



MOBILE REGISTER

Divers play a role in preservation

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Looters. Plunderers. Thieves. These are all words that have been used to describe divers who search for artifacts in Alabama's waters.

In 1999, the Legislature enacted a law designed to protect cultural resources in Alabama's waters. The Alabama Historical Commission was given authority to write regulations to administer it.

The staff of the AHC argues that divers are "plundering and looting" Alabama's waters, causing the loss of significant historical information. This loss of information can be prevented, they say, only if their approved professional archeologists are in control of the recovery and preservation of artifacts.

On the other hand, amateur historians and collectors argue that the requirement to involve a professional archeologist in artifact recovery is really more about creating work for archeologists than about gaining historical information.

To support this position, they point to the published "Notice of Intended Action," which states that the intent of the regulations is to "establish the proper way to investigate and preserve submerged historic and prehistoric resources."

Yet nowhere in the regulations is there anything concerning the way to "investigate and preserve" these resources. But the regulations do define a "professional archeologist," and require that one be used as the principal investigator in order to qualify for a permit to recover any submerged cultural resource.

Clearly, the regulations in place do not accomplish their intended actions. That's why everyone concerned should be in favor of changing the current law.

I am not a collector, nor am I particularly interested in relic hunting; and I am in total agreement with ensuring that artifacts are preserved properly and made available to be studied and photographed when historical information can be gained.

I have been in the diving business in Alabama for 29 years and have had a lot of contact with divers who are underwater "relic hunters" and collectors. My experiences do not support the image of them as "thieves" who are "stealing our history" to make a fast buck.

These people are passionate about what they do and are driven primarily by their love of history, not the desire to "loot" something to sell.

Amateur hunters and collectors love to talk about their finds and are proud to show them off. Most will gladly and proudly offer their finds for study or loan them for display.

The Historical Commission's unwillingness to cooperate with individual collectors and relic

hunters is unfortunate for anyone interested in Alabama's history and prehistory. Now, unsure of whether they will be arrested or have their artifact confiscated, these people are more reluctant to let anyone know about what they find.

Thus, the current regulations are more likely to cause the loss of historical artifacts and information rather than the preservation of them.

The state will never have the resources to do what these individuals do, and the public would be well served if the Historical Commission would embrace the "win-win" solution of working with Alabama's citizens instead of assuming they are only interested in stealing resources.

Alabama does not have the funds to find, recover and preserve the artifacts in our rivers and bays. Many will simply waste away.

Archeologists argue that an artifact is best left undisturbed, rather than recovered without their expertise. Although it is generally true that an artifact is best left undisturbed rather than be recovered by someone who does not properly preserve it, that position has two assumptions that can be challenged.

The first is that an amateur will not properly preserve the artifact. This is not a valid argument in many cases. The last thing a collector wants is for his hard-earned artifact to deteriorate.

A good case in point is Steve Phillips, the amateur historian and collector who was arrested in Selma for bringing up a Civil War rifle. Phillips has an extensive collection of Civil War relics.

Items in his collection have been studied and photographed by numerous researchers and writers, and he has donated many items to museums. He is also recognized as an authority on the preservation of artifacts.

But when he was arrested, the Historical Commission confiscated the rifle and then sent it to Texas to be preserved at an estimated cost of \$3,000 to \$4,000 to the taxpayers of Alabama. The rifle is said to have a value of about \$500 after being preserved.

Fortunately, the average recreational diver rarely does the type of low-visibility diving where artifacts are most likely to be found.

The second assumption to be challenged is the assumption that the item will not be damaged or destroyed if left alone. Aside from the effects of corrosion and other chemical actions, items can be damaged and destroyed by physical erosion as well.

Another argument made by the archeologists is that removing an item from its "context" destroys its informational value. This argument assumes that the item has not already been moved from its original historical position.

This is usually the case for artifacts buried under land, but is generally not the case under rivers that go through regular flood cycles. Even though the water itself may not move some objects, the stumps and logs and gravel being pushed along the bottom do.

A 60-million-year-old fossil may be found on top of a Ford bumper.

Shipwrecks and other large structures can remain in their original resting place even in strong currents, and very small items can be protected by the larger structure. But the current battle over "submerged cultural resources" is not, and never was, about shipwrecks and large archeological sites. There is universal agreement over the need to protect such sites.

However, the collectors and amateur historians who do favor protection of these sites tend

to distrust the Historical Commission, due to what they see as lack of cooperation and abuse of power in the past.

This is why the proposed legislation replaces an advisory committee with an oversight committee.

It has been said that Steve Phillips is the main force trying to replace the current law, and is doing so only because of his arrest and pending trial. I know this is not the case. Although Mr. Phillips is facing charges of a felony offense and the possible loss of his boat and other equipment in addition to any other penalties, he has refused a deal to plead guilty to a misdemeanor with no penalty or fine.

He refused because he did not want to validate a charge that he believes to be wrong. Whether you agree or not, you have to respect such a position.

When you hear an example of some information being lost because an individual did not follow all of the proper archeological protocols, ask how much information would have been gained if the item had never been found.

Wouldn't it be better to help the individual do it right rather than tell him he cannot do it at all?

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