

ACOTW™

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Volume I, Number 6

October 2009

This Month We Join Two Long-Time Collectors In A Field Trip To Glass Mountain, Source Of Obsidian In Northern California.

Thank you for subscribing to our newsletter, "Arrowhead Collecting On The Web".

I hope you enjoyed the fifth edition, Volume I, Number 5, of our digital on-line newsletter, the September, 2009 issue.

"Arrowhead Collecting On The Web" provides an on-going series of articles and graphic presentations of information related to the many different aspects of finding and learning about the relics of previous cultures which remain to be found today.

This sixth edition addresses the following topics:

- How does the federal Archaeological Resources Protection Act of 1979 apply to archaeological excavations on lands of the United States and on Indian Land?
- Does the ARPA of 1979 apply to private land?
- What if you find an arrowhead on the surface of the land? Can you be put in jail for picking it up? Or can you be assessed a civil penalty for picking it up, under the rules of the ARPA of 1979?
- Though prosecution for relic looting, unlawful digging on government or Indian land, and the illegal trafficking of Indian artifacts is involved



How's this for an obsidian flow? Over 6 miles wide from east to west. This is an aerial view of Glass Mountain in Siskiyou County of northern California, about 40 miles east of Mount Shasta. The most recent flow is about 1,000 years of age. For on-the-scene photos at Glass Mountain, taken on October 3, 2009, check out the story starting on page 9 of this issue. Image by the Smithsonian Institution, from Google Earth.

- and technically challenging, over 800 cases are tried each year. Of those convicted, about 25% serve time in prison.
- Where did the original inhabitants of this continent find the stone which they used to make their tools and weapons? (*We continue a series of articles on the subject.*)
- Looking beyond North America, how did the original inhabitants of North Africa hunt those wild cattle, giraffes, rhinoceros, elephants, and other large, even ferocious creatures?
- A California reader gives us a glimpse at her Mother's special point collection, mostly of artifacts found in California, Nevada and Oregon.

(continued...)

Our editorial objective is to help our readers become long-term, even serious collectors of arrowheads, over the years to come. There are several things which we hope to accomplish for you in this process:

- Help you find new points and understand what it is that you are finding;
- Help you to learn about all the different aspects of collecting;
- Help you to recognize the different kinds and styles of collectable arrowheads and other implements;
- Help you to understand about the life ways of the cultures represented by the stone tools which remain;
- Help you to discover ways to find good and desirable arrowheads from other sources, such as eBay and special subject web sites;
- Help you to learn about point quality and authenticity, so that you understand about point value and character;
- Help you understand about modern flint knapping, how new points and implements are made, how to recognize them, and how to appreciate those items for the skill and the craftsmanship of the work which they exhibit;
- Help you to recognize that some people still try to sell unsuspecting collectors items which may or may not be what the item is described to be, that you should be careful when you think about buying points for your collection;

- Help you to learn about authentication services and their value to you as a collector.

As we do these things, we will maintain your readership and interest in our newsletter for many years to come.

Thank you for your participation, and your interest in "Arrowhead Collecting On The Web".

Sincerely,
F. Scott Crawford
Carrollton, Texas



The cave art shown on the last page of "Arrowhead Collecting On The Web" is from the "Cave of the Hands," located on the Pinturas River in Santa Cruz Province, Argentina. It was made thousands of years ago, by native peoples, perhaps in coming-of-age ceremonies, since the painted hand images are the size for youths about thirteen years of age. The photograph was made in the cave by Mariano Cecowski, in 2005, and is used with permission through Wikipedia.com

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F. Scott Crawford, Carrollton, Texas



About The Author

From the time when I was 13 or 14 in the forested foothills of the western Oregon Willamette Valley and found my first arrowhead, an obsidian "bird point," in a field my dad had plowed for an experimental crop of maize, I have always wondered about the people who used these stone tools, how they lived, and what became of them.

Some friends had collected Indian artifacts in the desert areas of eastern Oregon and my brothers and I all enjoyed looking at their display of those arrowheads. So, to find some points of our own, on the family land, was particularly exciting. After that, whenever we were working in the bean fields, or tending livestock, or moving irrigation pipes, or just wandering across the back 40, we always would keep an eye out for bits and pieces of worked stone, tools and points, to add to our growing collection.

