

**P**ROFESSIONAL  
**A**RCHAEOLOGISTS OF  
**N**EW  
**Y**ORK  
**C**ITY



NEWSLETTER NO. 47  
JANUARY, 1990

CONTENTS

	Page
Minutes, General Membership Meeting, November 29, 1989.....	1
Correspondence.....	3
Newspaper Articles.....	7
PANYC Membership Application.....	11

Material for the PANYC Newsletter may be sent to Celia Orgel, editor, 360 Cabrini Blvd., #3-G, New York, New York 10040. To ensure inclusion in the next issue, please submit material at least 10 days prior to the next scheduled meeting.

NOTICE OF NEXT MEETING: January 24, 1990  
Hunter College (69th St. and Park Ave.) Room 710,  
General Membership 7:00 pm

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Minutes of the PANYC General Membership Meeting  
November 29, 1989 Hunter College, Room 710  
Henn called the meeting to order at 7:00 pm

SECRETARY'S REPORT: The following changes should be made on the 9/16/89 minutes:  
1) Secretary's report, end line 3 should read: "No dates were offered for the series."  
2) Treasurer's report, "Salwen Scholarship" should be changed to "Salwen Fellowship."  
3) President's Report # 3, beginning of line 2 should read: "non-profits and landmarks."  
4) NYAC report following President's report should be deleted. 5) Awards, first two sentences should be moved to New Business section; report should begin, "Cantwell outlined details of the Salwen Award."  
6) Legislation, 3rd line of #1 and 4th line of #2, for "Parks" substitute "OPRHP"  
7) Museum, move #1 to end of Public Program, renumber items; report should begin, "1) Museum of the City of NY will no longer take..."  
8) Public Program, the program is scheduled for April 7th, not the 17th; line three should read "Bridges" not "Geismar." Minutes accepted with these changes.

TREASURER'S REPORT: Henn for Winter. As of November 9, 1989, our bank balance was \$1,403.21.

PRESIDENT'S REPORT: 1) Began with the sad announcement that Bud Wilson and his wife were in a serious accident; he is recovering but she did not survive. Henn will write to him. 2) Concerning the PANYC/NYAC meeting, Henn once again thanked everyone involved. The meetings were both productive and pleasant. Thank you notes have been sent to the speakers. 3) Mr. Ceci has arranged for Stonybrook to take Lynn's papers. 4) Concerning Wave Hill, Henn wrote to Sauer to follow up a phone conversation. Copies of the letter and response will be in the newsletter. 4) No response yet from UDC on Schermerhorn Row. 5) Announcement of a new publication, NY City Parks Natural Resource Directory; includes archaeological organizations. Henn will ask to be put on the mailing list and for PANYC to be included in the next edition. 6) Meeting could not be set with Landmarks (the Commissioner is not holding meetings) until the new administration is in place.

Membership: The membership voted to accept John Hennessy as a member.

Action: 1) Silver sent a letter to the Archaeology Society of Staten Island, reminding them that they can discuss prospective speakers with us or with the AIA. 2) We need to remain informed of Ed Platt and NY Institute of Archaeology's activities.

Archives: Henn for Marshall. NY Historical Society Library seems to be the best candidate so far for holding the PANYC archives. Henn recommends that Marshall continue to negotiate. NYHS has had problems in the past with curation and conditions, though not in the library, but they are conscious of these problems and are attempting to solve them. We do need to assure accessibility. So far the amount of paper seems to be approximately two transfile boxes, but everyone with material should contact Marshall so she will have a good idea of the space required.

Awards: Announcements of the Salwen Award have been sent out to NYC colleges/universities.

City Agency Policy: Will continue to monitor the charter revisions. Functions will probably eventually be split among several committees. New environmental review plan provides money for hiring.

Curation: No report.

Legislation: No report.

Museum: No report.

Native American Affairs: Henn for Cantwell. OPRHP has issued a new version of 12A. Apparently treats Native American burials the same as other burials. It is out now for State agency review only; has not yet been circulated.

