

PROFESSIONAL
ARCHAEOLOGISTS OF
NEW
YORK
CITY



NEWSLETTER NO. 40
 SEPTEMBER, 1988

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Material for the PANyc Newsletter may be sent to Celia Orgel, editor, 360 Cabrini Blvd., #3-G, New York, N.Y. 10040. To ensure inclusion in the next issue, please submit material at least one week prior to the next scheduled meeting.

MEETING NOTICE - NEXT PANYC GENERAL MEMBERSHIP MEETING

SEPTEMBER 28, 1988

HUNTER COLLEGE (69th and Park Ave.) Room 710 7:00 PM

Minutes of the PANYC General Membership Meeting

CUNY Graduate Center, Room 1126, May 18, 1988

Rubinson called the meeting to order at 6:30

SECRETARY'S REPORT: Minutes of the March 30, 1988 meeting were corrected to read under New Business "aggressively pursue the Parks Department;" and in the President's Report, #5) changed to read "the results of the PANYC elections will be reported by the Nominations Committee." Cantwell asked that the phrase "and was not well received by him..." be deleted from the President's report. The minutes were then accepted. Past president Cantwell thanked members of the executive board, and especially Dan Pagano for their help during the past year.

TREASURER'S REPORT: Rubinson reported for Winter that the balance in the PANYC bank account is approximately \$1100.00.
PRESIDENT'S REPORT: Rubinson called attention to her letter to the membership which is included in the Newsletter. She needs a complete lists of all committee members. She would also like to develop a list of people who will copy and others who will mail newsheets on a rotating basis. Rubinson intends to use mailings as a method of communication.

COMMITTEE REPORTS

Action: Cantwell reported that she had contacted Adrian Benepe, Dir. of Arts and Antiquities for the Parks Dept. about a letter written by Silver to him concerning activity at Madison Park. He replied that he had contacted the Landmarks Preservation Commission about both that site and the Rufus King site in Queens. He had spoken with Sherene Baugher at LPC who told him to clean up and cover the site, which he did.

Awards: No report.

Curation: Donadao indicated that she might be interested in participation on this committee. Rubinson added that she would welcome telephone calls or written statements of interest for any committee.

Legislation: No report.

Museum: No report.

Native American Affairs: Cantwell said that Louise Basa had not yet contacted her about the conference sessions she had attended in Phoenix.

Newsletter: The newsletter will be edited by Celia Orgel. This issue is printed by Louis Berger Co.

Public Program: No report.

Research and Planning: T. Klein and Rubinson brought up the fact that the National Parks Service has created an archaeological data base for which a software package is available and is already being on the SHPO level. Discussion about the applicability, availability, and the effectiveness of the system followed.

Standards: No report.

OLD BUSINESS: None.

NEW BUSINESS: Cantwell brought up the matter of the revised City Charter which will be on the November ballot. Geismar recollected that about three years ago when we wanted to recommend change in the Landmarks Preservation Commission law, we were told to wait; perhaps now is the time for PANYC's input. Further discussion ensued, including the observations that the City Agency Policy Committee was the logical one to deal with this issue, and that we need to find out the scope of the proposed changes in order to direct our actions. Several questions were put to Baugher (LPC) by Rubinson. Baugher commented that the major issue is whether or not to abolish the Board of Estimate; she is not sure how the result would affect LPC. Changes in the LPC law would need to go before the City Council and they are not part of the November voting. In reply to a query about a newspaper article concerning LPC changes, Baugher said that there would be a June public hearing, urged by developers, because they want changes, particularly as a result of the Cooper Committee findings. The aim of the development interests is, among others, to limit the period of designation. LPC's position is to fight any change, so again, PANYC should reserve comment. Marshall noted that we should be represented at the June meeting and Rubinson promised to organize an ad hoc committee to attend.

The meeting was adjourned at 7:00 so that members could attend a party honoring Rose and Ralph Solecki, who have been named life members of PANYC.

Respectfully submitted, Betsy Kearns, PANYC Secretary, 1988-89.

ABANDONED SHIPWRECK ACT OF 1987

NEW YORK AREA PUBLIC MEETING
SAT OCT 15
2:30-6:30

MEADOWLANDS ENVIRONMENTAL
CENTER
2 DE KOURT PARK PLAZA
LYNDHURST, NEW JERSEY

For information call Dave Anderson
914-962-3544
If you wish to speak please pre-register
with Mr. Anderson.

NPS kicks off shipwreck act implementation. The Park Service has begun a series of public meetings around the country as a first step toward implementing the Abandoned Shipwreck Act of 1987 (PL 100-298). After the meetings are concluded NPS plans to propose guidelines by Jan. 28, 1989. The guidelines are supposed to help states and federal agencies comply with PL 100-298. The act effectively transfers title of shipwrecks in the submerged lands of states to states. The NPS guidelines will direct states to write laws and regulations for shipwrecks that protect natural areas, guarantee recreational exploration of shipwrecks, and allow for public and private recovery of shipwrecks. Contact: Comments will be accepted until October 31 by: Dr. Bennie C. Keel, Department Consulting Archaeologist, National Park Service, Department of the Interior, PO Box 37127, Washington, D.C. 20013-7127. Phone (202) 343-1879.

