

GOVERNOR RILEY SIGNS LANDMARK BURIAL BILL

Now Native American burial sites are fully protected by Alabama law. On April 30, Governor Riley signed into law Senate Bill 71, which gives Native American burials the same protection all other burials in the state have. The bill amends Alabama's burial law and it passed unanimously in both the Senate and the House.

"The Indians of the state are ecstatic that a law was finally passed that made the burials of American Indians equal to those of every other citizen in this state," said Eloise Josey, executive director of the Alabama Indian Affairs Commission.

Sponsored by Senator Wendell Mitchell of Luverne, the new law makes it illegal to "willfully or maliciously injure, deface, remove, or destroy any tomb, monument, structure, or container of human remains, burial mound, earthen or shell monument containing human remains or associated burial artifacts, and invade or mutilate the human corpse or remains." This provision now applies to all American Indian burials and related funerary objects.

A violation of the law could result in a Class C felony conviction, punishable by up to

10 years in prison and a fine of \$15,000.

The previous law made it a Class C felony to maliciously desecrate American Indian burials or funerary objects, but it exempted property owners who knowingly disturbed burials or funerary objects on their own property. It also allowed property owners to direct others to disturb burials on their property. With the passage of this bill, property owners are now subject to prosecution if they knowingly desecrate or disturb American Indian burials on their land.

The old law resulted in the loss of American Indian burials, but it also allowed for the destruction of significant archaeological evidence that could reveal valuable information about the people who first lived in Alabama.

The new law still allows for professional archeological research to be conducted on grounds that contain (or may contain) any type of burials. However, those doing the research must first obtain a permit from the Alabama Historical Commission.

According to AHC executive director Frank White, the new law is an important achievement that



credit: University of Alabama Museums

Moundville near Tuscaloosa contains numerous American Indian burial mounds. The newly amended burial law protects similar mounds throughout Alabama.

could not have been accomplished without multiple groups in the state working together.

"We started with the formation of the Alabama Historic Cemetery Study Commission in 2006, and today we are celebrating these significant changes to the state's burial law," said Ted Urquhart, first vice-president of the Alabama Cemetery Preservation Alliance.

The passage of this bill was a result of the efforts of Senator Wendell Mitchell, the Alabama Indian Affairs Commission, Alabama Historical Commission, the Alabama Cemetery Preservation Alliance, the Alabama Department of Transportation, the Montgomery Genealogical Society, and the Office of Archeological Research at the University of Alabama.

text of the bill: preserveala.org/currentissues.aspx
cemetery permits: preserveala.org/cemeteryprograms.aspx