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THE SUQUAMISH TRIBE

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Via Facsimile to (202)502-4699 and Regular Mail

March 7, 2001

United States Sentencing Commission
One Columbus Circle, N.E.
Suite 2-500
Washington, D.C. 20002-8002

Attention: Michael Courlander, Public Information Officer

Re: Support of enhancing sentences for damage to cultural resources

Dear Commissioners,

I am the Chairman of the Suquamish Tribe, a federally recognized Indian Tribe. Our ancestor, Chief Seattle, greeted the first white people who arrived into our territory on Puget Sound. Our current reservation is due west of metropolitan Seattle-King County, across Puget Sound. We have lived in this region for more than 10,000 years. As an ocean faring Tribe, we fished, hunted and traded as far north as Canada and as far east as the Cascade Mountains in pre-contact times. Evidence of our cultural heritage exists throughout Washington State.

At least five federal military reservations and other federal facilities occupy lands which our Tribe ceded to the federal government in its 1855 Treaty of Point Elliot. Thus, the Commission's work to increase penalties on cultural resource crimes committed on federal lands is very important to us. Our cultural resources are most often found where the ancient shoreline existed, underwater as well as on uplifted lands, having been buried with the shifting geological conditions. All of these federal lands are located on the shorelines.

The existing penalties are inadequate and fail to deter people from engaging in illegal activities which destroy our cultural resources. Our Tribe is particularly concerned with people who excavate, grade and conduct other ground disturbing activities without regard or consideration of cultural resources which are or may be sub-surface. Information from shell middens, for example, can provide our Tribe with valuable information about how our ancestors lived day to day. We have few other sources for this information. Also, the remains of our ancestors are found at these sites.

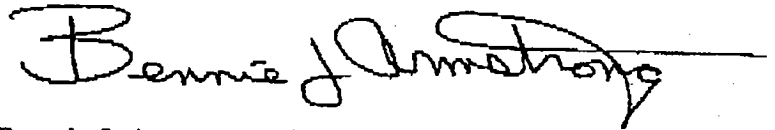
We strongly encourage the Commission to provide an enhancement as well as an upward departure for the damage or destruction of unique or irreplaceable items of cultural heritage, archaeological or historical significance. At a minimum, the Commission should adopt a combination of an upward departure provision and alternative loss calculation formula used in United States v. Shumway. In our situations, an alternative loss calculation alone would not be

effective since the cultural and archaeological information lost or destroyed is priceless to us, but has little or no "fair market" value. Thus, a combination is more useful.

Also, because our situation, we especially support amending the current enhancement for damage to or destruction of property of a national cemetery so that it includes offenses involving human remains and/or funerary objects located on both federal and Indian lands.

Thank you for considering these important amendments to the sentencing guidelines.

Very truly yours,

A handwritten signature in cursive script, reading "Bennie J. Armstrong". The signature is written in dark ink and is positioned above the printed name.

Bennie J. Armstrong, Chairman