or on competition. Moreover, such concerted actions (affecting prices) cannot be justified by showing that they will benefit customers, or that the prices set are otherwise reasonable.

Accordingly, trade associations and professional society members should refrain from any discussion which may provide the basis for an inference that the members agreed to take any action relating to prices, production, allocation of markets or any

## **Update On Professional Liability Insurance**

**by Chris Butler, C & D Butler, Inc.**

As I mentioned in the March issue of the Grapevine Newsletter, I wanted to give ACRA members an update on my progress in finding the best market for professional liability insurance (otherwise known as errors and omissions insurance). In March, I sent a letter to the board advising of the status of my efforts. This article will highlight the key issues that were addressed in my status report.

It has been almost a year since I started working with ACRA to find the most affordable professional liability insurance. Although the first year has not resulted in any significant changes, I believe the members are more knowledgeable about the need for this coverage. Also, I believe there is a good opportunity in the coming year to offer a program which will benefit ACRA.

When ACRA was formed, Tom Wheaton told me that many members were not able to find affordable professional liability coverage. He asked if I could help the association. Because ACRA was just forming, we agreed that the best approach was to find a market which would have an interest in writing the coverage on an account by account basis. Several companies expressed a strong interest in taking this approach. This seemed to be a good starting point since there was uncertainty in how much participation and interest there might be.

Since the first announcement about the availability of professional liability coverage through ACRA, there has been interest from the members. Unfortunately, there has also been some misunderstanding about what was being offered. Several people have commented that they thought this was a special program endorsed by ACRA and underwritten by one company. Although ACRA was encouraging members to contact me, I could not guarantee that my price or coverage would be any better than what was already available to the members through their own agent. It was hoped that if we could write enough policies, we would have the ability to get one company to offer a special program.

During the past year, I have been working with a market on a special program for the

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## Board Meeting..

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to give talks, asked to testify, we now have a newsletter, ACRA-L, an annual meeting, and a web site. The web page gets 1000 "hits" a week and two to three people ask for information through that site everyday. Tom has mailed over 2000 ACRA brochures and there are 1600 addresses on the mailing list. A lawyer was hired last year to help with the labor relations committee work. ACRA is still not doing well with membership dues, however. More people need to be encouraged to join, to find ways of improving income flow. There was talk of appointing a fund raising committee.

Dana McGowan then discussed the plans for the upcoming ACRA Annual Meeting in Sacramento, California. She presented to the board her proposal for her company, Jones and Stokes Associates, to host the national conference at the Hyatt Regency-Sacramento on November 1-3, 1996. The board **approved** the proposal and the dates for the meeting.

Conference items also **approved** by the board:

- decision to have workshops on Friday related to one or more issues (to be decided later) such as OSHA, Federal Contracting, NRHP Eligibility Determination, Workman's Compensation Insurance or other issues;

- the Board of Directors meeting will be held Friday afternoon - evening, 4-8 pm;

- there will be a plenary session Saturday morning and concurrent sessions Saturday afternoon.

- the annual business meeting for ACRA will take place Sunday morning from 9-12 noon.

Charissa Wang presented the Treasurer's Report which included the income Statement Estimate and an estimated budget for the rest of the year. Tom Wheaton went through the list of expenses and there was then a discussion about how to generate more income. Discussion then followed about the possibility of making ACRA a non-profit organization (we are currently for-profit). The board **approved** a motion to have Charissa's CPA put together appropri-

ate paper work for non-profit organization, pass it by a lawyer and then register it in Washington, D.C.

## Committee Reports

**Membership Committee** David Ketz, chairperson, (see **Committee Reports**) David was placed in charge of investigating fundraising options. Suggestions included a "fax back" service using "900" telephone numbers. In this way ACRA could generate funds by marketing information to non-members.

(Lunch)

**Labor Relations Committee** After lunch the board was joined by Maury Baskin, the labor lawyer that ACRA hired to help the Labor Relations Committee with problems about wage determinations issued by the Labor Department and other issues related to this topic (see **Committee Reports**).

**Competitive Practices Committee** Patrick O'Bannon, chairperson, discussed issues about this committee (see **Committee Reports**). After much discussion, the board tabled the issues brought up. There was not enough time to further discuss the issues.

**Education Committee** In Joe Schuldenrein's absence, Chuck Niquette presented the report for this committee (see **Committee Reports**). Chuck indicated that the committee supports the goal of graduating people who are better prepared for CRM. The Society for American Archaeology has funded a study of this issue. They would like to have ACRA's endorsement of an archaeological internship program. The board agreed that education committee needs to broaden their focus to include more than just archaeological issues. Education aspects related to other disciplines also need to be explored including architectural history and history. A motion was made and **approved** to officially support the SAA initiative for creation of an archaeological internship program. A caveat to this motion was the need for those involved in creation of internships to know that the CRM field is **interdisciplinary** and the internships should include architecture, history, planning, and related fields as well as archaeology.

## ACRA Annual Meeting Update

The second annual ACRA conference will be held November 1-3, 1996, at the Hyatt Hotel in Sacramento, California. The conference will be hosted by Jones and Stokes Associates, Inc. Dana McGowan is the conference organizer.