Newsletter: No report.

Parks: Our letter to Parks Commissioner Stern was not cc'd and we received no response. In future we should cc all relevant parties. Will also request that we be put on the public hearing notification list. Henn will send a written request to Comm. Todd. Concerning Rufus King Park, some PANYC members received RPFs. The contractor did not get a waiver. So far Greenhouse is doing only a scope of work.

Public Program: Program is set for April 7th, 1990, from 1-3 pm at the Museum of the City of NY. The topic is the archaeology of maritime NY. Bridges should be contacted with suggestions. She does feel the Alms House should be covered since it has had so much coverage in the press.

Research and Planning: No report.

Shipwreck: No comments yet sent in on the new shipwreck act.

Standards: Have been accepted. The standards printed in the November newsletter are now final.

OLD BUSINESS: 1) Discussion of the election procedures. The correction made did not follow the by-laws and has again been changed. The system now accepted by the board is for ballots to be sequentially numbered (the number of ballots will equal the number of members) and to be mailed in random numerical order to the members by the secretary, as stipulated in the by-laws, from a list provided by the Treasurer. Ballots will also be returned to the secretary. 2) 17 State St. museum should open in January. Seaport Museum will do curating and be administrators of the museum.

NEW BUSINESS: 1) Nominations committee was formed: Marshall, Wall, Donadeo.

2) We should write to the new mayor, explain who and what PANYC is and remind him to keep archaeology in mind in his new administration. 3) NY Bight Restoration Plan, EPA project, has a public hearing on Dec. 6th. Henn will refer the matter to the shipwreck committee. 4) Re Foley Square, Rutsch has done a 1A; a 1B is planned. 5) More school buildings are to be rehabilitated and new building built. We need to watch that proper procedures are not circumvented and should include this in our letter to the mayor.

Respectfully submitted, Anne Donadeo, Secretary 1989-90.

# PROFESSIONAL ARCHAEOLOGISTS OF NEW YORK CITY

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October 28, 1989

The Honorable Henry Stern  
Commissioner  
Department of Parks and Recreation  
The Arsenal, Central Park  
New York, NY 10021

Re: A PUBLIC HEARING (TUESDAY, OCTOBER 31, 1989) ON APPLICATIONS TO CONSTRUCT, RECONSTRUCT, AND REDESIGN PARK PROPERTIES (No. 901031-Central Park; No. 901013-Riverside Park; No. 893109-Washington Square Park; No. 901011-Block 83, Lot 1, Long Island City Courthouse, 25-10 Court Square)

Dear Commissioner Stern:

The Professional Archaeologists of New York City (PANYC) wish to call your attention to the responsibility of The Department of Parks and Recreation to any cultural resources that might be impacted during proposed work on the above-referenced park properties.

As you know from past experience, the planning stage is the most appropriate and efficacious time to consider these resources and address any impacts that might be incurred. By considering them now, archaeological issues can be handled without disruption to a project or trauma, and may prove not to be an issue at all. Moreover, foresightedness in approach is not only a fine example of cooperation, it is a good will gesture that speaks well for the Parks Department.

We trust that your planning will consider the resources that might exist on your properties. If we can offer any advice, please do not hesitate to contact us.

Sincerely,

Roselle Henn, President  
PANYC  
129 West 89th Street  
New York, NY 10024

# PROFESSIONAL ARCHAEOLOGISTS OF NEW YORK CITY

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Department of Anthropology  
New York University  
25 Waverly Place  
New York, N.Y. 1003  
November 28, 1989

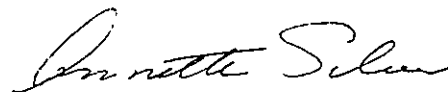
Program Chairman  
The Archaeology Society of  
Staten Island  
60 Manor Road  
Staten Island, N.Y. 10310

Dear Chairman:

The members of the Professional Archaeologists of New York City (PANYC) are sure that you share our concern for the protection of New York City's cultural resources. However, your sponsorship of Robert Diamond as a speaker (April 9, 1989) encourages the exploitation of New York City's historical and archaeological resources. To the best of our knowledge, Mr. Diamond has taken no steps for the study of the archaeological context of the Brooklyn Railroad Tunnel by qualified individuals.