Today, I still keep an eye out for remnants of past cultures. And as the world has changed so much, I can now do much, but not all, of that wandering and learning on the internet, on the world wide web. That's how I came to be collecting arrowheads on the web, and why I began to put together this newsletter, for others across the land who also are interested in "Arrowhead Collecting On The Web".

FSC

p.s. There is still a time and a place for criss crossing a plowed field, or walking along the banks of a stream, just to see what you might find. Knowing where to look and how, is part of what we plan to explore in the pages of "Arrowhead Collecting On The Web." Read, learn, find, enjoy.

p.p.s. You are invited to visit my flint knapping web site:
www.Arrowhead-Maker.com

Archaeological Resources Protection Act of 1979

This Act became law on October 31, 1979 (Public Law 96-95; 16 U.S.C. 470aa-mm), and has been amended four times. This description of the Act, as amended, tracks the language of the United States Code except that (following common usage) we refer to the "Act" (meaning the Act, as amended) rather than to the "subchapter" or the "title" of the Code.

(Emphasis in bold is mine...FSC)

Section 2

(a) The Congress finds that—

(1) archaeological resources on public lands and Indian lands are an accessible and irreplaceable part of the Nation's heritage;

(2) these resources are increasingly endangered because of their commercial attractiveness;

(3) existing Federal laws do not provide adequate protection to prevent the loss and destruction of these archaeological resources and sites resulting from uncontrolled excavations and pillage; and

(4) there is a wealth of archaeological information which has been legally obtained by private individuals for noncommercial purposes and which could voluntarily be made available to professional archaeologists and institutions.

(b) The purpose of this Act is to secure, for the present and future benefit of the American people, the protection of archaeological resources and sites which are on public lands and Indian lands, and to foster increased cooperation and exchange of information between governmental authorities, the professional archaeological community, and private individuals having collections of archaeological resources and data which were obtained before October 31, 1979 [the date of the enactment of this Act].

Section 3

As used in this Act—

(1) the term **"archaeological resource" means any material remains of past human life or activities which are of archaeological interest**, as determined under uniform regulations promulgated pursuant to this Act. Such regulations containing such determination shall include, but not be limited to: **pottery, basketry, bottles, weapons, weapon projectiles, tools, structures or portions of structures, pit houses, rock paintings, rock carvings, intaglios, graves, human skeletal materials, or any portion or piece of any of the foregoing items.**

Nonfossilized and fossilized paleontological specimens, or any portion or piece thereof, shall not be considered archaeological resources, under the regulations under this paragraph, unless found in an archaeological context. No item shall be treated as an archaeological resource under regulations under this

paragraph unless such item is at least 100 years of age.

(2) The term "Federal land manager" means, with respect to any public lands, the Secretary of the department, or the head of any other agency or instrumentality of the United States, having primary management authority over such lands. In the case of any public lands or Indian lands with respect to which no department, agency, or instrumentality has primary management authority, such term means the Secretary of the Interior. If the Secretary of the Interior consents, the responsibilities (in whole or in part) under this Act of the Secretary of any department (other than the Department of the Interior) or the head of any other agency or instrumentality may be delegated to the Secretary of the Interior with respect to any land managed by such other Secretary or agency head, and in any such case, the term "Federal land manager" means the Secretary of the Interior.

(3) **The term "public lands" means—**
(A) lands which are owned and administered by the United States as part of—

- (i) the national park system,**
- (ii) the national wildlife refuge system, or**
- (iii) the national forest system;**

and

(B) all other lands the fee title to which is held by the United States, other than lands on the Outer Continental Shelf and lands which are under the jurisdiction of the Smithsonian Institution.

(4) The term **"Indian lands" means lands of Indian tribes, or Indian individuals, which are either held in trust by the United States or subject to a restriction against alienation imposed by the United States**, except for any subsurface interests in lands not owned or controlled by an Indian tribe or an Indian individual.

(5) The term "Indian tribe" means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in, or established pursuant to, the Alaska Native Claims Settlement Act (85 Stat. 688, 43 U.S.C. 1601 et seq.).

(6) The term "person" means an individual, corporation, partnership, trust, institution, association, or any other private entity or any officer, employee, agent, department, or instrumentality of the United States, of any Indian tribe, or of any State or political subdivision thereof.

(7) The term "State" means any of the fifty States, the District of Columbia, Puerto Rico, Guam, and the Virgin Islands.

