



PLUNDERING NATIONAL TREASURES



TOM TILL

Hard-core and inadvertent looters as well as hobbyists are marring the fabric of America's cultural heritage by stripping parks of irreplaceable artifacts.

BY WENDY MITMAN CLARKE

AT CANYONLANDS National Park in Utah, a man robs the ancient grave of an Anasazi child, stealing the infant's burial blanket and scattering its remains to the wind. In Katmai National Park and Preserve in Alaska, a thief excavates historic caches of ivory. And in Virginia, two men sneak into Petersburg National Battlefield Park night after night, digging holes and taking away hundreds of Civil War artifacts from bullets to buttons.

Most park visitors have history on their minds, or maybe hiking, diving, or sightseeing. Stealing is not on the itinerary. So it may come as a surprise to learn that looting is a reality as vast as the nation's parklands; an enormous drain on National Park Service money, staff, and resources, which could be spent on education or other programs; and a problem fueled by a multimillion-dollar global industry that blurs the line between artifact and art. Driven by an overzealous love for history, ignorance, or just plain greed, people visit national parks daily across the country to steal from them, ultimately robbing us all of our common heritage.

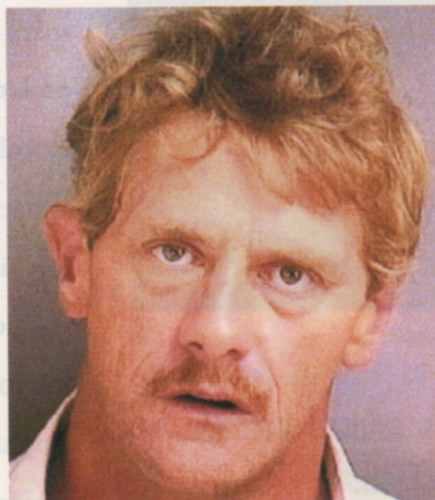
The ancient Anasazi ruins in Canyonlands National Park were the target of one looter who hired a helicopter to drop him into the park.



Visitors to parks sometimes inadvertently harm resources when they explore areas that the Park Service considers off limits. Visitors also sometimes take artifacts out of parks, perhaps not realizing the action violates the law.

It is tough to get a handle on how big the problem is, for most Park Service officials and archaeologists say it is impossible to quantify. Every year, however, the Park Service's regional archaeologists must provide Congress with estimates on how many cases they encounter and prosecute under the Archaeological Resources Protection Act (ARPA) or under federal laws prohibiting theft of government property. In 1996 (the most recent statistics), the report documents a total of 630 violations, 22 arrests, and 55 citations. Of 35 prosecutions, 11 resulted in ARPA misdemeanor convictions and one ended in a second ARPA conviction—an automatic felony. Prosecutors won 32 convictions under non-ARPA laws. By region, the report shows that the Intermountain region, which includes the desert Southwest, reported the most violations (390), followed by the Southeast (89) and the Northeast (83). The numbers are useful, but accord-

ing to Park Service officials, the data do not come close to revealing how much theft is really going on. NPS investigators and managers say it happens everywhere and includes the obvious, such



Earl Shumway has been convicted twice in separate incidents for stealing artifacts from parks.

as Civil War or American Indian artifacts, to the unexpected, such as pieces of shipwrecks or objects from old mining camps. And the damage goes beyond stealing the object. Another loss is "the context in which it was found," says David Tarler, a lawyer and archaeologist with the NPS Archaeology and Ethnography Program. "It's the information it can give us, not only about itself but about the site at which it was found. It takes on much more meaning than it does just as a piece of art."

THOSE WHO STEAL fall into three categories. Opportunists stumble upon something and pocket it as a souvenir, perhaps unaware it's illegal to do so. Hobbyists know it's wrong, yet are so eager to own a piece of history they'll take steps to find items, including using metal detectors and digging. "For the most part, they keep it for themselves and that's a tragedy be-

cause it goes into a shoe box, and when grandpa moves on to his next reward, the shoe box becomes a pain in the neck and it gets thrown out," says Richard Waldbauer, the

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resources conservation team leader for the NPS Archaeology and Ethnography Program.

Hard-core looters, the third type, take elaborate steps to find their booty and then sell it on the lucrative artifact market. They range from people who steal to supplement other illegal forms of income to locals whose families have dug on national lands for generations as part of their perceived birthright, to professionals who use high-tech surveillance equipment, airborne metal detectors, and heavy machinery.

