

– In My Opinion –

Who Owns The Past?

By Boyd Beccue

Who owns the past? At first glance you might think that is a silly lead to an opinion piece in *Bottles and Extras*. You might answer that we all own the past. Well, in the opinion of a growing number of people, your answer would be wrong.

Who are these people? They are professional archaeologists or “academic archaeologists,” as I prefer to call them. Here I will simply call them academics.

The growing tendency of some academics to want to claim exclusive ownership of the past and all artifacts from the past has concerned me for some time. Recent events have made me realize that amateur archaeologists, including bottle collectors, metal detector hobbyists and others, are in danger of having our hobbies, our right to the past, taken away.

The first thing that really lit my fire on this subject was an episode of the PBS series “Time Team America.” A spin-off from the popular British show “Time Team,” the U.S. version lasted only one season, but took a gratuitous shot at bottle diggers in an episode about a dig at Fort James in South Dakota. Broadcast in August, 2009, the show started as an enjoyable exploration at the site of a short-lived Army post from the Civil War era. The tone changed, however, when the academics realized that parts of the site had been previously dug, apparently by bottle diggers. The hobby diggers who had beaten the academics to the site were referred to as “looters” over and over, in very hostile tones.

My dictionary defines “loot” as something unlawfully taken, or taken by plunder and pillage. The hobby diggers at Fort James had dug on pri-

vate property with the full knowledge and permission of the owners. They weren’t looters at all, except in the eyes of the academics. Following that episode, I went to the Time Team Website and posted a response to their false and inflammatory use of the word. I found I wasn’t alone in my concern about the show. You can go to www.pbs.org/opb/timeteam/blog and enjoy the discussion yourself.

One writer noted the disturbing tendency of one of the academics to refer to the horse soldiers stationed at Fort James as *Calvary* rather than *cavalry*. Another took issue with the use of the word Sioux to describe the local Native Americans, who are correctly known as Dakota. But the major issue on the blog was the Time Team accusation that anyone who digs for artifacts, other than an academic, is a looter. The Time Team explanation in defense of using the term “looter” took the standard tack of saying how important every little fragment of pottery is, how important context is at every site, and how the noble academics are heroes preserving knowledge for the masses. To all of which I say: BULL.

While every shard may be informative if one is excavating an ancient Native American site, to suggest that this is the case when digging privies from the recent past is bunkum. The written record consisting of newspapers, letters, books, official documents, etc. tells us far more about the 1860s than broken china from a privy. Of course, the academics claim that there is knowledge to be gained from the slightest detail, but if we are talking about how much ketchup the locals used in 1863, what value does that really

have? Is it valuable enough to trample the rights of hobby diggers? Do we need a strict accounting of every chicken or beef bone to know that the soldiers ate chicken and beef? Of course not! The same is true of the tired “context” argument the academics keep propping up. Indeed, the silliness that often surrounds academic archaeology seems to be reaching new levels. The July-August 2009 issue of *Archaeology* contains an article extolling some academics that are preserving trash at the site of a hippie commune from the late 1960s. And who is doing this wonderful, important, cutting-edge work? The California State Archaeologist! That’s right – tax dollars at work; is there any wonder why California is in dire financial condition?

As for the argument that they are the only ones preserving the past for the public ... try to get an academic to permit the average person to view and enjoy the millions of artifacts squirreled away in museum basements. And don’t think for a minute that I exaggerate. The July-August 2011 issue of *Archaeology*, in an article about one 19th Century site in Australia, mentions that “More than 750,000 artifacts from the excavation at the Cumberland / Gloucester streets site in Sydney are stored in a warehouse ...” What the public sees in a museum is a tiny fraction of what they have, and only what they want us to see. I have taken bottles to schools, nursing homes and local museums on many occasions, and I know many of you do the same. Who is working to educate the public? I think it is more often the amateur hobby digger.

What is behind the growing

academic hostility to bottle collectors and other hobbyists? What are the academics really after? Sadly, it may be that they want ... everything. An interesting web site related to metal detecting can be found at www.metal-detecting-ghost-towns-of-the-east.com. In an interesting piece about metal detecting laws, written in 2006, author Frank Pandozzi answers the question in this way: "What is their agenda? Their agenda is to control every item of history. This includes every relic, artifact, coin, bottle, pottery and Indian arrowheads, etc., that lay beneath the ground ... " Perhaps Mr. Pandozzi takes his point too far, but then again maybe he is correct. Either way, it is an issue that every one of us should think about.