As outline in last month's issue, the format will follow that of last year's conference. The Board of Director's Meeting will be held on Friday afternoon, November 1. The conference will begin Saturday morning and continue all day, November 2. The ACRA Business Meeting will be held Sunday morning November 3, and will last until about noon.

In addition, this year there are plans to hold workshops on Friday. Suggested topics for the workshops include OSHA Regulations, Federal Contracting, and Native American/NAGPRA Issues. If you have any suggestions for symposia or workshops, please contact Dana at the number listed below.

Currently, contract negotiation with the Hyatt are being finalized. Registration information will be forthcoming once a contract is secured.

For further information, contact Dana McGowan at 916-737-3000; e-mail danamcg@ix.netcom.com.

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# ACRA Committee Reports

## COMPETITIVE PRACTICES COMMITTEE by Patrick O'Bannon, Chairperson

The Competitive Practices Committee has monitored discussions on ACRA-L related to the issue of "unfair competition" from non-profit organizations and tax-supported insitutions, such as universities. The discussion has been heated and on-going. The complexity of this issue, and its connections to other complex issues such as the quality of university training and professionalization of the industry, mitigates against simple solutions, since those supposed solutions could produce unanticipated and undesired consequences in other areas.

ACRA needs to develop accurate information regarding the costs of doing business as a non-profit, a tax-supported institution, and a for-profit. The discussion on ACRA-L has been short on facts and long on unsupported blanket statements. Until we have come up with evidence, it is impossible to refute non-profits who claim that the playing field is already level.

Even if we can establish that the playing field is, indeed not level, we will have to grapple with the intangibles associated with this issue. These include the training and professionalization issues, as well as basic strategic questions.



## BEST PRACTICES COMMITTEE by Mike Polk, Chairperson

The Best Practices Committee was formed in 1995, in an effort to identify and solve problems that ACRA members have observed in the responsiveness of the SHPOs and Agencies, to make them less prone to costly review comments and decisions, and to generally promote accountability in the process.

The original charge of the committee was to begin to solicit both "horror" stories and examples of positive experiences with SHPOs and Agencies from ACRA members and others. We were to take that information and try to distill it into some meaningful problem areas to be analyzed and discussed for possible solutions. Of course, all of this was to come from the perspective of the consultants. The information would then be presented for consideration to the larger Best Practices Council, of which ACRA would be a part.

Our progress to date? Despite a very late start on this process and delays caused largely by the very busy schedules of all members of the committee, analysis and

some consensus has been reached about the practice of CRM in the USA and some directions to take in that regard have been suggested. All agree that this is an incredibly broad topic that only cursory attention to ACRA-L makes quite clear. There are a myriad of directions in which one could go in trying to identify symptoms here, not to mention trying to define and then cure the problems. The horror stories and positive experiences submitted can drag you down into a myopic quagmire. In order to get a handle on this subject we had to back up and look at the charge of the committee and the most effective way that we could approach the problem. Some observations:

1. Communication, as in all aspects of life, is one of the most commonly identified causes of problems between SHPOs and Agencies, between Agencies and Consultants, between .... everyone. Its a universal problem that is usually caused by too little hearing and too much talking. Miscommunication, big egos, status conscience professionals, and assumptions, all add to the problem. I think another problem related to this is the failure of people to carefully look at cultural resource related legislation as it is written, to carefully read the various laws and the regulatory instructions. People often get crossed with one another because of a poor understanding of the intent of Congress, of what the regulations are meant to do and NOT meant to do.
2. Differing agendas represents, perhaps, another important aspect of the problem. From the ideas of Duane Peter, I provide this scenerio. While SHPOs sometimes provide a positive viewpoint on problems and can help add perspective as an entity not directly involved in a project, they often have inexperienced or under experienced personnel. These personnel sometimes (often?) have motives related to specific political agendas, and the offices are sometimes poorly managed. Federal agencies often enforce cultural resources legislation positively and impose important standards for contractors to live by. However, they sometimes have employees who don't care, others who are incompetent and many who try to compromise to the point of making cultural resources almost an irrelevant part of the organization. ACHP can sometimes provide a positive counterpoint to conflicts between agencies and SHPOs. Unfortunately, it is a weak agency and often not effectual enough to make a difference in the real world. Consultants often bring fresh ideas and enthusiasm to the process, but sometimes try to do the minimum, to make the most profit for the least effort, often at the expense of the resource. Some are merely incompetent. Industry, often a forgotten part of this mix, is a very valuable player in the process. They often provide the opportunity to perform important that are blocking our expansion. Time and money are the two key factors that are blocking our expansion.

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# ACRA Government Relations Accomplishments

## March 1995-March 1996

Prepared by Loretta Neumann and Kathleen Schamel CEHP Incorporated

### Overview

ACRA is represented in Washington D.C. both on Capitol Hill and before the federal agencies, by CEHP Incorporated, a Washington-based consulting firm. CEHP's activities are reported to the Board and the membership, often posted in the form of fact sheets and special alerts on ACRA-L and distributed to other on-line list servers. CEHP has attended meetings, draft letters, developed strategy, and coordinated testimony. In addition, we helped ACRA host several meetings of the National Preservation Coordinating Committee (NPCC), composed of representatives of all the major organizations representing the fields of archaeology, architecture, history, and historic preservation. This report details some of ACRA's major undertakings and accomplishments over the past year.

