

Alabama Archaeological Society

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☺ Member News ☺

Dear Alabama Archaeological Society Members:

Hello from Israel. I am here for my fourth field season at Tell Halif. The season is just about over now and the excavations are getting quite interesting. We are just about finished with excavations at site 101. We began there in 1986 expecting a shallow Early Bronze Age habitation site. Well, five seasons and four meters later we are at bedrock at one of the best terminal Copper Age to initial Early Bronze Age sites to date. We are excavating the habitation floors on and just above bedrock and finding a lot of artifacts on the floors. The lithics are an interesting combination of Copper and Bronze Age types; the ceramics are pure Copper age.

Excavations at Field IV have just reached the Stratum VI destruction layer. This represents the destruction of a fortified Israelite town by Assyrian troops during Sennacherib's campaign in 721 B.P. Under the destruction layer are the houses, courtyards, etc. with the artifacts still in place. A lot of typical storage jars with four handles are being found, mostly broken but some still upright in place. Very few wall remnants have been encountered though, so we don't know if we are inside large rooms or what. Some cobbled surfaces are appearing so maybe we can trace these out and see where they go. Not many lithics here, though, a few sickle blades and that's about all. There are a few other tools but many are obviously Early Bronze Age types that have been redeposited in mixed fills.

So that's really about it for now. Camp is good; food is best ever; crew is good, not a loser in the bunch. Have spent two weekends in Jerusalem shopping for antique Bedouin jewelry and souvenirs, and going to sites and museums. We are going to dig a pit and barbeque a pig for the Fourth this Sunday. Bet that will be the only one in the whole country. Hope you all have a good summer. Sorry to miss Dust Cave and the summer meeting.

*Sincerely,
Eugene Futato*

Jurassic Park

Carey Oakley Director of Moundville State Park recently was interviewed by the Birmingham News about the release of the movie Jurassic Park. He and geneticist Dr. Wayne H. Finley of the University of Alabama at Birmingham were given a free trip to the

movie, popcorn, and a coke and then interviewed by the newspaper about the possibility of dinosaur DNA cloning ever occurring. "Finley hopes the movie interests the public in debates over issues that geneticists now face. Should man clone something just because he can? Should man alter a person's or animal's genetic makeup to try and improve it? The two scientists also hope that the movie interests people, particularly young people looking for careers, in their fields." (Taken from The Birmingham News, June 17, 1993)

The Calendar

Exploring Alabama is the Alabama Museum of Natural History's field trip series designed for adults, families and older children. The Museum furnishes transportation, an experienced Museum naturalist as guide, and most necessary equipment for each trip. The Museum has also arranged teacher in-service credit for each program. The following trips still have vacancies, so call now for a reservation.

A *Weeklong Workshop* will be held at Moundville Archaeological Park on Indian Crafts and Lore . The dates are August 9-13. For more information contact Betsy Jones at 205-348-2040.

"*Drums Along the Warrior*" Moundville Native American Festival will be held Monday, September 27-Saturday, October 2, 1993. For more information call 205-371-2234. To arrange for school tours, call 205-371-2572.

Indian-Site Looters Dig for Dollars

Cortez, Colorado- As they have for the past century, looters continue to pillage ancient American Indian cultural sites throughout the Southwest, selling their plunder to wealthy collectors and museums, authorities say.

" They're social renegades, " said Gary Matlock, chief archaeologist for the San Juan National Forest in southwestern Colorado. " For them, looting is another way of saying " ' to hell with you.' "

Looters and dealers risk arrest, \$250,000 fines, and five year prison terms, but the lure of money and artifacts proves to be too much.

In 1991 and 1992, the Santa Fe-based task force filed 16 felony cases in the Four Corners region. Agents seized 6,500 artifacts worth \$550,000, eight human skeletons and 24 contemporary Indian ceremonial objects valued at \$175,000.

Archaeologists estimate there are about 2 million sites on public lands within the 130,000-square mile Four Corners region.

Areas like the vast ruins of the Yellowjacket community, near Cortez, are dotted with cliff dwellings, buried towns atop mesas, eroded settlements along riverbanks and the remnants of irrigated farm villages.

The 1906 Antiquities Act protects archaeological resources on public lands. The 1979 Archaeological Resource Protection Act imposed harsher penalties- fines prison terms and seizure of vehicles, cash and equipment used in looting on public land.

About 80 percent of the Four Corners region is public domain managed by the Bureau of Land Management, Park Service, and Forest Service. Private landowners, the Navajos, Hopis, Utes, and other tribes control the other 20 percent.

The Rocky Mountain News reported that while only 7 percent of the sites on public land have been surveyed, 90 percent of them have been looted. The same is true on Indian Lands, where pot-hunting is also illegal.

In addition, thousands of sites on private land vanished under farms, water projects, cities and roads. Landowners have also "mined" sites, using bulldozers and backhoes to decimate three-story dwellings in search of the artifact-rich burials, the News reported.