In light of the fragility and rarity of archaeological resources in New York City, we urge you to exercise caution in your selection of future speakers. The Board of PANYC would be pleased to assist you in this matter. You may also consult with the Speakers Bureau of the Archaeological Institute of America.

Yours truly,



Annette Silver  
Action Committee (PANYC)

# PROFESSIONAL ARCHAEOLOGISTS OF NEW YORK CITY

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Roselle E. Henn, President  
Professional Archaeologists of New York City  
129 W. 89 Street, Apt. 33  
New York, New York 10024

22 January 1990

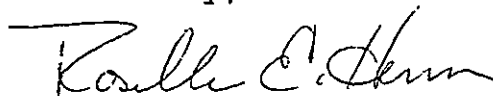
David F. M. Todd, Chairman  
Landmarks Preservation Commission  
225 Broadway  
New York, New York 10007

Re: Certificate of Appropriateness, Borough of Manhattan,  
901033 and 900929, Block 98, Lot 1, 250 Water Street - South  
Street Seaport H.D.

Dear Mr. Todd:

The Professional Archaeologists of New York City (PANYC) wish to comment on the above referenced Certificate. As you are aware, the South Street Historic District has a rich archaeological record which can provide information on the history of the City and on the occupations, everyday lives, and experiences of its diverse residents. To ensure that this information is not lost, we request that a documentary review and, if warranted, appropriate testing or recovery programs of archaeological resources be undertaken for this project.

Sincerely,



Roselle E. Henn  
President, PANYC

# PROFESSIONAL ARCHAEOLOGISTS OF NEW YORK CITY

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Roselle E. Henn, President  
Professional Archaeologists of New York City  
129 W. 89 Street, Apt. 33  
New York, New York 10024

22 January 1990

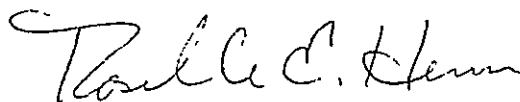
David F. M. Todd, Chairman  
Landmarks Preservation Commission  
225 Broadway  
New York, New York 10007

Re: Certificate of Appropriateness, Borough of Brooklyn,  
901944 and 901943, Block 200, Lots 12, 13, 113, 12-16 Everit  
Street - Fulton Ferry H.D.

Dear Mr. Todd:

The Professional Archaeologists of New York City (PANYC) wish to comment on the above referenced Certificate. As you are aware, the Fulton Ferry Historic District is one of the oldest sections of the City. Its rich archaeological record can provide information on the history of the City as a whole as well as the occupations, everyday lives, and experiences of its diverse residents. To ensure that this information is not lost, we request that a documentary review and, if warranted, appropriate testing or recovery programs of archaeological resources be undertaken prior to the issuance of this Certificate.

Sincerely,



Roselle E. Henn  
President, PANYC

# Skeletons in the Closet

By Kara Swisher  
Washington Post Staff Writer

The calls and letters to the Smithsonian Institution in recent weeks have been "like a flood," says spokeswoman Madeleine Jacobs, who ticks off the big and small media throughout the country that have covered the issue. "Even important topics like our divestment from South Africa didn't get this much attention."

The deluge has come from the debate over what to do with the 35,000 American Indian remains and funerary objects held by the Smithsonian for more than a century. In mid-September, the institution agreed to ease repatriation of their large collection of Indian skeletal remains and burial artifacts to tribes nationwide.

The oral agreement will be part of legislation—now moving swiftly forward in Congress—authorizing the creation of the National Museum of the American Indian. The disposition of Indian remains, which has been at the top of Indian agendas for a decade, was the major stumbling block in that effort. Now the Smithsonian will return remains where a "preponderance of evidence" links them to specific tribes, as opposed to close relatives, which was the old standard.