FEDERAL PARKS & RECREATION

913185

Historic Preservation
Territorial battle (B. see below) - State Education (Lord)
no neg. protecting arch. materials, Frudy

Public Law 100-298
100th Congress

An Act

Apr. 28, 1988
(S. 858)

To establish the title of States in certain abandoned shipwrecks, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Abandoned Shipwreck Act of 1987".

SEC. 2. FINDINGS.

The Congress finds that—

- (a) States have the responsibility for management of a broad range of living and nonliving resources in State waters and submerged lands; and
- (b) included in the range of resources are certain abandoned shipwrecks, which have been deserted and to which the owner has relinquished ownership rights with no retention.

SEC. 3. DEFINITIONS.

For purposes of this Act—

- (a) the term "embedded" means firmly affixed in the submerged lands or in coralline formations such that the use of tools of excavation is required in order to move the bottom sediments to gain access to the shipwreck, its cargo, and any part thereof;
- (b) the term "National Register" means the National Register of Historic Places maintained by the Secretary of the Interior under section 101 of the National Historic Preservation Act (16 U.S.C. 470a);
- (c) the terms "public lands", "Indian lands", and "Indian tribe" have the same meaning given the terms in the Archaeological Resource Protection Act of 1979 (16 U.S.C. 470aa-470ll);
- (d) the term "shipwreck" means a vessel or wreck, its cargo, and other contents;
- (e) the term "State" means a State of the United States, the District of Columbia, Puerto Rico, Guam, the Virgin Islands, American Samoa, and the Northern Mariana Islands; and
- (f) the term "submerged lands" means the lands—
 - (1) that are "lands beneath navigable waters," as defined in section 2 of the Submerged Lands Act (43 U.S.C. 1301);
 - (2) of Puerto Rico, as described in section 8 of the Act of March 2, 1917, as amended (48 U.S.C. 749);
 - (3) of Guam, the Virgin Islands and American Samoa, as described in section 1 of Public Law 93-435 (48 U.S.C. 1705); and
 - (4) of the Commonwealth of the Northern Mariana Islands, as described in section 801 of Public Law 94-241 (48 U.S.C. 1681).

Abandoned
Shipwreck
Act of 1987.
Maritime
affairs.
48 USC 2101
note.
48 USC 2101.

48 USC 2102.

SEC. 4. RIGHTS OF ACCESS.

(a) ACCESS RIGHTS.—In order to—

- (1) clarify that State waters and shipwrecks offer recreational and educational opportunities to sport divers and other interested groups, as well as irreplaceable State resources for tourism, biological sanctuaries, and historical research; and
 - (2) provide that reasonable access by the public to such abandoned shipwrecks be permitted by the State holding title to such shipwrecks pursuant to section 6 of this Act.
- it is the declared policy of the Congress that States carry out their responsibilities under this Act to develop appropriate and consistent policies so as to—

- (A) protect natural resources and habitat areas;
 - (B) guarantee recreational exploration of shipwreck sites; and
 - (C) allow for appropriate public and private sector recovery of shipwrecks consistent with the protection of historical values and environmental integrity of the shipwrecks and the sites.
- (b) PARKS AND PROTECTED AREAS.—In managing the resources subject to the provisions of this Act, States are encouraged to create underwater parks or areas to provide additional protection for such resources. Funds available to States from grants from the Historic Preservation Fund shall be available, in accordance with the provisions of title I of the National Historic Preservation Act, for the study, interpretation, protection, and preservation of historic shipwrecks and properties.

SEC. 5. PREPARATION OF GUIDELINES.

- (a) In order to encourage the development of underwater parks and the administrative cooperation necessary for the comprehensive management of underwater resources related to historic shipwrecks, the Secretary of the Interior, acting through the Director of the National Park Service, shall within nine months after the date of enactment of this Act prepare and publish guidelines in the Federal Register which shall seek to:
 - (1) maximize the enhancement of cultural resources;
 - (2) foster a partnership among sport divers, fishermen, archeologists, salvors, and other interests to manage shipwreck resources of the States and the United States;
 - (3) facilitate access and utilization by recreational interests;
 - (4) recognize the interests of individuals and groups engaged in shipwreck discovery and salvage.
- (b) Such guidelines shall be developed after consultation with appropriate public and private sector interests (including the Secretary of Commerce, the Advisory Council on Historic Preservation, sport divers, State Historic Preservation Officers, professional dive operators, salvors, archeologists, historic preservationists, and fishermen).
- (c) Such guidelines shall be available to assist States and the appropriate Federal agencies in developing legislation and regulations to carry out their responsibilities under this Act.

SEC. 6. RIGHTS OF OWNERSHIP.

- (a) UNITED STATES TITLE.—The United States asserts title to any abandoned shipwreck that is—
 - (1) embedded in submerged lands of a State;
 - (2) embedded in coralline formations protected by a State on submerged lands of a State; or

Cultural
programs.
Historic
preservation.
Environmental
protection.
42 USC 2103.

Grants.

48 USC 2104.

National parks,
monuments, etc.
Federal
Register,
publication.

48 USC 2105.

(3) on submerged lands of a State and is included in or determined eligible for inclusion in the National Register.

(b) The public shall be given adequate notice of the location of any shipwreck to which title is asserted under this section. The Secretary of the Interior, after consultation with the appropriate State Historic Preservation Officer, shall make a written determination that an abandoned shipwreck meets the criteria for eligibility for inclusion in the National Register of Historic Places under clause (a)(3).