It is also important to remember that many of us often engage in what, for want of a better term, is rescue digging. Bottle diggers are often one jump ahead of heavy equipment which will destroy a site and all the artifacts it contains. Despite this obvious truth, some academics even say that saving those artifacts has no archaeological value and should be prohibited. Apparently, to them artifacts only have meaning or serve to preserve our history if someone with a degree in archaeology pulls them from the ground. I disagree. Objects which I and many other diggers have rescued from such places have often been donated to local museums or used in presentations to school children. We may lack a degree in archaeology, but the objects rescued have benefitted others on many occasions. Even if the bottle or other artifact is seen only by friends and family in a private collection, I would think reasonable people would believe that is preferable to simply letting the item be destroyed.

The academic attack on the rights of anyone other than an institutional academic with appropriate credentials is not new. In 1989, Michael Trinkley presented a paper at the 15th Annual Conference on South Carolina Archaeology. His title did a good job of

revealing his biases: "Metal Detectors, Bottle Collectors and Other Things That Go Bump in the Night." I'll bet you didn't know that we are such a scary bunch! Mr. Trinkley complained that "Bottle collectors in Charleston routinely 'dig' privies, destroying untold archaeological evidence." He also complained about any positive view of the hobbyist, lamenting that "In Columbia, the NBC affiliate hosted 'relic collectors' glorifying the 'hobby' on a morning talk show." The internal quotes are his and clearly reflect his scorn for any hobbyist who dares to search for what he obviously considers to be the exclusive property of the academic. He also was upset that relic collectors were exercising their constitutional right to petition the government and lobby Congress to open federal and state land to hobbyists. Maybe his attitude is rare among academics, but I fear the opposite is true. You can find Mr. Trinkley's diatribe at the web site of the Chicora Foundation: www.chicora.org.

The academic crowd is even hostile to those who rescue items that the academic would never have the resources, ambition or talent to recover. In recent years, private companies have used hi-tech means to recover sunken artifacts from ocean depths once thought impossible. A company like Odyssey Marine Exploration spends millions to recover items that otherwise would *never* see the light of day. The artifacts are rescued after great effort and made available for study and to be purchased and collected by museums or private individuals, something the degree-holding crowd would likely never manage. And what is the academic response? They urge support for the "UNESCO Convention on the Protection of the Underwater Cultural Heritage." Which in reality is just another effort to establish legal barriers against anyone else recovering objects from what they consider to be their private preserve, even if it is in ocean depths that the academic will never explore. I suppose we should

just trust the U.N. to respect the rights of American collectors, shouldn't we?

Even Wikipedia has noted the hostility of the academic community. In the entry on "Historical Digging," it notes that "Those excavating privies, cisterns, dumps, landfills and operating metal detectors and other ground-penetrating equipment on private property, are frequently targeted as "looters" by the professional archaeological community in general." But in a refreshing example of fairness the article also notes that "For altering and disturbing sacred sites, burial grounds, and doing other things within ongoing sensitive areas without the full consent of all those connected to the places involved, professional archaeologists pursuing their own projects have also been routinely categorized as looters."

Which brings me to an important point: it was only in relatively recent times that Native Americans were able to secure legislation to stop the destruction of their ancestors' graves and the theft of sacred cultural objects by our supposedly high-minded archaeologists. Sadly, such protection for burial grounds and funeral objects are still not present in many other places around the world, and many academics continue their age-old practice of (dare I say it?) grave robbing. If you don't believe me, subscribe to *Archaeology*. You will find many stories about academics digging up the graves of people who were laid to rest according to whatever belief system that group practiced, and how objects of religious significance once interred with the dead are stolen for some museum. Maybe the grave is hundreds or thousands of years old, but it is still someone's grave. If the academic wants to play the morality card, who is more moral, more honorable: the hobbyist who digs privies and dumps from Victorian times, uncovering items thrown away as trash, or the academic who digs up the grave and grave goods (as the academic refers to his loot) of someone laid to rest according to his or her religious

beliefs? I will take the privy digger any day. I have dug many dumps and privs, but have never even considered digging up a Native American burial site. I would bet that the same is true of nearly all bottle collectors.