But though the influential Smithsonian has acquiesced, the fight is far from over. According to estimates, there are more than 600,000 remains throughout the U.S. in the nation's universities, research institutions, museums and even roadside tourist attractions. The issue, therefore, is likely to remain a hot topic in anthropological and museum circles and an emotional rallying point for Indians for a long time to come.

"We are a living, viable, ongoing Indian culture, but America has not yet resolved who we are and what we

want," says Suzan Shown Harjo, executive director of the National Congress of American Indians, the oldest and largest Native American advocacy group with 1.5 million Indian constituents. "We accept nothing other than total compliance to our requests. The remains don't belong to anyone, and there's no point to collecting when it's so deeply morally offensive to other human beings."

The level of emotion is not surprising. Washington, more than any other city in the United States, is well-suited for the issues involving the proper honoring of the dead, with perfectly groomed Arlington National Cemetery set prominently on a hill across the Potomac River and monument after monument dedicated to those who have passed before. But no more proof is needed than the startling statistics. The Vietnam Veterans Memorial is the most popular tourist spot in Washington with more than 1 million visitors yearly.

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*"America has not yet resolved who we are and what we want."*

—activist Suzan Shown Harjo

Who can say why graves are important? To remember those we have loved, to honor those we respect, to show our decency as human beings. But there is perhaps another reason: Cemeteries remind people of their own mortality.

This national respect for the dead seems to have turned to historical indifference when it comes to Ameri-

can Indians, however, who frequently note that the old axiom from Westerns, "The only good Indian is a dead Indian," still is in full force. Today's attempts to keep Indian remains locked up in museum vaults, Indians say, is like "racist grave-robbing."

In testimony before the Senate in 1987, Bill Tall Bull, spiritual leader of the Northern Cheyenne tribe of Lama Deer, was graphic: "How would you feel if your grandmother's grave were opened and the contents were shipped back east to be boxed and warehoused with 31,000 others . . . and itinerant pot-hunters were allowed to ransack her house in search of 'artifacts' with the blessing of the U.S. government?" he asked. "It is uncivilized . . . savage . . . barbaric . . . inhuman. It is sick behavior. It is un-Christian. It is punishable by law."

"When most people discover this is going on, they are horrified," says Harjo, "and there is nothing in our traditions to deal with this. None of our enemies before the white man has ever disturbed or violated our burial grounds."

That is particularly upsetting for American Indians, who believe that when you upset a grave, you disturb the journey of a spirit; Indians believe their dead cannot rest until they are buried. It is not a unique belief. The Vietnamese, for example, consider the ceremony surrounding dying a fine art, and death anniversaries are far more important than birthdays.

Therefore, Indians feel they are responsible for the care of their collective ancestors' spirits. Of the more than 500 Indian tribes recognized by the U.S. Bureau of Indian Affairs, nearly all believe a person's burial place is sacred and should not be disturbed. Some tribes believe holding remains causes sickness, and others avoid speaking the name of a dead



Skull & Bones, had the skull of warrior Geronimo in its possession, taken in a raid led by none other than Bush's father, Prescott Bush.

And though the Smithsonian has come around, 166 bones still are on display in its museums. "You can imagine your dismay if Thomas Jefferson's bones were removed from his grave and displayed on a museum shelf," said Chief Nelson Wallulatum of Oregon's Wasco tribe to a Senate panel in 1987. "You would feel even more strongly if he were your great-grandfather."

Smithsonian Secretary Robert McCormick Adams, who worked on the remains agreement, says he has grown more sympathetic. "After some years dealing with Native Americans, their story takes on an anguish . . . and becomes a weight one cannot carry," he says. "As I read more about the atrocities, the tragedy takes on a horrible deepness. These are the crimes of the past we cannot afford to repress."