Digging is legal on private land. But recent state and federal laws now bar the excavation of American Indian burial sites and the sale of artifacts, even on private land.

However, public lands are still attractive to looters; sites are abundant and surveillance is scarce.

"People are getting more cautious, but the cases are abundant," said special agent Tanner. "Looters will be around as long as there's money to be made." (Taken from The Albuquerque Journal, May 11, 1993)

What's Happening Around the State

University of South Alabama . .

. . . is presently working on the report writing and artifact analysis of the Old Mobile Project. The report is due out in the fall. Students are also involved in highway contract work across the state.

. . . Julie and Marvin Smith of Mobile are currently working on finishing the Dog River Site Report.

Troy State University. . .

. . . is currently completing excavations at 1 Co54 near Enterprise. Twenty five TSU students, as well as a few graduate students from the University of Alabama, are working 10 hours a day, seven days a week, to recover as much as possible before the August 1st cut off date given to TSU by the Alabama Highway Department. One of the most significant finds on the site in July was the discovery of a pit at 120 centimeters below surface. The pit contained a transitional Paleo-Dalton point (an unfluted, small

Clovis). Soil Samples and materials suitable for C-14 were also recovered from the pit. TSU student Wally Lowery, who discovered the feature in his unit, was so excited by the find that upon leaving the site at the close of the day, drove his Blazer into a 2x2 meter unit over a meter deep. Fortunately, Wally was not hurt, the excavation unit was already finished, and his Blazer was recovered intact.

Chapter News

"No reports received "

In the Alabama Archaeological Society's Past

Nineteen years ago in the July 1974 issue, a poem titled *My Lone Claim to Royal Lineage* was submitted to the *Stones and Bones* by Vern Scott of Talladega.

My early ancestor was a King, with sloping forehead and deep set eyes
A high brow ridge to show him wise.
A Giant Monk, he mastered his realm on tree-top high.
His harem groveled constantly, attesting love and loyalty.
The little monkeys regularly wore coats of red just like the King.

In time, the King's coat turned to gray. His youthful vigor wore away.
His vision dimmed but still the King supposed himself the one supreme.
His harem groveled close around but out of sight no Kings abound.
The little monkeys wore coats of gray... or maybe brown, black, red, or spotted suede.

Evolution was at play.

Each generation brought something new and in a millenium or two
The forehead rose up, the brow ridge sank, culture waned and life was gay.
The Tail had quietly gone away. Do harems grovel? Nay!

Evolution was at play.

The monkey had become a man. On Ethnogeny Lane, I lived near the end.
No brow ridge, no harem, no tail, no King.
Equality and freedom is our dream! Could our nature enjoy such change?

Most people share a similar fate. Today I'm a pawn in a welfare state.

Response to The Native American Graves Protection and Repatriation Act

In the May 1993 issue of *Stones and Bones* we solicited comments pertaining to the Native American Graves and Repatriation Act. The following is a response received from Gene A. Marsh, Associate Professor of Law, University of Alabama. This is an excerpt from an article that he wrote for the Arizona State Law Journal, Volume 24, Number 1, Spring 1992. The article is entitled *Walking The Spirit Trail: Repatriation and Protection of Native American Remains and Sacred Cultural Items*.

The right of Native Americans to restore and protect the burial sites of their ancestors, as well as to prohibit the display and sale of human remains and sacred cultural items, has become a major issue at both the state and federal level. Many people in this country have grown accustomed to observing Native American remains and sacred cultural items on public display without considering why only Native American remains and grave sites are displayed. All societies throughout the ages have buried their dead with reverence and respect. The right of Native Americans to protect the remains of their ancestors has long been ignored by American society.

In recent years, national attention has focused on the looting, collection, sale, and exhibition of Native American remains, artifacts, grave objects, and other sacred cultural items. Among the parties who have an interest in the direction of new legislation are public officials, Native Americans, archaeologists, museum officials, private landowners, amateur collectors, and pothunters. Within each of these groups, there are many voices, many levels of sophistication, and many points of view.

This article has examined issues relating to the increasing conflicts between members of groups who view themselves as devoted to preserving Native American dignity, culture, and religion, and those who are viewed as insensitive or a threat to Native American rights. Some members of the scientific and museum communities have made heroic contributions to the preservation of Native American culture. Others have been slow to recognize the concerns of Native Americans. Pothunters, looters, and those who buy and sell Native American artifacts present the greatest threat to this heritage.

Recent legislation, both at the state and federal level, indicates that the momentum is with those who want society to understand that Native American remains, artifacts, and sacred cultural items should not be treated as curios for display and sale. Most existing legislation protects sites located on public land. Some recent state legislation imposes sanctions on those who disturb sites on private land or trade in artifacts taken from those sites. The Native American Graves and Repatriation Act of 1990 will have a great impact on existing museum collections and will guarantee Native American involvement in the repatriation issue. These are positive and needed developments.

