

Summary of the Monacan Indian Nation's Response to the Report of the JRWA's Investigation of Itself

JRWA investigated itself and found itself innocent. We are not shocked. Their report reads more like a bad defense brief than a legitimate attempt to find facts. The Monacan Indian Nation reiterates its call for a legitimate independent investigation.

This self-serving outcome is not surprising, given that the Monacans discovered in December that the JRWA [signed off on work orders](#) that clearly stated that untrained and unqualified construction workers were given responsibilities for archaeological survey and artifact collection. These misdeeds occurred with the knowledge and consent of members of the authority. Since raising awareness of the anticipatory demolition episodes, we have not been informed whether these issues are being investigated by any state or federal agency. We urge them to do so and to seriously consider the precedent they would set by approving permits associated with this entity.

The Monacan Indian Nation has no confidence in this investigation, which was conducted directly by the JRWA counsel, only sought input from current JRWA employees and their contractors, and is clearly an effort to assist the water authority with its project goals. If the JRWA was interested in the truth, they would not uncritically accept the word of the same archaeological consultant who has been found to have plagiarized pages of the Treatment Plan from a dissertation, mischaracterized her degree on her resume for almost a decade, mischaracterized the work of another subconsultant on their project (leading him to make letters of formal protest to DHR), and who received complaints from DHR for not meeting required burial permit conditions. None of these concerns, it must be noted, were addressed in the "investigation."

Consider:

- Apparently, the *only people* Curtis interviewed about JRWA's paid consultant are other paid consultants to JWRA. (Timmons Group, Faulconer, GAI Consultants) (Pgs. 6, 7).
- Curtis *apparently never requested to interview the whistleblower himself*, Eric Mai. Instead, Curtis conducted an entire investigation without ever speaking to person whose allegations are the basis of the investigation.
- Curtis apparently declined to interview *any other current or former employees of Tyrer's firm* who have additional direct knowledge of her actions. Why? Because Tyrer told him not to!
 - "Tyrer stated that other Circa employees who participated in the Project study did not wish to speak to Counsel regarding this matter." Pg. 6.
 - But Curtis quotes and relies on Tyrer saying what she thinks her former employees *would* say if interviewed. See, e.g., pg. 23.

- Curtis says no punitive action by JWRA against Tyrer is necessary because JRWA has already hired a replacement consultant. Tyrer was replaced not because she did anything wrong (!), but because so many people think she did things wrong that replacing her was “prudent.” JWRA press release 1.15.20.
- Curtis mentions geoarchaeologist Daniel Hayes extensively throughout this report as indication of the work’s quality and thoroughness. However, he fails to mention that by last summer Hayes was concerned enough about the way in which his work was used by Circa that he wrote two letters to the Corps of Engineers regarding his experiences on the project. In a letter sent August 9, 2019, he describes how the Treatment Plan included his name as a co-author without his “knowledge, consent, or review.” He further stated “I neither support the treatment plan as proposed, nor have I agreed to participate in any attempts at its implementation.”
- Curtis attacks the personal credibility of Eric Mai throughout, while offering no explanation whatsoever as to why the young man would put his professional career at risk to speak out.
- Curtis has been aware of the Tribe’s concerns about Circa’s work for over a year, and has known of the plagiarism concerns since August. Curtis has been aware about systemic methodological and ethical issues with Circa’s work generally for over six months. Curtis made no effort to investigate these issues until Eric Mai’s allegations were published. In all communications with the tribe’s counsel about these concerns, Curtis’s response has been to praise Tyrer, question the motives behind concerns, minimize them as trivial details, and to claim all concerns are underhanded personal attacks. Curtis and Aqualaw are not the appropriate investigators to evaluate these concerns.

Curtis’ report follows a familiar pattern:

- Attack the personal credibility of the whistleblower
- Don’t interview key witnesses
- Believe the statements of the party who insists their investigation was flawless.

Worth noting – the report *does* contain some surprising admissions, including:

- “Tyrer asserts that Circa had no formal training program [for staff].” Many Circa staff apparently did not have a BA in anthropology or archaeology, and several did not have a college degree at all. The whistleblower account includes a variety of points on the lack of education and training of Circa employees, which Curtis dismisses based on Tyrer’s assessment of her staff training, which are at odds with Mai’s account. Curtis suggests that using untrained construction workers to sift for artifacts was OK because they were—according to Tyrer—supervised by Circa staff...who in many cases lacked relevant

education and for whom no formal training program was in place. Tyrer points to Mai as a supervisor; Mai admits that he was unable to supervise much of the work of the construction workers. Curtis believes Tyrer. (Pg. 10)

- Tyrer advised JWRA that “The historic record indicates that this landform is where the Native American village of Rassewek (sic) was located.” This directly contradicts Curtis’ recent statements to the press that the location of Rassawek is unclear; that it might be far away. (Pg. 8)
- Tyrer advised JRWA that “...the possibility of human remains is moderate to high.” This directly contradicts Curtis statements in recent media coverage that there are no indications of burials (and is also contradicted by the fact that numerous Native human remains were found there on multiple occasions.) (Pg. 8)

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