### Advisory Council on Historic Preservation

The most time consuming effort ACRA and its members undertook was the successful effort to save the Advisory Council on Historic Preservation during the fiscal year 1996 appropriations process. When the House Appropriations Committee tried to eliminate the ACHP by removing most of its funding, ACRA took the lead in the fight to save the Council. We began with letters to the House expressing our understanding that this might happen and urging their support to maintain the Council. When our efforts were initially ignored, we followed with an outpouring of letters from all over the country. When the bill went to the House floor we learned that Rep. Bernie Sanders (I-VT) planned to offer an amendment to restore the Council's funding. ACRA again took the lead. As CEHP obtained information, it was immediately circulated to ACRA members and to the National Preservation Coordinating Council.

The following are highlights of these activities:

- Letters: On June 13, CEHP drafted and coordinated the hand delivery of ACRA letters to all members of the House Interior Appropriations Subcommittee; on June 19 ACRA initiated the NPCC joint letter to House Interior Appropriations Subcommittee; on June 26, ACRA drafted and coordinated the NPCC letter to all members of the full Appropriations Committee; July 12, ARCA hand delivered letters to all members of the House of Representatives supporting the ACHP with an accompanying fact sheet; on July 13, ACRA drafted and coordinated the joint NPCC one page letter and delivered it to the entire House of Representatives.
- Alerts: Numerous special alerts were sent out over e-mail,

and hundreds of calls and letters were generated through ACRA's grassroots system supporting the Council. These included a May 18 alert on the budget rescissions; a June 21 detailed memo on the mark up sent to all ACRA members as well as other preservation groups; and a July 12 alert on the potential of the Sanders amendment coming to the House floor.

- Congressional Call-In: We drafted a script and had interns and staffers from ACRA, Preservation Action and the Society for American Archaeology call all House and Senate offices when the Interior bill was about to come to the respective floors for a vote. The Senate moved so quickly after the House completed action that ACRA did not do any specific letters.

### Forest Service

ACRA took the lead and was one of the only organizations supporting increased funding for the USDA Forest Service, whose proposed FY 1996 budget request was cut by the House Appropriations Committee from \$14 million to \$13 million. Due primarily to ACRA's support to Members of the Senate Appropriations Committee, the Senate included nearly all \$14 million. During the conference, the House and Senate compromised at about \$13.4 million.

### Legacy

ACRA coordinated with congressional staff and sent several letters to Assistant Secretary of Defense Sherry Wasserman Goodman objecting to attempts by the Defense Department's Comptroller to withhold the \$10 million appropriated in fiscal 1996 for the Legacy Resource Management Program. A similar letter was sent to Secretary of Defense William Perry.

### 1997 Budget

Staff researched all of the relevant agency and departmental budgets for FY 1997 and analyzed their effects on preservation programs. Kathleen Schamel drafted ACRA's testimony. Loretta Neumann coordinated with the board and presented ACRA oral testimony before the House Appropriations Interior Subcommittee hearing for outside public witnesses on March 14.

### National Historic Preservation Act

ACRA tracked the potential of hearings by the House Resources Committee on the overall national historic preservation program. ACRA sent a letter in October 1995 to Subcommittee Chairman James Hansen (R-UT) requesting the opportunity to testify if a hearing was scheduled. Loretta Neumann also made a personal request to the subcommittee staff. The hearing was held March 20, 1996,

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## Legislative Update..

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and it included testimony on H.R. 3031, to reauthorize the Advisory Council on Historic Preservation and H.R. 564, the "Mount Shasta" bill that would prevent inclusion of sites on the National Register of Historic Places that do not contain artifacts or other physical evidence of human activity significant in history or prehistory. ACRA was one of only four groups to testify on a panel of professional organizations. Loretta Neumann drafted testimony, coordinated it with members of the ACRA board and presented it to the subcommittee. She also prepared a detailed report summarizing the hearing and sent it by e-mail to all ACRA members.

### Other Issues

In addition to the above issues, CEHP kept ACRA informed on the National Park Service "Reform" bill, BLM land transfer bills, Heritage Areas issues, Tax Credits, and Small Business issues. On March 15, Loretta sent a detailed Congressional update covering all of these issues to the ACRA board, members and ACRA-L. CEHP also attended special agency-based meetings and reported to ACRA on the Bureau of Land Management's inter-agency reorganization effort, the National Conference of State Historic Preservation Officers board meeting, and the Advisory Council on Historic Preservation's full council meeting.

## Board Meeting..

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**Worker Safety Committee** Loretta Neuman, chairperson, provided a report (See **Committee Reports**) and will pursue the possibility of holding an OSHA workshop at the Sacramento meetings.