(c) **TRANSFER OF TITLE TO STATES.**—The title of the United States to any abandoned shipwreck asserted under subsection (a) of this section is transferred to the State in or on whose submerged lands the shipwreck is located.

(d) **EXCEPTION.**—Any abandoned shipwreck in or on the public lands of the United States is the property of the United States Government. Any abandoned shipwreck in or on any Indian lands is the property of the Indian tribe owning such lands.

(e) **RESERVATION OF RIGHTS.**—This section does not affect any right reserved by the United States or by any State (including any right reserved with respect to Indian lands) under—

(1) section 3, 5, or 6 of the Submerged Lands Act (43 U.S.C. 1311, 1313, and 1314); or

(2) section 19 or 20 of the Act of March 3, 1899 (33 U.S.C. 414 and 415).

Gifts and
property.
Indians.

43 USC 2106.

SEC. 7. RELATIONSHIP TO OTHER LAWS.

(a) **LAW OF SALVAGE AND THE LAW OF FINDS.**—The law of salvage and the law of finds shall not apply to abandoned shipwrecks to which section 6 of this Act applies.

(b) **LAW OF THE UNITED STATES.**—This Act shall not change the laws of the United States relating to shipwrecks, other than those to which this Act applies.

(c) **EFFECTIVE DATE.**—This Act shall not affect any legal proceeding brought prior to the date of enactment of this Act.

Approved April 28, 1988.

LEGISLATIVE HISTORY—S. 858:

HOUSE REPORTS: No. 100-514, Pt. 1 (Comm. on Interior and Insular Affairs) and Pt. 2 (Comm. on Merchant Marine and Fisheries).

SENATE REPORTS: No. 100-241 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD:

Vol. 133 (1987): Dec. 19, considered and passed Senate.

Vol. 134 (1988): Mar. 28, 29, Apr. 13, considered and passed House.

Sunken Treasure In New York City

T

he small outboard passes under the Throg's Neck Bridge in New York's East River at full throttle. Slamming into huge wakes caused by passing freighters and barges, it jumps a couple of feet in the air. Treasure hunter Barry Clifford doesn't appear to notice the rough ride. His stare is fixed on a site several hundred yards down river. "I feel good about this one," he shouts to no one in particular. "I just wish we could land someone to throw some rocks."

Clifford's good feeling concerns the underwater location of the *HMS Hussar*, a British man o'war carrying an estimated \$500 million in gold coins, which went down 208 years ago just off 137th Street in the Bronx. A report of the incident at the time judged the distance from shore to be just a stone's throw. "The problem is," admits Clifford, 42, "some of those guys could really chuck a rock. After all, Washington threw a dollar across the Potomac."

When the outboard reaches the approximate location near a small tanker docked next to a seedy-looking storage area, Clifford takes over the controls. He steers the craft according to the magnometer readings which read density profiles underwater. "This one smells good," exclaims Clifford ironically in reference to the odoriferous locale. "Right here, that's the bow of a ship sticking out. OK, I am going to make another pass, so let's try to hook her."

On the stern, Clifford's mate readies a large meat hook attached to a set of bright orange buoys. If they are able to latch onto the wreck, the buoys will act as a guide to the divers. The mate's throw, however, is premature and the fast-moving river carries the hook off its

There are millions, perhaps billions of dollars worth of gold, silver and other treasure in sunken ships lost beneath the waves of oceans around the world. Barry Clifford's job is to find the troves, and his latest site is off the coast of the Bronx.



PATRICK WISEMAN

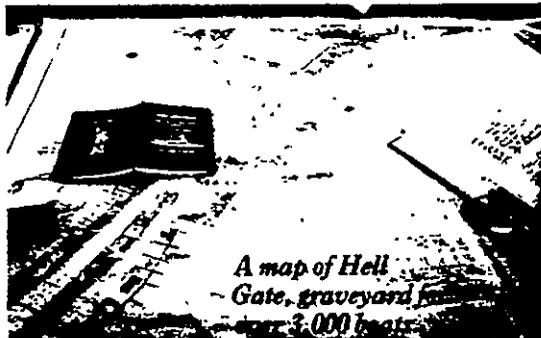
BY KENT BLACK

mark. Clifford swings the outboard around and lets out a pirate captain's bellow, "Just a little trolling for buried treasure."

Clifford is one of the most successful in a new breed of maritime salvagers who, thanks to advances in underwater technology, are part archaeologist and part treasure hunter. Clifford finds himself these days, though, in the middle of a controversy concerning the sanctity of underwater sites. Underwater archaeologist Dr. George Bass regards salvagers as nothing more than "looters of national treasures and monuments." "Preservation for its own sake is ridiculous," says Clifford disgustedly. "When artifacts of historical value are recovered, then of course they should be preserved and studied. But after that, why should they be crated up and stored in warehouses? When you have 1,000 gold bars, how many do you need for a museum display?"

"When I was a boy growing up in Cape Cod, my uncle used to tell me about all the shipwrecks off the coast," remembers Clifford. "In particular, one ship really fascinated me. It was known as the *Whydah*, a pirate ship that went down in 1717 with a fortune in plundered gold, silver and ivory." As he grew older, Clifford retained his obsession and took time off from his high school teaching job to dive off the coast and research documents concerning local wrecks.