"The fact is, the looter probably knows more about where sites are located than we do," says Martin McAllister, an archaeologist who teaches Park Service staff how to identify artifact theft. "They've seen more archaeological resources than we have."

A prime example of the professional is Earl Shumway, whose five-year, three-month prison term is the toughest sentence ever imposed for an ARPA conviction. Shumway, 40, who says his family has dug on public lands for generations, was convicted in 1986 of stealing 35 American Indian baskets worth an estimated \$500,000 to \$1 million from Manti-LaSal National Forest in Utah. But since he was serving time for an unrelated burglary charge, he got a two-year suspended sentence for stealing the baskets. It did not slow him down.

In December 1991, he hired a heli-

copter to drop him and a cohort into Dop-Ki Cave in Canyonlands National Park. He dug up an Anasazi infant's grave, stole the ceremonial blanket in which the body was wrapped, and scattered the child's remains. Then he flew to a Forest Service site and looted some more. A jury convicted him of seven felonies. Judge David K. Winder, appalled at Shumway's callous treatment of the child's remains, exceeded ARPA's sentencing standards. Shumway



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Pieces of art and artifacts, including ivory, are among the favored targets in Alaska, where ivory sells for as much as \$100 a pound.

initially was sentenced to six-and-a-half years, which was reduced on appeal to five years and three months.

Although Shumway received a relatively stiff sentence, few looters do, and the damage they cause can be extensive.

A recent case in Virginia reveals the vast damage looters can do. In the largest case involving theft of Civil War artifacts since Congress passed ARPA in 1979, Jeffrey S. Blevins, 33, and John N. Walker, 33, sneaked into Petersburg National Battlefield Park in Virginia at night and used metal detectors and tools to dig more than 240 holes, excavating more than 1,000 artifacts. Both pleaded guilty. A judge last October sentenced Blevins to five months, Walker to four, and ordered each to pay \$25,467 in restitution. In other cases, thieves have used saws to cut petroglyphs off canyon walls and backhoes to dig into American Indian mounds.

Still, many officials say the big-time looters do less damage overall than the hobbyists, simply because of numbers. McAllister estimates that there may be several thousand full-time looters versus several hundred thousand hobbyists. And while full-time looters may do intensive damage at a single site, hob-

PLUNDERERS *Continued*

byists affect a much larger area.

Simple numbers also explain why so many cases go undetected. "The Park Service has about one commissioned officer for about one million acres" in the Alaska region, for example, says Susan Morton, an archaeologist turned special agent for NPS. "There's a very small law enforcement presence up here. We really don't have the resources to deal with the problem properly."

Morton says the hottest draw for thieves in her region is ivory, whether in artifact form or in caches of what's called fossil ivory, which natives buried before working it into tools, knife handles, or figurines. Fossil ivory sells for up to \$100 a pound, Morton says, and a two-inch ivory figurine can bring as much as \$30,000.

"If you're in a subsistence economy and don't have lots of cash, it's pretty tempting," she says. With two-thirds of the land (55 million acres) in the entire park system under the

Investigators recovered bullets, below, and other artifacts, right, believed stolen by Jeffrey Blevins, top, and John Walker, from Petersburg National Battlefield Park.

Alaska region's domain, Morton's law enforcement situation is extreme. But throughout the country, the story is the same: huge tracts of land, too few officers, and too little money to address the problem. And it may get worse.

"From my perspective, the parks aren't being hit or looted nearly as badly as some of the lands around us, like BLM [Bureau of Land Management] lands or Forest Service lands, especially out west here," says Phil Young, an NPS special agent based in Santa Fe, N.M. "But unfortunately, a lot of these looters are aware there's a rich treasure

trove of archaeological resources still protected in national parklands, and I've actually heard some of them say in undercover contacts, 'I never dug on Mesa Verde yet, but I look at it as my bank for the future.'"

Completely outnumbered, the Park Service is trying a variety of solutions to beat the looters: enlisting the public's help, developing inter-agency strategies, and training and educating officials from park rangers to prosecutors how to identify, investigate, and prosecute theft of resources. "We try to train anybody who might be out on



the land who can help us with this.... We realize without the public's help, quite frankly we don't have much of a chance," says George Smith, chief of the investigation and evaluation section of the NPS's Southeast Archaeological Center. "All the ARPA cases in the Civil War battlefields in the Southeast have been reported to park rangers from neighbors."