**Best Practices Committee** Mike Polk, chairperson, presented a report (See **Committee Reports**). The committee was encouraged to contact Eric Hertfelter, Executive Director for NCSHPO, about our progress and proposal and to find out if the Best Practices Council is still a viable entity. The possibility of putting on workshops for industry (by ACRA) was discussed and the need to emphasize success stories was emphasized.

## Newsletter Update

Discussion was then focused on progress and the state of the **ACRA Newsletter**. Jeanne Harris, Editor, spoke about this issue. She said the newsletter has been part of the **Grapevine Newsletter** for a year and a decision is necessary concerning whether to break it out into a separate newsletter or to continue with the **Grapevine**. A decision was made to make the newsletter separate, but to still publish it on a monthly basis. Jeanne noted that we should begin accepting advertising in the newsletter. Advertisement packages should be for a minimum of six months ads. Also discussed was the possibility of adding a question and answer column. Tom Wheaton will provide the first installment of this in the May issue of the newsletter. Another idea presented was that there should be several associate editors for the newsletter representing the different disciplines of our field. Jeanne will pursue this idea.

## Increasing Non-archaeological Members

The next topic of discussion was about the issue of how to encourage non-archaeologists to join ACRA. This is a multidisciplinary field, but we have relatively few people from disciplines other than archaeology. Thoughts expressed were that historians look at the organization as archaeology dominated. They need to be informed about why it is important that they join to help focus agendas more toward their concerns. There needs to be more education about how ACRA can

help them. Charissa suggests that architects don't really see a reason to join. We need to work on education in that area as well.

## Errors and Omissions Insurance

Errors and Omissions Insurance (Professional Liability) proposal was discussed by Tom Wheaton (see article in this newsletter by Chris Butler). The board encouraged Tom to have the insurance agent researching this program attend the Annual meeting in Sacramento; this could be a possible workshop.

## NPS Qualifications for Historians

Patrick O'Bannon next discussed a letter he has written to Sue Henry of the National Park Service proposing that qualifications for historians under the Secretary of Interior Standards be raised to require a Master's Degree in the field. A motion was made to approve support of this proposal and was approved.

## Preservation Video Funding

Kevin Pape next discussed a video being produced by Mediaworks entitled "Who's Minding the Past." The video was viewed and support was expressed. It was decided that Kevin approach the producer of the film and propose that ACRA and Mediaworks develop a joint fund raising effort whereby ACRA members could donate funds to complete the film in return for support ID in the credits. ACRA would retain a percentage of these donations.

## 1996 National Trust Meeting

Loretta Neumann discussed the National Trust for Historic Preservation meeting coming up October 16-20, 1996, in Chicago. ACRA may want to hold a reception there.

(Board adjourned for the day at 6:30 p.m.)

*The Board reconvened on Sunday, March 31, 1996, at 8 a.m.*

*Board members present (representing a quorum): David Heisler, David Ketz, Duane Peter, Kevin Pape, Patrick O'Bannon, Charissa Wang, Don Weir, Dan Roberts, Chuck Niquette, Tom Wheaton, Mike Polk, Dana McGowan. Also present was Jeanne Harris.*

**1996 Budget**

Discussion began immediately about revising the current budget to reflect the realities of limited funds available and expected to come in the near future.

Motion to approve the budget as presented by Charissa and was **approved**.

Motion to amend the budget to remove \$1,000 from newsletter and \$1,000 from management and put \$2,000 toward lobbying (which had been entirely removed from the original approved budget) was **approved**.

Motion was approved to allow the Executive Board (composed of the President, the two Vice Presidents, Secretary and Treasurer) to make a decision in July 1996 to amend the budget and adjust line items as necessary and as funding permits (see Budget below).

**Miscellaneous Business**

At this point several board members had to leave and the number of members present dropped below that needed for a quorum. Discussion continued on several topics, however.

Chuck Niquette said he would put together a letter about ACRA accomplishments and what we anticipate to be done this year.

This would also be an appeal for membership. Each board member will use this letter as a local promotion.

There was discussion about what activities ACRA will be involved in at the upcoming Society for American Archaeology meetings in New Orleans in mid-April. There will be a discussion with the Park Service on Wednesday (April 10) about wage determinations. There will be a meeting with the Natural Resource Consultant Service and Corps of Engineers also about wage determinations. There will also be a general ACRA membership meeting on April 13 from 9 a.m. to 12 noon. The agenda for this meeting has not been set.

No further business needed discussion so the ACRA Board Meeting was adjourned at 11 a.m.