The *Whydah* had been commissioned in 1716 and was on its maiden voyage when it was captured by Black Sam Bellamy. He liked the new sloop so much he kept it, putting the *Whydah's* captain on his own boat and sending him back to England. "It is a misconception that prisoners often walked the plank," laughs Ken Kinkor, an historian employed by Clifford's Maritime Salvagers in their warehouse headquarters behind a car wrecking yard in Chatham, Massa-



A map of Hell Gate, graveyard for 3,000 boats.

SUNKEN TREASURE JACKPOTS

ATOCHA: A Spanish galleon that went down off the Florida Keys in 1622. Treasure hunter Mel Fisher and 1,200 stockholders hit paydirt after a 16-year search in 1986. The booty, including emeralds, silver coins and bars, and an assortment of relics, is estimated to be worth over \$400 million.

WHYDAH: The only pirate ship ever found and salvaged, the project is still five years away from completion. More than \$25 million in artifacts, coins and gold dust have been recovered, an additional \$380 million awaits extraction.

S.S. GOVERNOR: The ship went down in Admiralty Inlet north of Puget Sound, Washington, in 1921 with \$1.5 million in a pursuer's safe. Divers from Maritime Ventures are investigating.

THE CITY OF RIO DE JANEIRO: The Seagamb Corporation is looking for two million in silver bars that went down in San Francisco Bay in 1901.

chusetts. "Pirates worked best through intimidation. Opposing crews wouldn't put up much of a fight if the pirate crew had a reputation for leniency." Kinkor, probably the world's only piratologist, says that research on the *Whydah* has turned up many interesting facts about pirates. "One aspect generally not known about them is that they were very democratic. They elected their captains and all booty was shared on an

"Preservation for its own sake is ridiculous," says Clifford. "When you have 1,000 gold bars, how many do you need for a museum display?"

ULU BURUN: George Bass is the head of a team from the A.D.A.C. Institute of Underwater Archaeology that is currently excavating a 3,400-year-old merchant vessel—the oldest ever found. Artifacts include iron ingots, gold jewelry and a variety of other ancient trade goods. According to Bass, "The find is priceless."

MARAVILLA: A Spanish galleon that sank off Grand Bahama Island in 1656 with an estimated \$1.6 billion in gold and silver. Marine Archaeological Research Ltd. has recovered over \$3 million in artifacts, gold and emeralds.

RMS REPUBLIC: Went down off Nantucket in 1909 with \$1.6 billion in gold bars. Currently being salvaged by Martin Bayerle.

CENTRAL AMERICA: A U.S. mail-ship that sank in 1857 off the coast of South Carolina carrying \$450 million in gold coins from the U.S. Mint in San Francisco. New technology makes recovery at this depth feasible.

equal basis. They even had pension plans and provisions for widows and next of kin."

Part of this democratic system involved attacking any ship any time. In just a few months of pirating along the Atlantic coast, Bellamy and crew looted over 50 ships. But the end came for Black Sam when he sailed north to Wellfleet to visit his girlfriend. After capturing a ship bound from Dublin carrying a cargo of madeira, Bellamy's convivial crew sailed straight into a northeaster that turned the *Whydah* on its side and drowned 98 of the 100 men aboard.

Digging through archives at the Boston Public Library, Clifford found the key to his search in a journal by a man named Southrack who had been sent by the governor in 1717 to survey the wreck. "Southrack's original entry alluding to onshore plundering actually said booty had been seized of 'what came ashore,' so I knew the

treasure was still out there. His map also contained an 'x' marking the spot." By locating the landmarks Southrack had written about, Clifford zeroed in on the wreck. In 1983, he assembled a crew, a ship and a permit from the Massachusetts Board of Underwater Archaeology and began the search. "For a year, we didn't find much that impressed anyone, but I knew it was down there," remembers Clifford. In July 1984 while an NBC television crew was on board filming, one of the divers surfaced with extraordinary news. They had found cannons, coins and hundreds of other objects. "The first coin they handed me was a 1684 two real piece from Peru. I knew we'd found it."

mated to be worth more than \$40 million, and an investment group that bought out Maritime's interest in the project hopes that the total prize will top \$400 million.

The seas off Wellfleet have not been the only treacherous waters Clifford has sailed through since that momentous day. The Commonwealth of Massachusetts claimed 20 percent of the treasure for itself, and the outcry among archaeologists sent Clifford reeling. "The state's greed was staggering," he says. "The minute they learned we had something, they started grabbing with both hands." Though Clifford finally won his battle against the state in court, the ensuing controversy has

Treasure Hunter Barry Clifford surveying his East River digs.



RICHARD VOGEL

That summer more than 3,300 18th-Century Spanish coins and hundreds of other artifacts were recovered from a single small core. Nonetheless, there was still no proof that the treasure came from the *Whydah*, a missing piece of evidence that considerably lessened the value of the loot. Then, in October 1985, a diver came up with a ship's bell. When all the muck had been cleaned off it read: *Whydah Gally 1716*.

Since then, Clifford estimates they have excavated about 10 percent of the wreck and a minimum of five years will be spent recovering the rest of the booty. The treasure found is est-

started a series of legal battles over control of underwater treasures.

Dr. George Bass claims the *Whydah* and others are "historical sites with the same value as Mount Vernon or the Alamo" and believes salvagers must be prevented from looting sites until archaeologists have had a chance to claim and preserve the artifacts for science and prosperity. Bass, whose excavation in Turkey of a 3,400-year-old merchant ship will take two more decades to complete, was a principal backer of a bill that narrowly missed passing the U.S. Senate this year which would have severely restricted salvagers' claims on underwater sites.