Scientists and anthropologists, meanwhile, are nervous over the new trend to repatriate, likening it to burning books, since the bones can chronicle the history of disease, diet and migration patterns. Scientists now are even able to extract DNA from bones to study genetic disorders of long ago.

Therefore, burying the bones has been compared with throwing away treasure. "It is certainly a loss, because the evidence is extremely valuable," says Adams. "As a scientist, I can't help but feel that, of course."

Some scientists say that they should not have to pay for the legal and ethical standards of the time, likening the fight to the Evolution vs. Creation battle. "All that wandering souls stuff is dramatic for the media," says one New York anthropologist. "We are doing important work that benefits all mankind, and we're portrayed as grave robbers."

There also is an undercurrent of betrayal for many anthropologists who believe they played an integral role in protecting most of the Indian artifacts that have survived to this day. The American Anthropological Society has clung to its right to study ancient bones, though it allows the return of remains to close relatives—a task that is sometimes impossible for Indian tribes to prove.

Indians have not accepted the scientific justifications, refusing to be rated as artifacts and resources for the scientific community when other racial groups are not. Much of the

unearthing of the dead was done without the consent of the affected tribes, and the Indians often equate it to Nazi experimentation during World War II. Claiming that Indians should enjoy equal protection under the law and free exercise of religion, the tribes mostly feel that racial biology should not be allowed without the full consent of those studied.

"We would allow some testing if we were asked," says Walter Echo-Hawk, an attorney for the Native Americans Rights Fund (NARF), which pursues Indian repatriation requests. "They have had decades for study, eons to examine the hoarding of our ancestral remains. The science should be done by now."

## *"All that wandering souls stuff is dramatic for the media."*

—a New York anthropologist

Indian groups even question the good of some of the scientific inquiry. NARF released a letter from Emery Johnson, retired assistant surgeon general for the U.S. Public Health Service, to the Association of American Indian Affairs. "In response to your recent questions about the value of collections of Indian skeletal remains to the present medical care of American Indian and Alaska Native people, I can only say that I am not aware of any current medical diagnostic or treatment procedure that has derived from research on such skeletal remains," he wrote. "Nor am I aware of any during the 34 years that I have been involved in American Indian/Alaska Native health care."

Pending legislation may make all arguments moot. Though laws in all 50 states rule against disturbing or mistreating the dead, often graves located on private land were exempt. The 1979 Archaeological Resources Protection Act says nothing about private sites.

But Kansas, Washington, Kentucky, Nebraska, Texas, Minnesota, Indiana and New Mexico have recently passed stiffer laws protecting Indian burial sites. In a forward-looking solution, Delaware will require reburial, but is pushing for special vaults that make the bones available for scientists.

Around the country, a trend is emerging. Last year Stanford University gave back the remains of 550 Indians to the Ohlone-Costanoan tribe. The University of Minnesota has released 1,000 Indian remains. And Seattle University soon will return 150 boxes of bones to Indian tribes in that state.

In Congress, five "bones" bills are pending, besides the new Smithsonian repatriation agreement, to stop the plunder of Indian graves. "It's a cooperative effort all the way around," says Frank Ducheneaux, counsel on Indian Affairs to the Interior committee of the House. "And the Smithsonian action is a quantum leap forward."

The Smithsonian decision is expected to have a ripple effect. "The Smithsonian is king of the hill when it comes to museums," Rep. Ben Nighthorse Campbell (D-Colo.) said at a recent Capitol Hill press conference. "This represents the best of mainstream ethics and it will have a profound effect."

The agreement calls for a two- or three-year inventory of the collection, which will cost \$1 million. The Smithsonian then will inform tribes of their interests and remains will be returned, creating further hardship for the impoverished tribes who will have to pick up the tab for the reburial of their kin.

The Smithsonian's Madeleine Jacobs cautions against elevated expectations. "If it passes, the funding is not authorized until 1991, so nothing is going to happen instantly," she says. "I hope people realize that."