Respectfully Submitted by:

*Mike Polk*  
Secretary  
American Cultural Resources Association

**Notice From the Editor**

During 1995 *ACRA News* was published by and circulated to ACRA members with *The Grapevine Newsletter*. As of April 1996, *ACRA News* will be published independently from *The Grapevine*. Anyone interested in continuing their subscription to *The Grapevine* can contact: Jeanne Harris, *The Grapevine Newsletter*, 1318 Main St, Cincinnati, OH 45210; 513-287-7700; FAX 513-287-7703; e-mail- ejharris@aol.com. Subscription rate are:  
Corporate - \$30  
Individual - \$20  
Academic/Gov't - \$15

**Final Budget Approved By Board:  
April-December, 1996**

|                                   |                    |
|-----------------------------------|--------------------|
| Insurance (for the board)         | \$2,031.00         |
| Newsletter (Gray and Pape, Inc.)  | 1,682.00           |
| ACRA-L                            | 144.00             |
| Telephone                         | 250.00             |
| Miscellaneous                     | 500.00             |
| Postage                           | 500.00             |
| Management (New South Associates) | 6,393.00*          |
| Lobbying (CEHP, Inc.)             | 2,000.00           |
| <b>TOTAL:</b>                     | <b>\$13,500.00</b> |

\*approximately 26 hours each month

**AntiTrust..**

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other matter having a market effect. These discussions should be avoided both at formal meetings and informal gatherings. In fact, informal gatherings of association members are often looked upon with suspicion by the government. The following topics are some examples of the subjects which should not be discussed at regular meetings or at so-called "rump sessions":

- \*Do not discuss current or future prices (be very careful of discussion of past prices);
- \*Do not discuss what is a fair profit level;
- \*Do not discuss standardizing or stabilizing prices or pricing procedures
- \*Do not discuss cash discounts or credit terms;
- \*Do not discuss controlling sales or production of allocating markets or customers;
- \*Do not complain to a competitor that its prices constitute unfair trade practices and do not refuse to deal with a company because of its pricing or distribution practices;
- \*Do not discuss anticipated wage rates.

**Direct Deposit Equals Direct Savings**

For those managers who think direct deposit is just a nice perk that makes employees' lives a little easier, there is another benefit --to the company. According to the National Automated Clearing House Association, as reported in *You and the Law*, there is a savings of \$.25 - \$1.50 per transaction per employee. This includes saving calculated from administrative costs and time lost when workers run out to the bank to deposit checks.

## Insurance...

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ACRA members. It now appears that providers are willing since the association has grown so much in the last year. This market has extensive experience in professional liability and has developed several successful programs. As I told the board members, there are many advantages to ACRA and the members by having association endorsed programs. Some of the key advantages are:

- ♦ It creates purchasing power. A program with 30-40 members has more negotiating power than individual members.
- ♦ Special seminars conducted by the insurance company to assist in risk management.
- ♦ A standard policy for ACRA members insured through the association.
- ♦ Pricing flexibility which allows for discounts.
- ♦ Coverage enhancements which are particular to cultural resource firms.
- ♦ One agent and one insurance company who know your business and what ACRA's needs are for insurance.

Obviously, no decision will be made until the board have an opportunity to review in detail and determine the members interest. It is my opinion that this is a positive step in ACRA'S goal to find a quality professional liability program for its members. Hopefully, this program will become a reality in the near future.

## Committee Reports..

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work in cultural resources. Too often, however, they want nothing more than their permit to do their project, and often try to do the minimum to get that permit.

Though some of this consists of negative reflections, it does reveal the disparate directions often taken by the players in the game and the difficulties that such motives can create.

There are ways to approaching these and other problems (that all of us can identify and enumerate) and ACRA has a unique role that it can play in such approaches. ACRA has that unique role because it has a foot in both camps - that of industry (and business) and that of agencies. No one else has that advantage. We are still working on how ACRA should take advantage of this unique position. Let me describe one exciting possibility.

Tom Lennon suggests making ACRA into more of a mediator rather than a mere participant (and, in some ways, a pawn of the agencies) in the struggle to define our vision and goals and problems in CRM. Our task has been to identify problems and take them to the NCSHPO, BLM, USFS, NPS, ACHP, etc. as a group, and hope that adequate solutions can be found. Part of the problem there is that industry; a major player in the mix, is not present.

Three broad industry areas define the majority of industry input in CRM: oil and gas, mining, and utilities. In our unique position, ACRA has the opportunity to make more of a difference in these areas than we do by aligning ourselves with government agencies. We ourselves are an industry and can forge relationships and perhaps help to make a difference in facilitating discussion between agencies and industries that we work for. How can ACRA bring industry to the table with government? Wouldn't they like to deal with us, as businesspeople, as an industry ourselves, rather than directly with agencies and academics to resolve problems?

What is an appropriate framework for dialogue? Perhaps we should look into learning the art of mediation, of facilitation. Perhaps we could then use those skills and sit down with representatives of industry and government and help work through problems and find solutions. This is one idea that we are exploring, among others, to help find

solutions and better ways of practice in our profession.

### EDUCATION COMMITTEE

by Joe Schuldenrein, Chairperson

The Education and Training Committee is pursuing two projects. First, we are working on the implementation of an internship program. I am actively discussing structure with Dr. Mark Leone of the University of Maryland, one of the few major academic proponents of this vehicle. Second, because of ACRA pressure and the recent spate of articles concerning the gap between academic training and CRM job requirements, the SAA is sponsoring a workshop on Critical Issues in Graduate and Undergraduate Training in Public Archeology. This will be a hands on workshop involving individuals from all sectors of the archeology community (public, private, academic) to help restructure curricula. It will be held in Florida in early fall and I have been invited to participate. This is one of the first encouraging steps that is being taken by the central organization of the US archeological community to confront this issue. It seems promising.

