

01/11/04

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By all accounts, Birmingham scuba diver Steve Phillips is a friend of law enforcement. The walls of his Southern Skin Divers Supply are littered with commendations from police departments in Alabama for his work in retrieving evidence from underwater haunts.

When Gadsden police needed to recover a pistol used in a 1994 fast-food restaurant robbery where three employees were murdered, for instance, it was Phillips who dove into the frigid waters of the Coosa River in February to recover the murder weapon.

He has made similar dives - all free of charge, he says - that have recovered murder weapons in Jefferson and Shelby counties. In addition, his frequent dives in Alabama rivers have resulted in the accidental discovery of numerous stolen weapons that were turned over to authorities.

These days, Phillips finds himself on the opposite side of the law.

Phillips was charged in October with stealing Alabama's cultural artifacts, a felony. He was arrested after finding a Civil War-era rifle on the bottom of the Alabama River during an October diving trip in Selma. It's a case that has Phillips, other diving enthusiasts, and several state legislators up in arms.

On Oct. 20, Phillips was filming a television show for the Outdoor Channel with Perry Massie, the chairman of the Outdoor Channel's holdings. As he has done for more than 30 years, Phillips went diving in hopes of finding cannonballs, muskets, bullets or other Civil War relics discarded into the river during the 1860s.

"When the Yankees were coming, the Confederates threw a lot of stuff in the river so that the Yankees couldn't get a hold of it and use it," Phillips explained. "When the Yankees got here, they took what they found and threw it into the river so the Confederates couldn't use it again."

The Oct. 20 dive trip started like many others with the two divers finding not only a rusty Civil War rifle that apparently had been in the river for more than 140 years, but a pistol that had been reported stolen in Selma in 1993.

Back at the boat ramp, however, the trip quickly turned into a nightmare for Phillips and his guest. Members of the Alabama Historical Commission were on hand with a state conservation officer who arrested Phillips and Massie and charged each with a felony. Phillips' boat was confiscated by the state.

Both were charged with having the Civil War-era rifle, a Civil War ammunition canister and numerous musket balls.

"The Alabama Historical Commission showed its expertise in that none of them could identify the gun," Phillips said. "We had buckets of garbage we had picked up, including beer cans, a brake shoe and some kind of automobile cylinder."

"What they said was an ammunition canister was an old Prince Albert can. What they said was minie-balls were fishing weights. They had the holes drilled in them."

The charges came under a 1999 Alabama law that State Archaeologist Tom Maher says makes anything of historical value on a river bottom in Alabama the property of the state.

Maher, who works for the Historical Commission, acknowledges that the state has no intentions of recovering such artifacts because the commission's budget won't allow for divers to search for such artifacts. Regardless, Maher said, Phillips violated the law.

Such artifacts belong in a museum, Maher said.

"It's my opinion that professional people using professional methods should be seeking out artifacts. I have an ethical problem with someone removing artifacts, especially if they are being sold."

Phillips insists he doesn't sell artifacts. He says all Civil War relics he has found in the past 39 years of diving have gone in his private collection, a collection that, ironically, he intended to put in an Alabama Historical Commission museum.

The commission may want only professional personnel handling such artifacts, Phillips said, but a "professional's" credentials aren't necessarily impressive.

"That's somebody that took archaeological classes at Alabama and spent maybe one summer digging somewhere.

"A person like myself that has done this for more than 30 years and has my work published in numerous books on Civil War relics is not a professional. Somebody that took some classes at Alabama is."

The battle between Phillips and the Alabama Historical Commission is a battle over money, Phillips insists. He says the cash-strapped commission, which had its budget slashed by 28 percent by Gov. Bob Riley, wants his collection to sell it.

"All you have to do is to look at what all they are trying to sell right now," Phillips said. "They are selling old homes and a lot of other stuff. They'd love to get a hold of my collection so they can sell it."

Maher said the commission is not in the relic-selling business and that Phillips' charges are not true.

Phillips said the 100-word sentence in the law that details the definition of cultural resources is vague and confusing. Attorneys have told him that he did not violate the law as it is written. Phillips will challenge the charge in court.

The law specifically designates the protection of shipwrecks and Phillips says that is good, but he added that he was not diving on a shipwreck. The law also protects other locations such as "any other type not associated as part of a shipping vessel, and are eligible for or listed in the National Register of Historic Places or the Alabama Register of Landmarks and Heritage."

Maher said the site definitely would fall under the Selma armory and would be considered a part of the Battle of Selma and thus would be eligible for the Alabama Register of Landmarks and Heritage.

Phillips' arrest has several Alabama lawmakers concerned, too. Both Sen. Jack Biddle of Gardendale and J.T. "Jabo" Wagonner of Vestavia Hills say the law was intended to stop the pilfering of artifacts from sunken vessels in Mobile Bay and in Alabama waters off the coast. It was never intended to address amateur divers, they say.

"Lawmakers were told the law only applies to the Mobile area and was to restrict things being taken from shipwrecks," Biddle said. "This dang Historical Commission now believes it owns all of Alabama.

"Mr. Phillips has one of the best collections of artillery shells in the country and he's good about sharing the history with people. He's done more for history in the state of Alabama than most anybody."

Biddle said lawmakers will amend the law to apply only to Mobile Bay.