That may be true, but if museums and lawmakers did not act, they might have faced lawsuits from Indian groups. "There were a lot waiting on the front porch, pending a lot of these talks," says Harjo. "But we wanted to take the least contentious manner to arrive at a solution that matches today's ethical standards."

Harjo is excited by the prospect of visiting the Smithsonian's National Museum of Natural History again, where most of the bones are now housed. She says she could not before, because of the spirits of her ancestors in torment there. "Indian tribes will now come forward to claim their dead, because they now feel welcome," she says with a sigh of relief.

Still there are tragedies. "These acts are full of vision, goals and aspiration," says Harjo, "but there is a continuing sadness, because many of our dead have no people to claim them at all and they will never rest."

person.

The emotional trauma and spiritual distress is so high over the situation that today's older Indians, says Harjo, are directing that their bodies be cremated, because they are afraid their remains will be disturbed and their spirits will be forced to walk the earth for eternity.

Their fear is well-documented. Even though the American Indian population faces a number of serious problems, the systematic grave violations reveal some of the grisliest stories of all. Many Indian bones were collected in the early 19th century right off the battlefield. In 1868 the surgeon general of the Army directed medical officers in the west to collect Indian craniums for study of infection and disease. Much of this collection was done by the plundering of grave sites, and 4,000 of these specimens were transferred from the Army Medical Museum to the Smithsonian at the turn of the century.

The practices continue today. Indian grave sites are destroyed and bones scattered as looters search for artifacts. A roadside Indian bone pit in Kansas—billed as a tourist attraction—only recently was closed down. Even President George Bush was dragged into the fray when it was asserted his college secret society,

# Congress Approves Museum of the Indian

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WASHINGTON  
Congress last week approved and sent to President Bush legislation permitting the Smithsonian Institution to establish a National Museum of the American Indian here.

Both the House and the Senate approved the measure after lawmakers forged an agreement with American Indians in September that directed the Smithsonian to return most of its vast collection of Indian skeletons and burial items to representatives of Indian tribes (*The Chronicle*, September 20).

### Measure Provides No Money

The bill authorizes the Heye Museum of the American Indian in New York City to transfer its collection of Indian artifacts—one of the world's largest—to the Smithsonian.

The collection will be housed in the new museum, which will be built next to the National Air and Space Museum here.

Although the new museum is expected to cost more than \$200-million, the measure provides no funds for construction or for trans-

fer of the remains. Congress has not yet decided on a final amount in its fiscal 1990 appropriations bill for the Interior Department, which in turn hinges on passage of the overall budget.

Members of Congress who represent the interests of American Indians withheld approval of the new museum, pending agreement on the policy of returning Indian remains.

In recent years, the return of Indian remains has become a major point of contention between anthropologists and American Indians.

In the past, the Smithsonian returned only the remains that could be conclusively identified as related to a living individual. Under the new policy, Indians need only show evidence linking the remains to a specific tribe.

To carry out the new policy, the Smithsonian is embarking on a complete inventory of its collection of Indian remains, which numbers about 18,000 pieces. Smithsonian officials have asked Congress for about \$2-million to carry out the inventory. —CHRIS RAYMOND

NOV

## Senate Passes Indian Museum Bill

By BARBARA GAMAREKIAN

Special to The New York Times

WASHINGTON, Nov. 14 — The Senate unanimously passed a bill today that would establish a Smithsonian Institution museum devoted to the culture and history of the American Indian.

The measure, which has already been passed by the House and is expected to be signed by President Bush next week, brings to fruition a long-held vision of many American Indians. The Senate had passed a similar bill on Oct. 3, but because of slight differences in the version later passed by the House, it voted on that bill today.

"I think it represents truly a maturing of America and holds forth the promise of great healing in this country between Indian people and the rest of America," said Susan Harjo, former director of the National Council of Indian Affairs, who is now with the Morning Star Foundation, a cultural-rights advocacy group.

### Three Components

The National Museum for the American Indian, to be on the Mall, will be home for the million-piece, \$1 billion Heye Collection now housed in the Museum of the American Indian in Manhattan, as well as for the Smithsonian's collection of Indian artifacts.