### MEMBERSHIP COMMITTEE

by David Ketz, Chairperson

David Ketz's committee report provided a wide ranging discussion (See **Committee Reports**). Pertinent points discussed about membership in ACRA included the following. He noted that, as of the time that he prepared this report, there were 1,305 CRM related companies and organizations in the ACRA database. It is understood that many of these organizations are academic, nonprofit and individuals. Many of these organizations and individuals would not qualify or would not be interesting in joining ACRA. Using the assumption that this number is a fair estimate of the total number of entities doing CRM related work in the United States, it is interesting that only nine percent are currently ACRA members. To be an organization truly representative of the industry as a whole, and to generate enough income to keep ACRA in business, the membership must be expanded and income dramatically increased. Certainly capturing at least 20 to 30 percent of those 1,305 is a realistic goal.



Time and money are two factors that are blocking our expansion. Currently, all duties fall on the board members. While board members have made a commitment to make ACRA work, they all have full time job related responsibilities as well. Inevitably, board members will become overwhelmed in terms of their personal commitments of time and money to this venture. The sheer number of hours necessary to make this organization into what we envision would require several full time staff positions, which ACRA cannot currently afford. If we hope to survive, we must find a way to substantially increase our income and delegate the bulk of the organization duties. That is the task that this committee is working toward within the next few months.



**LABOR RELATIONS COMMITTEE**

by Kevin Pape, Chairperson

The United Archaeological Field Technicians (UAFT) is actively working to organize employees in the cultural resource management industry. Employers need to acquire the information they need in order to conduct themselves properly and successfully during a union organizing attempt.

Over the course of the next several months you may become involved in the union's attempts to organize your employees. Consider developing a policy which states that no supervisor has authority to communicate or act on behalf of your company with UAFT representatives. This policy will protect you from becoming unwittingly involved in any UAFT organizing activity, and should be stated to the UAFT representative.

There are several things you should know about your rights, the company's rights, and the union's rights relative to their right to organize. Please familiarize yourself with the information outlined below and keep this information with you for reference.

**Hiring Practices**

**DO NOT**

- ♦ ask applicants about union membership either on a form or in an interview.
- ♦ tell union applicants that no jobs are open while running a help wanted ad or hiring off the street.

- ♦ hire non-union applicants with little experience for skilled jobs, despite the fact that qualified union applicants are available.
- ♦ tell union applicants that interviews or written applications are required while hiring other applicants without them.

**When Contacted by a Union**

- ♦ Do not look at any material offered by the union, especially signed authorization cards.
- ♦ Do not discuss any labor contract proposals, employment benefits or personnel policies.
- ♦ Do not open a letter from a union, particularly if it is thick and may contain authorization cards.
- ♦ If such a letter is opened, do not look at the cards.
- ♦ Have another member of management present as a witness.
- ♦ If contacted, your firm may want to respond to the union in writing or in person by saying "I have a good faith doubt that your union represents an uncoerced majority of my employees in an appropriate bargaining unit and I insist on the holding of a properly conducted secret ballot election administered by the NLRB before recognizing your union as their bargaining representative."

**Contacts Between Supervisors & Employees**

The company's owners, supervisors, and employees, and the union have the right of free speech, and the union has the right to organize. However, remember the following:

- ♦ Communication between supervisors and employees should occur in public places or work areas.
- ♦ Supervisors can and should rebut union propaganda with facts about the company.
- ♦ Supervisors can and should tell employees that they disapprove of the union.

**Current Status of the Wage Determination Appeal**

Maurice Baskin has drafted a letter for Board review that will establish ACRA's support for more appropriate job descriptions as established in the US Forest Service's (USFS) Monongahela Forest appeal.

ACRA members have prepared letters to the DOL expressing industry's concern with the current wage determination situation and our support for the USFS solution.

After the USFS submittal to the DOL, ACRA will seek to meet directly with the DOL to inform them of our position.



**A Survey of State Statutes Protecting Archeological Resources**

A new publication from the National Trust for Historic Preservation and the Archeological Assistance Division of the National Park Service provides a comprehensive state-by-state guide to the laws that safeguard our nation's archeological treasures. Designed for use by both lawyers and non-lawyers, "A Survey of State Statutes Protecting Archeological Resources" includes summaries of each state's archeology-related statutes with citations to enable the readers to locate them in the state's legal code, as well as abstracts of significant court cases and a glossary. The publication also offers guidance on reading statutes and understanding the structure of a legal code. The cost is \$5.00 (\$3.00 for National Trust "Forum" members; please provide membership number).

To order copies of "A Survey of State Statutes Protecting Archeological Resources" send a check, by snail mail, made out to "National Trust For Historic Preservation" to:

National Trust for Historic Preservation, attn: Alison Hinchman, Department of Public Policy, 1785 Massachusetts Ave., NW, Washington, D. C. 20036; FAX 202-673-4038; e-mail: lawpol@nthp.org.