YACHTING. AS DEFINED BY PIMM'S.

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WATERLINE. The point to which you should fill your cup. a.k.a. SODALINE.

PORE AND AFT. How you'll pace in anticipation of your host serving Pimm's.

TAKING A SOUNDING. Inquiring as to who's ready for another Pimm's Keel Hauler.

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Clifford's blood boils at the thought of scientists such as Bass claiming his methods are greedy and irresponsible. "We have never lost sight of the archaeological importance of the *Whydah*," he says. "That's why we have archaeologists on staff; that's why we put tremendous effort and money into preserving everything we bring to the surface and it is why we are negotiating with the city of Boston to build a museum which would house the *Whydah*'s artifacts. We won't sell even a single nail off the *Whydah* until everything has been examined and catalogued."

As the outboard spins circles around a spot Clifford's intuition tells him hides the *Hussar*, the needle in a haystack aspect of the search becomes apparent. Though the *Hussar* is 114 feet long by 34 feet wide and went down with a bulky 960,000 gold coins and 80 American prisoners of war, parts of it are buried beneath many feet of river mud and sludge, and its debris must be seriously entwined with the debris of the 3,000 other wrecks that have gone down in Hell's Gate's waters. Even if Clifford were to be right on top

of the captain's cabin, the East River muck between him and his bounty make the search extremely difficult. "For years after the *Hussar* sank," muses Clifford, "people on shore could see the masts sticking above the waterline. It drove them crazy because no one had the technology to get at it. The British tried twice and even Thomas Jefferson tried to salvage her."

One of the technological advances that aided Clifford in excavating the *Whydah* and will be of immeasurable assistance here are two huge fans called "mailboxes" attached to the stern of the mother ship. Once a high-yield area has been pinpointed, the fans, housed in huge funnels, are lowered to the site. The fans blow away the sand and silt, leaving the heavier and, hopefully, more valuable objects visible.

Moments later, Clifford orders the

hook to drop on what he believes to be the bow of the *Hussar*. From the home port at Ft. Schuyler, the 120-foot *Maritime Explorer*, Clifford's baseship, cautiously approaches the spot Clifford has flagged. On board, two of Clifford's divers don their dry suits and helmets in preparation for their descent into the icy, polluted waters.

Captain Rico Lemke steers the ship into a defensive position on the river, his head swiveling constantly as he scans the river for traffic. "There are a lot of factors which make this project dangerous," says the young captain, whose blue jeans and worn boots make him look more like a wrangler than a sailor. "The currents are fast, some five to seven knots, and there are

"It has never been about becoming rich or famous. It has always been about the fantasy of finding things secret and hidden. Once I find them, the rest is just technical."

only one or two opportunities a day, between tides, when the current slows enough to drop a diver. The other problem is the traffic. If we get too many boats trying to pass here at once, we are going to have some real problems with our divers down there."

Once the divers are back onboard after their 45-minute plunge, they are fumigated and hosed down in special tanks. All members of the crew, in fact, must have gammaglobulin shots periodically to ward off virulent East River diseases. Clifford and project



The Maritime Explorer

manager/resident archaeologist Dr. Christopher Hamilton seize the divers' booty bags and rush them over to the washing sink. They quickly scrub some of the more interesting bits of pottery and debris, but Hamilton is skeptical whether it is the right period. Clifford hands Hamilton eight inches of brown bone and they muse over it for a moment.

"Definitely human," agrees Clifford excitedly. "Do you think it could be old enough?"

Hard to say," says Hamilton, "but I rather doubt it is one of our American prisoners."

"In this area, more likely a minor mafia chieftain," speculates another crew member.

In the galley, the divers tell Clifford what they saw, or, in this case, what they did not see. "When I first got down there I could see my hand in front of my face," says Scott MacDonald, 25, "but after the first step the mud kicked up so much I was just feeling my way around." Clifford becomes convinced that they missed the mark he spotted on the magnometer. "We'll get her tomorrow," he says with unshakable confidence.

Though Clifford is a source of consistent inspiration for his crew, all acknowledge that the quest for the *Hussar* could take years with no guarantee of success. Though Clifford's plan calls for lifting the entire wreck out of the river with the use of a cradle and giant crane, the chances for such a complete salvage are pretty slim.

Nonetheless, Clifford is unmoved by detractors. He doesn't just hope he'll find it, or that the odds are in favor. He knows. "When I was 17, some friends and I went to the beach after the last football game of the season. I swore to them I was going to find a buried treasure out there. It has never been about becoming rich or famous. It has always been about the fantasy of finding things secret and hidden. Once I find them, the rest is just technical."

As the *Maritime Explorer* heads back up to Ft. Schuyler, Clifford is already looking forward to other sites he is currently searching for buried bonanzas.

