

for years.

"This law needs to come off the books," he said. "I can dive where I please until it's some historical, cultural site."

Phillips of Shelby County owns Southern Skin Diving Supply. He said Massie of Temecula, Calif., was upset by the arrest and would not comment.

Investigator Mark Rouleau, assistant district supervisor for the Department of Conservation, said the law passed in 1999 prohibits the removal, distributing or collecting of artifacts found underground. Rouleau said the two were dredging the river bottom looking for artifacts. But Phillips described it as a "salvage" operation.

State archaeologist Thomas Maher of Montgomery said four 5-gallon buckets of material taken from the river were taken from the two men. The most valuable item appeared to be a pre-Civil War-era rifle.

Phillips disputed Maher's claim that Civil War bullets also were recovered. Phillips said they were lead fishing weights.

"I don't think they tried to hide what they were doing," Maher said.

He said Phillips was known to the Historical Commission because he had protested passage of the 1999 law.

Rouleau said it is not illegal for someone to take artifacts, such as arrowheads, found above ground, but any digging for them requires a special permit. Phillip said he was unaware a permit was required to dive in the river, which he has done for 30 years.

"There are no shipwrecks there," he said.

Allan Andress, the conservation department's chief law enforcement officer, said his officers had taken training in the past year on enforcing the antiquities protection law.

He said violations more often occur in wildlife refuges.

Andress declined to discuss what Phillips and Massie told investigators about their activities.

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