

2 accused of taking artifact without permit

Pre-Civil War-era rifle was pulled from Alabama River

The Associated Press

SELMA — Two divers who pulled a pre-Civil War-era rifle from the muddy bottom of the Alabama River were arrested and charged with violating an Alabama law protecting antiquities.

Selma police charged Birmingham dive shop operator Stephen David Phillips, 57, and Perry Thomas Massie, the head of a California-based cable television outdoors channel, with taking or possessing cultural artifacts without a permit, a felony.

Phillips and Massie were arrested Monday, just below the Edmund Pettus Bridge, and later released on \$1,000 bond. Their boat and vehicle were confiscated. Police had noticed the diving most of the day Monday until about 6 p.m.

"We're not criminals. I don't sell any relics," Phillips told The Associated Press in a telephone interview Wednesday.

He believes the 1999 state law protects places like Indian burial grounds or shipwrecks, but not the Alabama River where he has dived 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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