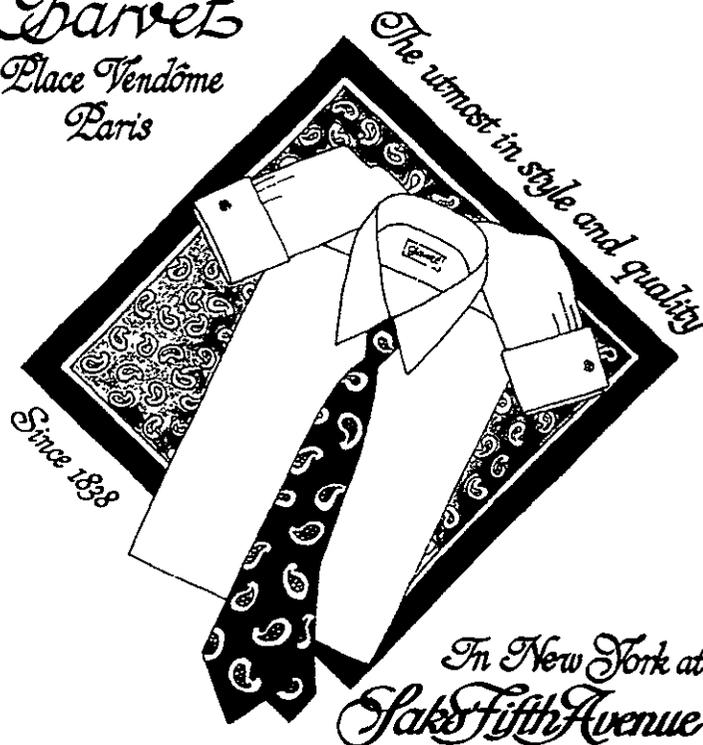


RICHARD VOGEL

"I think I have such a strong relation to all this because if I'd lived 250 years ago, I think I would have been a pirate. It's the boy's fantasy I've never gotten over."

the sea. It was a very rich, very famous pleasure city of its day. Alexander the Great thought they had the best women in the world. I am going to find it. Just for fun." ■

Charvets
Place Vendôme
Paris



Salvagers Try to Cash In

By ANN BERMAN

JUNE 22,
WALL STREET JOURNAL 1988

New York
It took Mel Fisher 16 grueling years of search and salvage before he got his hands on the bulk of the fabled treasure that sank with the Spanish galleons Nuestra Señera de Atocha and Santa Margarita off the Florida Keys in 1622. But it turns out that converting the loot (pieces of eight, uncut emeralds, gold bars too heavy to lift—your classic treasure trove) into hard cash isn't simple. That's what some of Mr. Fisher's investors discovered earlier this month when approximately 400 lots of treasure from the wrecks were offered at public sale at Christie's in New York. At \$2.9 million, the sale total fell short of the projected \$3 million-\$5 million estimate, and more than a third of the booty at auction remained unsold.

Observers point out that the sale may have been affected by the fact that Christie's was offering only about 8% of the treasure already salvaged. And even more is still being brought up from the ocean floor.

For sellers of one-of-a-kind objects and jewelry, however, the two-day event was a rousing success. Buyers materialized via telephone from all over the world. A spectacular five-foot-long gold chain sold to an American collector for \$319,000, and a gold two-handled cup brought \$275,000 from another American collector. The Spanish government bought a number of silver and gold objects that will end up in Madrid's Museo de America, and the Portuguese Naval Museum acquired a couple of rare astrolabes (early navigational aids) at \$85,800 and \$132,000. Even silver objects (which tend to dull down to a gray pewterlike surface after prolonged exposure to sea water) sold quite well, mostly in the \$1,000 to \$10,000 range.

Christie's has quite a track record in the shipwreck salvage department, so it was natural that it be called in to appraise Mr. Fisher's early finds, and later to sell the treasure. For this sale, most of the treasure came from a group put together by Vanguard Ventures Inc. of Glen Cove, N.Y., which also served as representative for other prospective treasure sellers. The tax advantages for the 30 investors who put \$150,000 each into Mr. Fisher's expedition were generated by the deductibility of partnership expenses. The deal, Vanguard CEO Carl G. Paffendorf remembers, "sold out faster than anything I'd ever done."

Once the treasure was found, however, getting paid out in kind was tricky: "You had to be on top of things all the time or, you'd end up with buckets of rusty nails

and cannon balls. Each object Vanguard finally received was rated with a point system based on quality, weight, aesthetic appeal, etc. A computer then made the distributions to individual investors. "It was very difficult for everybody," says Vanguard assistant vice president Deborah Conway, remembering the monthly meetings on the division of the treasure attended by various experts, Vanguard executives, investors and everybody's attorneys. But the fun really began when Christie's was asked to estimate objects for sale in the real world.

Sellers had an inflated idea of what everything was worth," says Christie's Anthony Phillips, who was in charge of the sale. "We went over and over it, and in the end we had to say: 'Don't blame us if such and such doesn't sell.'"

Mr. Phillips felt that the best way to tap an uncertain market was to prepare a scholarly catalog that would give each artifact its proper historical importance. An impressive volume was produced, documenting hitherto unknown silver hallmarks, the earliest gold coins minted in the New World, and the news that the Atocha was smuggling considerable amounts of contraband. The use of an obscure silver gilt bowl with a pointed center was revealed when it was found pictured with an orange in a 17th-century Spanish still life by Juan Bautista de Espinosa, in a Norwegian collection. The bowl was, in fact, an early juicer.

Before the Christie's sale, Mr. Phillips thought he had "the balance just about right between the Mel Fisher circus atmosphere and the scholarly, serious aspect." Afterward, he said that if he had it to do all over again, he'd get Mr. Fisher to New York sooner to stir up more interest. Mr. Fisher is clearly the center of a cult of treasure worship. All eyes follow him as he moves through the salesroom in his pink sport jacket with several heavy gold Renaissance chains hung around his neck. When he interrupted the sacrosanct auction process to joke that a bronze cannon being offered might really be filled with jewels, the audience roared appreciatively.