It is also interesting to note that the academics are not happy with a recent amendment to the *Native American Graves Protection and Repatriation Act*. An opinion piece in the January/February 2011 issue of *Archaeology* complains that the amendment “complicates the relationship between Native Americans and archaeologists.” It appears that the academics and museums may have to return a few more of the human remains and sacred burial goods stolen from Native American graves during the era when their brand of grave robbing was unrestricted.

And while we are on the subject of moral superiority, it may be instructive to look at another skeleton in the academic closet (pun most definitely intended). Famous museums around the world are filled with cultural artifacts which were taken from their native lands by means ranging from dubious acts of “purchase” to outright theft blatantly carried out in colonial or conquered nations. Want an example? Look no further than the “Elgin Marbles” in the British Museum, London. “Purchased” in Greece from the conquering Ottoman Turks by the British Ambassador, Lord Elgin, in the early 19th Century, the morally superior academics now in charge of those looted marble reliefs, ripped from the Parthenon, have for decades ignored the many requests of the Greek government seeking the return of part of one of the supreme cultural monuments of humanity. And the academics claim to be superior to hobby collectors and diggers who build collections of discarded bottles? Don’t make me laugh.

Sadly, it doesn’t have to be this way. Another example from the U.K. shows how matters can be managed for the benefit of all. Maybe it is because the U.K. is a country full of

potential digging sites and ancient sites of real historical value, or maybe English Common Law has a better tradition of protecting the rights of property owners, but the *Treasure Act of 1996* shows how things could be done here in the U.S. This law recognizes that under English law, a landowner has sole title to any archaeological artifacts found on his or her property. Artifacts of real historical significance are preserved for the public by requiring that *treasure* is to be reported to authorities, valued by a panel of experts and made available for sale to museums. If no museum can or will pay the established fair value, the owner retains all right to the items. A reasonable assessment of the effect of this law is that museums and the public have greatly benefitted by cooperation with hobby diggers.

The British law also provides a rational definition of treasure, which includes coins more than 300 years old, prehistoric objects, objects found with other defined treasure, and items which are substantially made from gold or silver but less than 300 years old that were deliberately hidden by unknown owners. It is easy to see that the *Treasure Act* does not concern itself with old bottles, jugs or the ordinary things English diggers find in privies or dumps. One wishes that laws in the U.S. were so sensible. And the British way seems to work in practice as well as on paper. In 2009, a metal detector hobbyist found a hoard of Saxon gold and jewels valued at over \$3,000,000. Detecting on private property with permission of the farm owner, an unemployed former coffin factory worker located a treasure which caused a stir even in a country accustomed to objects from medieval history. He and the property owner are now millionaires and most of the now-famous *Saxon Hoard* will shortly be in museums. I guess Parliament overlooked the importance of “context” when it passed the *Treasure Act*. Or, maybe they just saw through all the academic nonsense which permeates

the standard academic archaeologist’s view of “who owns the past”.

Shockingly, despite the “first dibs” provisions of the *Treasure Act* which protect the museums, some academics are still not happy. When another metal detector hunter found a rare Roman helmet in May, 2010, the museums were not able to raise the money needed to buy it, so it was sold at auction. The finder, again searching private property with permission, even showed the academics where it was found so that they could further explore the site. Apparently that was not enough for people who believe that they, and only they, own the past.

It might benefit the academic crowd to take advantage of the expertise of bottle collectors. While I reject the characterization of our members as looters, I would argue that “bottle expert” is a useful term the academics would benefit from using. Unfortunately, even when offered useful information by a collector, the academics are full of disdain. An article in the November-December 2008 issue of *Archaeology* contained an article describing a dig in Jerusalem that turned up some artifacts from the late 19th Century. One find was described as a beer or wine bottle, while the photo showed that it was that most common of British soda bottles, a Codd. I wrote a short letter to the magazine offering that bit of information. The response was predictable. Yehiel Zeligler of the Israel Antiquities Authority replied that “It is *possible* that the bottle (emphasis mine) ... was not for beer – but we don’t know enough about this particular bottle yet.” Apparently a hint from a lowly collector is not enough to stimulate the academic to learn more about the objects he finds, especially if the hint comes from someone he considers to be a looter. This personal example aside, I know many bottle diggers who are true experts and would be invaluable resources if the academic archaeologists were only willing to listen.