## Advertising Space Available

Since *ACRA News* is now independent of *The Grapevine*, we are able to offer advertising space to our members. Does your company have a special product, service, or publication that would be of interest to some aspect of the CRM community? Why not consider placing an ad in *ACRA News*?

| Advertising Rates:                 | Per<br><u>6 Months</u> | Per<br><u>Year</u> |
|------------------------------------|------------------------|--------------------|
| Business Card size<br>(3.5" x 2")* | \$100.00               | \$175.00           |
| 1/4 page<br>(3.5" x 4.75")         | \$200.00               | \$350.00           |
| 1/2 page<br>(7.0" x 4.75")         | \$300.00               | \$525.00           |

\* Business cards can be scanned.

*ACRA News* is a monthly publication of The American Cultural Resources Association. Our mission is to promote the professional, ethical and business practices of the cultural resources industry, including all of its affiliated disciplines, for the benefit of the resources, the public, and the members of the association.

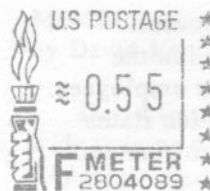
This publication's purpose is to provide members with the latest information on the association's activities and to provide up to date information on federal and state legislative activities. All comments are welcome. Please address comments to:

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Dear ACRA Member,

In February of 1996, a representative of MEDIWORKS approached ACRA seeking support for a new documentary that they are producing: "Who's Minding The Past." This film is comprised of five unique segments devoted to the public benefits of historic preservation, cultural resources management, archaeology, and volunteerism. The documentary is designed to involve viewers in interesting stories of the past while teaching them about what cultural resources are, why they should be protected, and how to get involved in preservation efforts.

At the March 1996 meeting in Baltimore, the ACRA Board of Directors had the opportunity to preview this documentary. The Board was impressed with the high quality of the production and its themes, which explore topics of publicly-oriented cultural resources management. It is exactly the kind of tool that we in the CRM industry can use in our efforts to increase the public benefits of the work undertaken by our firms and our clients.

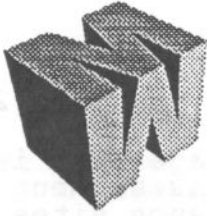
In addition to the one-hour documentary, MEDIWORKS has produced a **Facilitator Guide** for "Who's Minding the Past?". The guide provides historical perspective and teaching aids for each of the five segments of the video presentation. It contains objectives, discussion topics, test items, answer keys, bibliography, recommendations for further reading, a list of organizations to contact, and other useful information to help the instructor provide background and context for the video tape.

Although the film is in the final stages of production, ACRA, in cooperation with MEDIWORKS, is offering its members an opportunity to be associated with this highly effective film. Your donation will help to guarantee its completion and widespread distribution (please read the summary information for details about the film and its distribution). There are three possible levels of support: At the first funding level, in return for a donation of \$1000 or more, your firm will be listed both in the film credits and in the guide (where you will also have a 50-word synopsis for your firm), and you will receive copies of the video tape and the guide. At the second funding level, in return for a donation of \$500, your firm will be listed in the film credits and you will receive a copy of the video tape. At the third funding level, in return for a minimum donation of \$100, you will receive a copy of the video tape. At all funding levels, a portion of your donation will go to support ACRA. Finally, once the documentary is completed, ACRA will have distribution rights.

Time is of the essence! Please send your donation within the next 4 weeks. After that, finishing touches will be completed for the film and it will be too late to get your firm's name in the credits. Send your donation to ACRA's treasurer, Charissa Wang, c/o Hardlines: Design & Delineation, 4608 Indianola Ave., Columbus, OH 43214. Please be sure to mark your check for "Who's Minding The Past" and make the check out to ACRA.

Sincerely Yours,

W. Kevin Pape  
ACRA Board of Directors



# MEDIWORKS

## WHO'S MINDING THE PAST?

### SUMMARY

**Who's Minding The Past?** is the first of a series of films to be produced about the value of cultural resources nationwide. It is a joint production of the Southwest Archaeology Team, a non-profit organization and MEDIWORKS, a film production company. Initial funding has come from state, federal and private sponsors.

Now in the final stages of production, this unique one-hour documentary is comprised of five segments promoting the public benefits of archaeology, cultural resource preservation, volunteerism, co-operation with other cultures, and partnerships. The film is designed to involve viewers in interesting stories of the past while teaching them what cultural resources are, why they should be protected, and how to get involved in preservation efforts.

The five segments are: Missions To The Past, Islands Of The Past, Bad Place Home, Margaret's Freehold, and Volunteers In Time.

Missions To The Past was recently submitted to one of the most prestigious juried awards competitions in the country - THE NATIONAL COMMUNICATORS AWARDS. It won a first place AWARD OF EXCELLENCE - The Crystal Award. The Crystal Award "is given to Award of Excellence winners whose ability to communicate elevates them above even the best in the field."

Missions To The Past tells the story of Father Kino, his early work with the Pima Indians, and the building of Tumacacori Mission near Arizona's border with Mexico. This segment promotes the idea of individual volunteerism. Volunteers are shown learning to mix adobe mortar, patching holes and capping walls.