In addition to the Fisher charisma, Christie's public relations department used a battery of more conventional techniques to attract interest in the Atocha treasure. A five-minute videotape about the salvage

expedition and the objects was sent to 18 countries and selected U.S. cities. The artifacts themselves went to Amsterdam, Tokyo, Geneva and London. Renaissance chains were paraded at tony "boardroom lunches" at Christie's, where Park Avenue matrons could try them on for size.

It all helped, but in the end some investors came away disappointed. Although the objects and the rarest coins sold, less than half of the "generic" treasure—uncut emeralds, silver ingots the size of large bricks, gold bars—found buyers. ("It's for a doorstep," explained one of the few bidders in answer to everybody's question about his \$11,550 silver ingot.)

But Mr. Fisher's investors will have other ways to cash in their treasure. Historical Treasure Management Inc. out of Key West, for example, is planning a national tour of Atocha objects, some of which will be available for purchase.

The Christie's auction may have provided a reality lesson in values, but the effects on the treasure cult probably will be minimal. As Richard E. Johnsen, another treasure hunter who attended the sale, observed: "Just mention treasure and people are like little kids. You tell them they are likely to lose their money but they don't seem to care."

Ms. Berman is a free-lance writer in New York who covers the auction scene.

The Thieves Who Steal History in the Night

By GARY KRISS

TO the dismay of archeologists, collectors of artifacts are having a field day on Westchester's public land.

The collectors — also known as "diggers" or, more pejoratively, as "pot hunters" — have traditionally targeted parks and other municipal open space for their forays with probes, metal detectors and ultimately shovels. Their efforts, which are illegal, have been persistent.

"We definitely had incidents where people have come in and taken historical artifacts such as arrowheads and pots from county parks," said Barry M. Samuel, the deputy commissioner of Parks, Recreation and Conservation. "That might sound innocent to some people, but once this information is lost, it's lost forever. We're talking about history that might be a few hundred years old or even 5,000 or 10,000 years old. There's no way to re-create it or gather it again. So it's something we're very concerned about."

Charles A. Florence, an archeologist with state's Office of Parks, Recreation and Historic Preservation, said he believed the problem of archeological looting had grown, although it would be hard to determine how much.

Mr. Florence explained that what is now considered looting may not have been defined that way in the past. There is, he said, "a greater consciousness" today about the preservation or desecration of historic sites.

Well-meaning efforts to inform people about the county's past have also made it easier for looters to plunder it. Histories and various public documents, for example, make it clear what events — and significant archeological finds — are associated with county parks. And because these parks are often vast, effective patrolling is difficult; at night, when much of the serious illegal exca-

Archeologists are concerned about looting at excavation sites in the county.

vating goes on, it is virtually impossible, according to officials.

"Ironically, letting people know where archeological resources are can be counterproductive," said Karen M. Kennedy, a historic-preservation specialist with the county's Planning Department. It is important educationally to "spread this kind of knowledge," she said, but "you're putting the resources at risk."

"It's a real bind," she added, one that results in "a lot of ambivalence among the educators and the people who care for these resources."

Currently only 15 Westchester communities provide some type of legal protection for archeological resources, usually under a historic preservation ordinance. But according to Mrs. Kennedy, more "implementation and monitoring" is needed to make these laws effective.

"Looting certainly is a problem," said Jay McMahon, chairman of the five-member Archeological Review Board, a citizens group within the county's Parks Department that oversees archeological work on county land. "It's been a constant problem over history. People have been raiding sites since the world began."

Mr. McMahon is also active in Malta, as the Museum and Laboratory for Archeology is known. This group of professional and amateur archeologists is mapping "Stony Hill," a section of county land in Harrison where a thriving black community — and, some believe, sta-

tions for the Underground Railroad — once flourished.

On three recent occasions, he said last week, group members had encountered people with metal detectors excavating the site. "In one instance, they hit a privy," Mr. McMahon said, explaining that outhouses were especially strategic research sites because they usually contained bottles, either for medicine or liquor.

"If you wanted to get rid of something so it wouldn't be found, you threw it in the privy," Mr. McMahon explained. "No one is going to go poking around a privy — except an archeologist."

He added, "We view bottles for any information they contain, but diggers view them as a collectible item. It's true that they're preserving them, but by taking them out of context they're losing something much more important: the stories the bottles have to tell."

Mr. McMahon said that too often collectors do not catalogue their finds properly. "In a collection you might see a Westchester paleo-Indian point, which would be a very good find, next to something from Arizona and the collector can't remember which came from Westchester and which came from Arizona," he said. "Sometimes, they can't even remember which state something came from, so the value of the artifact has been destroyed."

According to Mr. McMahon, many diggers adopt the attitude that if an object is in the ground, especially public ground, then it is fair game. At one site, for example, he said, "People told us, the developers are going to destroy this anyway, and the archeologists are too slow, so if I don't take it nobody will."

But no matter what the rationale they use, Mr. McMahon said, "These people are stealing."

"Legally those artifacts belong to the property owner, whether it be Westchester County or a private party," he explained, adding that the collector is committing "two major affronts: stealing, and destroying the

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Stealing History in the Night

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value of the artifacts for future generations."

Mr. Samuel said that just weeks ago at a park in northern Westchester, "we caught people actually digging a site."