The legislation calls for three components: the \$106 million museum on the Mall, a \$44 million museum support center in Suitland, Md., and a \$25 million satellite museum in the Customs House in lower Manhattan. The majority of the financing will come from the Federal Government.

"It is a glorious solution," said Julie Kidd, the chairwoman of the board of the Museum of the American Indian. "I think the new museum has a very broad role to play in Indian affairs and it will be a smashing museum in and of itself."

### Space Problems

Until now, she said, just 1 percent of the Heye Collection has been on view because of space considerations at the museum at Broadway and 155th Street in Manhattan.

The bill requires that more than half of the museum's board members be of American Indian descent. It is expected, Smithsonian officials said, that the director will be an American Indian.

The action today follows years of debate over the future of the Heye Collection, considered one of the premier collections of Indian artifacts in the world.

# New Law a Worry to Scuba Divers

By ANNE C. FULLAM

**H**OW New York State will interpret the new Federal Abandoned Shipwrecks Act is worrying two local organizations representing more than 200,000 scuba divers in the metropolitan area.

At present, three agencies in New York State are reviewing the Federal guidelines published under the 1988 act, which transferred title of all ships sunk within three miles of the nation's shores from the Federal Government to the states, with the exception of warships and foreign vessels, and transferred disputes involving historic wrecks from admiralty court to state courts.

The guidelines leave open to the states exactly how to develop historic preservation and recreation programs around the 20,000 known shipwrecks in the United States. However, divers from the two groups, representing nearly 20 scuba diving clubs in the area, fear that the two goals of historic preservation and recreation may prove to be mutually exclusive, and that preservation interests will dominate.

A spokesman for the State Department of Parks, Recreation and Historic Preservation, which is working on the project with the State Department of Education and the Office of General Services, said that new regulations were not expected until spring.

## 300 Wrecks in the Area

There are about 300 known wrecks of warships, freighters, passenger steamers and schooners in waters around Long Island, the oldest being the H.M.S. Culloden, a British vessel that foundered in 1781, in Block Island Sound. All told, about 100 vessels have sunk in Long Island Sound.

According to Capt. Howard Klein, skipper of a popular dive and organizer of the American Sport Divers Association, the ships protected under the act are not defined as historic, but include all that are "embedded in ocean, lake or river bottoms, regardless of age, architectural value, great loss of life or other redeeming features."

Captain Klein, who lives in Levittown, is owner-operator of the 55-foot-long Eagle's Nest, on which he transports underwater collectors and photographers and marine archeologists to wrecks like the cruiser San Diego, where two divers perished this fall.

Captain Klein said the act would destroy the uniformity of law at sea, a basic tenet of admiralty law.

"It affects what everybody who utilizes shipwrecks does," he said. "Now, each state is going to be able to

## States now control submerged ships.

draft its own laws. There are 27 coastal states and the territories."

A boat operator like himself, Captain Klein said, will be subject to the laws of the different states, as will divers.

### 'Guilt by Association'

"Everybody on the boat is subject to guilt by association and pays fines," he said. "Like it is with zero tolerance of drugs on boats, the boat is confiscated. If one person breaks the law, even if he doesn't know what the law is, everybody is subject to penalties."

Referring to the act's transferral of salvage disputes from admiralty courts to state courts, Captain Klein said that such cases were very expensive for states to defend in a Federal court.

The act was sponsored originally by Representative Charles E. Bennett, Democrat of Florida, in the wake of a much-publicized Federal Court decision overturning the ruling of a Florida state court against Mel Fisher, who spent 15 years diving to retrieve the treasures of the Atocha, a Spanish galleon that sunk off the coast of Florida in 1622 and eventually yielded thousands of dollars worth of jewels and other artifacts.

The Long Island Divers Association, an 11-year-old organization representing 21 scuba-diving clubs in the metropolitan area, also opposes the act.