I don’t claim that there are not out-

laws in our hobby. Yes, there are those who dig without permission, or dig on protected federal land or Native American sites. There are those who ARE pot hunters who violate pre-Columbian Native American sites for profit. But in my experience, such individuals are the exception. While we can acknowledge that not all academics rob the graves of ancient people, why can't the academic see that the majority of hobbyists are decent folks who happen to have an interest in history and the energy to go out and find it?

One common claim by the academic is that the average hobby digger is simply looking for objects to sell, as if that is how the bottle collector makes his living. While I have sold dug bottles, as have most diggers, I would have starved to death long ago if that was my trade. I suspect that is true of nearly everyone reading this piece. I have never met a bottle collector who dug for profit. Given the hours of hard work, research, dry holes, cost of gas and the rest it would be a fool's effort. Even if a collector sells a few bottles, I doubt if many even recoup the out-of-pocket cost of searching for productive sites. On the other hand (and this is an important point), the academic IS very often a professional digger who makes his or her living by digging for the past. While the objects being dug are almost never sold by the academic, he earns his living through institutional support, which often includes lots of taxpayer dollars. That is correct; your tax dollars often pay the wages of the academics who want to restrict your right to continue our wonderful hobby!

And restricted we will be, if we are not vigilant. Another thing which raises my hackles is an Oregon law which not only protects artifacts on government land, but restricts the right of the hobbyist to dig with permission *on private property*. (See Oregon Statutes sections 358.905 to .961) The "Shards

of Wisdom" section of the November-December issue of *Bottles and Extras* discusses the efforts of some collectors to amend the Oregon statutes which prohibit digging on private property. Unfortunately, while the collectors found a legislator to introduce the amendment, as of this writing the bill remains mired in committee. It is still illegal to dig a 19th Century privy on private property in Oregon.

From what happened in Oregon, I think it is clear that we can't just ignore what the academics think of bottle collectors, nor should we believe that their opinions are not a problem for our hobby. Let's hope that the Oregon folks are successful in getting that example of bad government changed. If they don't, such nonsense might spread. It matters little that the offensive part of the law would probably be found unconstitutional if challenged under the Takings Clause of the Fifth Amendment. I seriously doubt if many bottle diggers will step forward and volunteer to violate the law and be prosecuted, hoping to win the case on appeal after a lengthy and expensive trial and journey through the appellate system. So, what is to be done?

I urge bottle clubs to begin monitoring bills introduced in their state legislatures to guard against something similar to the Oregon law happening elsewhere. With the search engines available today, it is a relatively easy task. Indeed, I also recommend that each club check their current statutes to see whether similar laws are already on the books. I am sure that when the Oregon law was passed it elicited little interest from the media and little debate in the legislature. It is likely that the academics behind the bill presented it as a simple measure to preserve history and archaeological sites of great importance. That the law would injure the rights of decent, law-abiding hobbyists was likely never given a moment's consideration by

legislators. High-minded though such measures may seem, they also reflect a common attitude among many academics who really believe that the past belongs to them and them alone, and that they are the only ones who should be able to search for the tangible remains of our history.

While few bottle collectors complain about restrictions against digging Native American burial or occupation sites or digging on public property, our right to enjoy our hobby on private property, with the permission of the owners, is in danger from professional, academic diggers who claim the moral high ground. We must be sure that when they try to restrict our rights we counter by pointing out the real facts about exploring the past. The academics are not the only ones with an interest in or a right to study history. They may make their living digging with our tax dollars, but they have no right to keep us from pursuing our avocation.

AUTHOR'S NOTE: I thought I would check on the progress of the Oregon legislation, Senate Bill 870, which is intended to correct the worst effects of the current anti-digging law in that state. I was not surprised to learn that the Oregon Legislature adjourned the 2011 session on June 30 with the bill still mired in the Judiciary Committee, where it had been since February 28. I do not know how the Oregon legislature functions and do not know if the bill is now dead, requiring it to be reintroduced in the 2012 session, or whether it might still be alive and possibly considered next year. Either way, I think this is a good example of why all diggers should be vigilant about any efforts to destroy their right to pursue a worthwhile and educational avocation.

-- Boyd Beccue