The Park Service publishes brochures that tell visitors about theft and how to report suspicious activities. One brochure, *Our Fragile Legacy* describes the importance of archaeological protection. (It is available in limited quantities from NPS's Santa Fe office: 505-988-6015.) And volunteers can provide extra eyes and ears. After a 50-percent increase in vandalism at Gettysburg National Military Park, for example, Park Service officials have trained 12 area residents to patrol the park.

The Park Service's Archaeology and Ethnography Program has also developed a historic resources curriculum now offered to students at three major law schools. Dan Haas, a program archaeologist, says the training seems to be helping: "The percentage of convictions is near the 85 percent range, and it used to be more like 50 percent."

The Justice Department prosecutes ARPA cases, and although the agency has a separate arm for wildlife cases it does not for archaeological resources—a situation NPCA would like to see change.

But you still have to find the crime and the criminal and gather the evidence to make a case. That's where the Archaeological Resources Protection Training Program comes in. At sites across the country, Park Service rangers, archaeologists, state and local law enforcement officers, and others take the 40-hour course, offered through the Federal Law Enforcement Training Center in Georgia, that teaches how to detect, apprehend, investigate, and prosecute looters. McAllister teaches the archaeology aspect, class coordinator Woody Jones teaches the criminal investigation end, and a U.S. attorney with ARPA prosecuting experience covers the legal parts. More than 2,600 participants have taken the course since its first offering in 1983.

Putting teeth in looting laws

Archaeologists and National Park Service staff credit the Archaeological Resources Protection Act (ARPA) with helping make some headway against the problem of looting in national parks. Passed in 1979, largely in response to a hemorrhage of artifacts from the Southwest, most agree the law was pretty toothless until 1988 when Congress passed amendments stiffening penalties. Until ARPA, the only laws prosecutors could use to pinch looters were statutes prohibiting theft or destruction of government property. They also could use the 1906 Antiquities Act, under which looters could be fined only up to \$500 and sentenced to 90 days in prison, says Martin McAllister, an archaeologist who teaches Park Service staff how to detect and prosecute archaeological theft.

ARPA covers looted items more than 100 years old. Though the act excludes surface finds such as arrowheads, coins, and bullets, those items still may fall under the theft of government property laws.

A misdemeanor conviction can get a looter a fine up to \$100,000 or a year in prison. A first offense felony can bring a \$250,000 fine or two years in jail. A second ARPA violation is an automatic felony. In a criminal ARPA case, prosecutors must prove their case beyond a reasonable doubt, says David Tarler, a lawyer and archaeologist with the NPS Archaeology and Ethnography Program. The act also provides the option of a civil charge to recover the value of artifacts and the cost of restoring the resource that need only be proven by a

preponderance of evidence. Citizens who help nab looters convicted under ARPA are eligible for a reward up to half of the imposed fine or \$500, whichever is less.

Though everyone agrees ARPA is helping, there are still serious problems. For one, officials must prove the artifacts came off federal land, says Phil Young, an NPS special agent in Santa Fe, N.M. "Something can be looted today off of federal land, taken home, washed off, someone signs an affidavit saying it came off their Uncle Joe's ranch tonight and it's incumbent upon us to prove [otherwise]," he says. "Quite often that takes a long time, and sometimes it doesn't happen."

In addition, Roger Kelly, an NPS archaeologist in the Pacific West region, says the 100-year date is easy to prove for prehistoric items such as American Indian artifacts, but tougher when it comes to objects such as wagon wheels or bottles.

And maybe the biggest hurdle ARPA faces is a predictable one: money. It costs big bucks to investigate a criminal ARPA case. Some Park Service managers may be reluctant to assign such large portions of their budgets to pursuits that may not be successful.

Money should not be an issue, says McAllister, because "number one, it's the law, and number two, the National Park Service is sort of the keeper of the cultural and natural heritage of the nation. So, in terms of prioritizing, we also have to be concerned about protecting the resource base, and a huge, important part of that is cultural resources."

—WMC

It all helps. But as long as the market exists for artifacts, no one deludes themselves that the problem will go away. "The people instigating it are art dealers from the outside," says Morton of Alaska's ivory trade. "They fly into villages with a bag of cash and buy the artifacts up."

Tarler says people's attitudes must change about buying and selling what

really is everyone's shared heritage. "You can't come onto public lands thinking everything is there for the taking," agrees Roger Kelly, NPS archaeologist for the Pacific West region. "It belongs to everyone."

WENDY MITMAN CLARKE, of Stevensville, Maryland, last wrote for National Parks about appropriations.