### Definitions Called Vague

"The bill addresses a lot of issues, such as historic shipwrecks," said Edith Hoffman, director of the association, "but it's not very specific about defining historic or defining the tools that divers may or may not use to remove ships' contents versus the superstructure of vessels."

"We have a thriving industry of charter-boat captains, diving schools, scuba gear shops and others who derive their business from wrecks."

As the number of divers increases, the number of places where they can dive from New York beaches has been restricted by the state, said Ms. Hoffman, who fears further restrictions.

"Only one wreck in this vicinity, the Culloden, is listed in the National Register," she said, adding:

"We applaud the efforts of the state and Federal Governments to

protect that wreck."

At the Federal level, the act has different meaning.

"The purpose of the act is to have historic shipwrecks treated like historic and archeological sites are treated on land," said Michele Aubry of the National Park Service, a marine archeologist.

"Since 1906, land sites have been protected by the Federal Government, but not underwater sites. Since the 1960's, growing numbers of salvage expeditions at historic shipwrecks have not protected scientific information there. They just gathered artifacts that were commercially valuable to sell."

To protect scientific values, she said, a number of states passed laws to regulate salvage activities in their waters. Some salvage companies went to court against these states, saying that the states did not have jurisdiction.

"Some Federal district courts ruled that some states did have jurisdiction," she said, "while other courts ruled they didn't. Last year, this new law settled it."

Said Gaynell Levine Stone, president of the Suffolk County Archeological Society:

"It's hard enough to protect archeological sites on land. The continental shelf is considered one of the richest burial grounds for ships. Plundering these is like going into a park and stealing history."

"Anybody who goes down in New York waters and brings things up is breaking the law," said Lloyd Adams, a lawyer with the state's Department of Parks, Recreation and Historic Preservation, in referring to a 1957 state law barring the removal of artifacts without a permit from the Department of Education.

"It's a problem everywhere," he said. "People will find things in Lake George or Lake Champlain and start hauling things up as souvenirs. That's not permitted."

### Curator Shuns Sensitive Wrecks

"When I'm invited to go to a sensitive wreck, I don't," said Jerry Roberts, curator of the museum aboard the Manhattan-based Intrepid. "If I was to see a captain's sexton, maybe I would pick it up, but I'd bring it back for the museum. It's just better that I don't place myself in those situations."

But according to both Captain Klein and Ms. Hoffman, the issue is far from settled.

"There are no historic wrecks that we dive on now, but there are others that have not yet been discovered," Captain Klein said. "All the wrecks that get discovered are going to become a deep, deep dark secret. If I discover a shipwreck, I'm not going to tell anybody about it."

# PROFESSIONAL ARCHAEOLOGISTS OF NEW YORK CITY

## MEMBERSHIP APPLICATION

Membership in PANYC is open to any professional archaeologist who subscribes to the purpose of the organization and who meets the following criteria for education, training and professional activity.

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 curation experience. Requirements for both field and laboratory analysis will be considered to have been met by attendance at an archaeological field school which meets the guidelines set forth by the Society for Professional Archaeologists.

c. Applicants must demonstrate professional experience in one or more areas of archaeological activity, such as: field research and excavation, research on archaeological collections, archival research, administration of units within public or private agencies oriented toward archaeological research, conduct of cultural resource management studies for public agencies, or teaching with an emphasis on archaeological topics. Applicants meeting the education and training criteria and having other professional interests related to archaeology will be considered on a case by case basis.

d. All prospective applicants must be approved by a majority of members present at a regularly scheduled meeting of the general membership. All members receive the Newsletter and other PANYC publications.

We invite anyone interested in New York City archaeology to subscribe to our Newsletter and to attend our general membership meetings and annual Public Symposium.

If you are interested in joining PANYC or if you would like to subscribe to the PANYC Newsletter, please complete the form below and return it to Anne E. Donadeo, PANYC Secretary, 820 West End Avenue, #11E, New York, New York, 10025.

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