Islands Of The Past recounts the early development of Phoenix connected with the story of the Hohokam Canal System and what is now known as Heritage Square. This segment encourages individuals to become involved in partnerships to preserve the past and integrate the past into the present - i.e. create "Islands Of The Past." The two "islands" are Pueblo Grande, a Hohokam platform mound, and Heritage Square, a fully-restored block of early twentieth-century Phoenix homes. In this segment, volunteers perform cameo historic reenactments at Heritage Square.

Bad Place Home is the literal translation of "Casa Malpais." This segment takes place at Casa Malpais ruins, near the small town of Springerville in northern Arizona. It tells the story of the early settlement of the area by the Anasazi and the Spanish. The preservation theme is that small communities can benefit economically from partnerships and cooperation with other

cultures to protect cultural resources. The SHPO Heritage Fund is mentioned in connection with the work at the site. (This segment implies that there is more benefit in preservation of such sites than in neglect, vandalism or thievery.) The volunteers in this segment are shown in excavation activities and reconstructing stone walls.

Margaret's Freehold takes place in Maryland. It is the story of Margaret Brent and her strong influence on the colonization of Maryland. It takes place at Historic St. Mary's and shows what state governments can do to preserve and bring alive important stories of the past. The volunteers at St. Mary's, working in the "ordinary", at the tobacco plantation, and in excavation activities show what it was like to live in the 1600s in the colony of Maryland.

Volunteers In Time is a look at exciting state and federal government programs which depend on volunteers. Volunteer programs of the Arizona State Historic Preservation Office, United States Forest Service, Bureau of Land Management, National Park Service, and Natural Resource Conservation Service are covered. Each volunteer program is shown within the context of an interesting project: the SHPO Site Steward Program at Homolovi, a Forest Service (Passport In Time) survey and excavation in New Mexico, a BLM (Adventures In the Past) rock art documentation project high on the Vermillion Cliffs in Utah, a nationally renown children's education program at Crow Canyon Archaeological Center in Colorado, etc.

An on-camera spokesperson presents information about the importance of cultural resources before and after each segment. At the conclusion of the presentation, viewers who wish to sponsor or participate in similar fascinating projects are told how to contact their local organizations.

#### PRODUCTION STATUS

The following steps are involved in developing a broadcast production.

- A. ORGANIZATION
- B. RESEARCH
- C. OUTLINE & APPROACH
- D. NARRATIVE SCRIPT
- E. VISUALIZED SCRIPT
- F. FIELD PRODUCTION SCHEDULE
- G. FIELD PRODUCTION
- H. LOGGING AND FILING
- I. GRAPHIC PRODUCTION
- J. GRAPHIC TRANSFER
- K. NARRATOR SELECTION
- L. NARRATION RECORDING, EDITING AND TRANSFER
- M. MUSIC & EFFECTS LICENSING, SELECTION AND TRANSFER
- N. VIDEO & AUDIO EDITING
- O. DUPLICATION
- P. DISTRIBUTION

Steps A-N are complete for segments 1 and 2: Missions To The Past & Islands Of The Past.

Steps A-H (or more) have been variously completed for the last

three segments. The entire presentation can be finished within four months of final funding.

### FUNDING

The initial projected budget for the production was over \$300,000.00. Over \$100,000.00 has been raised in cash. The Arizona State Historic Preservation Office, United States Forest Service, Bureau of Land Management, National Park Service, Natural Resource Conservation Service, MEDIAWORKS, and the Southwest Archaeology Team have contributed funding for "Who's Minding The Past?" An additional \$120,000.00 in volunteer labor, services and favors has been contributed. The Arizona State Historic Preservation Office is now in the final stages of contributing additional funding. An estimated \$35-40,000.00 cash is still needed to complete the film and an accompanying curriculum guide. Returns from initial distribution will support further distribution activities and planned future productions.

### DISTRIBUTION

Because WHO'S MINDING THE PAST? is entertaining and of interest to a broad spectrum of organizations and viewers, we have found that the potential audience for the film is very large.

Our distribution plan is targeted to three areas: broadcast, educational, and special interest.

#### BROADCAST:

Review copies have been requested by five national broadcast outlets: The Discovery Channel, The Learning Channel, PBS, HISTORY, and Turner Broadcasting Service.

#### EDUCATIONAL:

About forty educational materials distributors have requested previews of the film for possible mass distribution to schools and libraries. A curriculum guide is planned for instructors.

#### SPECIAL INTEREST:

About 235 requests for preview have come from National Parks, United States Forest Service and BLM visitor centers, parks and conservation related organizations, State Parks, State Historic organizations, museums, bookstores, University Presses, avocational archaeology groups and (believe it or not) zoos and theme parks.

Overall response has been extremely encouraging. A high percentage of the organizations contacted have wanted to see a review copy of the tape when it is finished.

This is a very valuable presentation to communicate the public benefits of archaeology. If there ever was a need to get this message out, now is the time. Any help you can give our organization will be greatly appreciated. Thank you

Barry J. Fuller  
MEDIAWORKS