Most Native Americans, scientists, museum officials, and others, however, recognize that a change in public attitude is the only real hope for reducing the looting of grave sites and the trafficking in grave sanctions, there will never be enough staffing to protect the vast number of rich archaeological sites and burial sites in the United States. Given the budget problems states are experiencing, protection of sites through public acquisition is not likely. Thus, interested parties should respond on a moral or ethical basis, rather than under the threat of a criminal statute or public censure.

As Native Americans are given a greater voice in issues relating to repatriation, protection of sacred sites, and the disposition of sacred items, scientists, museum officials, amateur collectors, and members of society will become more familiar with the culture of living Native Americans.

Native Americans are among us today and should be in our minds as individuals who have serious concerns over the treatment of the remains of their ancestors. Our image of Native Americans and our knowledge of their religions and cultures must come from a modern dialogue, rather than an image frozen in time based on dated museum displays and trivial characterizations common in films and literature.

Also included in the above article are the statutes from several states, including Arkansas, California, North Carolina, and Alabama (which is considered to be the least effective.) The following is the Alabama statute:

The Alabama statutory provision reserves to the state the exclusive right and privilege of exploring, excavating, or surveying through its officers, agents, or employees all aboriginal mounds and other antiquities, earthworks, and ancient or historical forts and burial sites within the state of Alabama. The subsequent statutory provision provides that only *residents* of Alabama shall explore or excavate the sites. The state is declared to be the owner of all of the objects found or located therein. The right of the state to explore, excavate, or survey the sites is subject only to the rights of the owner of the land upon which such antiquities are located for agricultural, domestic, or industrial purposes.

Another Alabama statute establishes that no objects taken from the sites shall be sold or disposed of outside of the state; instead, they shall be retained in state custody where they may be exchanged for similar or other objects from other states, museums, libraries, or individuals. Another provision provides that any individual who violates the statute shall be guilty of a misdemeanor, and, upon conviction, shall be fined up to \$1,000 per artifact for each offense.

Alabama's statutory scheme is little known and entirely ignored by public officials, amateur archaeologists, pothunters, landowners, and collectors. Pothunting in Alabama is widespread, and private collections are too numerous to count. Artifacts are openly bought and sold at rock and gem shows, and other gatherings. The reaction of private landowners to a state assertion of ownership of artifacts is not known but is predictably negative; the state continues to set taxes and other policies based on the interests of agricultural and timber industries.

Furthermore, public officials involved in archaeology and museum administration believe that Alabama's statutes are nothing more than elegant statements of state ownership lacking the force of law, or at a minimum not worth testing. To declare state ownership of all such artifacts would be to deny a tax deduction to a landowner who might be inclined to make a valuable donation to a museum in the state. State ownership of the item suggests that a private owner has given nothing of value. Taking such a position would reduce the incentive for private owners and collectors to make donations to the public museums within the state.

The concept of state ownership of artifacts found on private land was tested in Kentucky when the Commonwealth filed a civil suit based upon the incident at the Slack Farm site. One of the four counts in the suit alleged that the artifacts were property of the

Commonwealth by operation of law. The claim was evidently not based on any statutory provision, such as that existing in Alabama, but rather on the notion that the Native American burials were deserving of protection based on the police powers of the state. The defendants pointed out sites referred to state lands, not private property. The court ruled in favor of the defendants and held that the State did not have standing to bring action based on actions occurring on private land.

On March 16, 1990, the Senate Judiciary Committee in Kentucky tabled proposed legislation that would have made it a criminal offense to engage in any unauthorized excavation or digging of any archaeological site. The action of the legislative committee is attributed by one commentator to a letter-writing campaign orchestrated by avocational archaeologists.

Ain't No Bones About It

Act H. 367...

Enrolled, An Act,

To amend Section 13A-7-23.1 of the Code of Alabama 1975, to further provide for the crime of the desecration of any tomb, gravestone, monument, or container or memorial of human remains: and to increase the penalty for those actions where a person invades or mutilates the human corpse or remains to a Class C felony and to provide further for the punishment for the desecration of an American Indian burial place.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 13A-7-23.1 of the Code of Alabama 1975, is amended to read as follows:

" S 13A-7-23.1.

"(a) Any person who willfully or maliciously injures, defaces, removes or destroys any tomb, monument, gravestone or other memorial of the dead, or any fence or any inclosure about any tomb, monument, gravestone or memorial, or who willfully and wrongfully destroys, removes, cuts, breaks or injures any tree, shrub, plant, flower, decoration, or other real or personal property within any cemetery or graveyard shall be guilty of a Class A misdemeanor.

"(b) Any person who willfully or maliciously desecrates, injures, defaces, removes, or destroys any tomb, monument, structure, or container of the human remains, and invades or mutilates the human remains, and invades or mutilates the human corpse or remains shall be guilty of a Class C felony and upon conviction the person shall be punished by law. Any person who maliciously desecrates an American Indian place of burial or funerary objects on property not owned by the person shall be guilty of a Class A misdemeanor and upon conviction the person shall be punished as provided by law."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

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STONES & BONES
NEWSLETTER