"When they saw us, they took off like thieves in the night," he recalled. "We had the police involved, but we couldn't apprehend the criminals. They knew what they were doing."

That, in fact, is a major part of the problem, according to Geary Zern, a professional archeologist and Malfa's president. Mr. Zern lives in Verplanck. Besides amateur diggers who "just like to collect," he said, there are also "professionals who are in it for the money."

Particularly on some of the historic sites, there is the potential to realize quite substantial amounts of money," Mr. Zern said. "The professionals are the ones I'd be most concerned with."

Mr. Zern has received word from the National Park Service that some professional collectors from Maryland have targeted Malfa sites for looting. They are believed to be angry with Mr. Zern for alerting Peekskill officials of the group's plans to dig at some of the city's Revolutionary War sites a few months ago.

"Some vindictive group members have apparently marked Geary's sites and plan to rip into one of them when he is in the middle of his work and destroy it," said Dana C. Linck, a Park Service archeologist based in Rockville, Md.

Mr. Linck said that this group and similar ones nationwide use methods that resemble those of a marauding army: attacking under the cover of night with sentinels, carrying walkie-talkies, keeping watch for authorities.

"They're very systematic," Mr. Linck said, and added that he believed they have already looted Westchester sites.

"Such groups are well-organized and professional," Mr. McMahon agreed. "Looting occurs on all levels but the ones who are really terrible are the professionals because they know what they're doing."

But Mr. Zern said he did not "view

these people as enemies" even though "they destroy valuable information."

"I think our interests are very similar," he explained.

Dr. Allen Vegotsky of Croton-on-Hudson, another Malfa member, said, "I think a lot of the problem is ignorance. People just don't understand or appreciate the archeologist's view of the necessity of preservation."

"There's a disagreement between archeologists and collectors," said Lewis Catone of Goldens Bridge, long an avid digger, especially for bottles. "Professional archeologists feel we destroy more than anything else, but that really isn't so. I think we dig just as carefully as an archeologist."

Mr. Catone, who documents all his finds and researches their history, conceded that even collectors are victimized by diggers who are "only interested in the commercial aspects" and "give the hobby a bad name."

He said he had been dismayed when he discovered that a site he had been working on was looted. "Someone had gone in there and dug a hole the size of a small crater," he said.

Mr. Catone noted that he did much of his collecting on public land and

never felt that he was doing anything illegal. While he said he had been interrupted by policemen, he added that they themselves had been interested in what he was collecting.

Archeologists say, privately, that they hope to impress upon collectors the importance of keeping proper documentation, so that if objects eventually are turned over to the public, their historic worth will be preserved. Ideally, they would like to see diggers involved in organized digs.

"If we had 10 full-time archeologists just doing research in Westchester County, we couldn't keep up with the archeology that needs to be done," Mr. Zern said.

Individuals and groups may ask the Archeological Review Board for permission to do site work on county property and Mr. McMahon said permission is generally granted to applicants who demonstrate that they will follow proper archeological procedures. "You have to take responsibility for what you're doing," he said. "The amount of archeology that needs to be done here is tremendous so we're not trying to exclude people. But we want them to have some discipline."

American Society for Conservation Archaeology

August 24, 1988

Dear SOPA Member:

You are invited to join a select group of individuals who are members of the American Society for Conservation Archaeology (ASCA). ASCA serves people who are interested in the wise management and conservation of our cultural resources. ASCA members are primarily resource managers, private contractors, government archaeologists, and curators.

What can ASCA do for you?

- Keep you up to date on all the new laws, rules, guidelines, and agency programs and activities pertaining to archaeology through publication in our **ASCA Report** as submitted by members and as appearing in the **Federal Register**.
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The cost of belonging to ASCA is kept deliberately low, \$20 per year. Some of the back issues of recent reports and symposia proceedings are available at \$10 per year. The operation of the Society depends on the volunteer participation of its members. Articles and news items are needed. Your membership is requested.

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Peter Miller, S.O.P.A.
ASCA Secretary
USA Central Identification Laboratory
Ft. Shafter, HI 96858

American Society for Conservation Archaeology

1989 MEMBERSHIPS

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The primary goal of the American Society for Conservation Archaeology is the conservation of archaeological resources. To this end, ASCA promotes a broad strategy of archaeological resource conservation that includes:

- 1) full consideration of archaeological values when societal decisions affecting archaeological resources are made;
- 2) in-place preservation of a broadly representative sample of archaeological sites for future research and public appreciation;
- 3) resource-frugal approaches to research;
- 4) proper curation of archaeological collections and records; and
- 5) public education about archaeological resource values.

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Membership is open to any interested individual or institution. Members receive the publications of the Society and the opportunity to help ASCA reach its goals. Members are invited to participate in our regional activities and to attend the annual workshop, symposium and business meeting, which are usually held at the annual meeting of the Society for American Archaeology.

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a. Applicants must have been awarded an advanced degree, such as an M.A., M.S., M.Phil., Ph.D., D.Sc., or official A.B.D., from an accredited institution in archaeology, anthropology, history, classics or other germane discipline with a specialization in archaeology.

b. Applicants must have had at least six weeks of professionally supervised archaeological field training and at least four weeks of supervised laboratory analysis and/or curating experience. Requirements for both field and laboratory experience will be considered to have been met by attendance at an archaeological field school which meets the guidelines set forth by the Society of Professional Archaeologists.

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