Section 4

(a) **Any person may apply to the Federal land manager for a permit to excavate or remove any archaeological resource located on public lands or Indian lands and to carry out activities associated with such excavation or removal.** The application shall be required, under uniform regulations under this Act, to contain such information as the Federal land manager deems necessary, including information concerning the time, scope, and location and specific purpose of the proposed work.

(b) **A permit may be issued** pursuant to an application under subsection (a) of this section **if the Federal land manager determines, pursuant to uniform regulations under this Act, that—**

(1) the applicant is qualified, to carry out the permitted activity,

(2) the activity is undertaken for the purpose of furthering archaeological knowledge in the public interest,

(3) the archaeological resources which are excavated or removed from public lands will remain the property of the United States, and such resources and copies of associated archaeological records and data will be preserved by a suitable university, museum, or other scientific or educational institution, and

(4) the activity pursuant to such permit is not inconsistent with any management plan applicable to the public lands concerned.

(c) If a permit issued under this section may result in harm to, or destruction of, any religious or cultural site, as determined by the Federal land manager, before issuing such permit, the Federal land manager shall notify any Indian tribe which may consider the site as having religious or cultural importance. Such notice shall not be deemed a disclosure to the public for purposes of section 9 of this Act.

(d) Any permit under this section shall contain such terms and conditions, pursuant to uniform regulations promulgated under this Act, as the Federal land manager concerned deems necessary to carry out the purposes of this Act.

(e) Each permit under this section shall identify the individual who shall be responsible for carrying out the terms and conditions of the permit and for otherwise complying with this Act and other law applicable to the permitted activity.

(f) Any permit issued under this section may be suspended by the Federal land manager upon his determination that the permittee has violated any provision of subsection (a), (b), or (c) of section 6 of this Act. Any such permit may be revoked by

(continued...)

such Federal land manager upon assessment of a civil penalty under section 7 of this Act against the permittee or upon the permittee's conviction under section 6 of this Act.

(g)(1) No permit shall be required under this section or under the Act of June 8, 1906 (16 U.S.C. 431), for the excavation or removal by any Indian tribe or member thereof of any archaeological resource located on Indian lands of such Indian tribe, except that in the absence of tribal law regulating the excavation or removal of archaeological resources on Indian lands, an individual tribal member shall be required to obtain a permit under this section.

(2) **In the case of any permits for the excavation or removal of any archaeological resource located on Indian lands, the permit may be granted only after obtaining the consent of the Indian or Indian tribe owning or having jurisdiction over such lands.** The permit shall include such terms and conditions as may be requested by such Indian or Indian tribe.

(h)(1) No permit or other permission shall be required under the Act of June 8, 1906 (16 U.S.C. 431-433), for any activity for which a permit is issued under this section.

(2) Any permit issued under the Act of June 8, 1906 [16 U.S.C. 431-433], shall remain in effect according to its terms and conditions following the enactment of this Act. No permit under this Act shall be required to carry out any activity under a permit issued under the Act of June 8, 1906, before October 31, 1979 [the date of the enactment of this Act] which remains in effect as provided in this paragraph, and nothing in this Act shall modify or affect any such permit.

(i) Issuance of a permit in accordance with this section and applicable regulations shall not require compliance with section 106 of the National Historic Preservation Act, as amended [16 U.S.C. 470f].

(j) Upon the written request of the Governor of any State, the Federal land manager shall issue a permit, subject to the provisions of subsections (b)(3), (b)(4), (c), (e), (f), (g), (h), and (i) of this section for the purpose of conducting archaeological research, excavation, removal, and curation, on behalf of the State or its educational institutions, to such Governor or to such designee as the Governor deems qualified to carry out the intent of this Act.

Section 5

The Secretary of the Interior may promulgate regulations providing for—

(1) the exchange, where appropriate, between suitable universities, museums, or other scientific or educational institutions, of archaeological resources removed from public lands and Indian lands pursuant to

this Act, and

(2) the ultimate disposition of such resources and other resources removed pursuant to the Act of June 27, 1960 [the Reservoir Salvage Act, as amended, also known as the Archeological and Historic Preservation Act of 1974 [16 U.S.C. 469-469c-1] or the Act of June 8, 1906 [the Antiquity Act of 1906, as amended, 16 U.S.C. 431-433]. Any exchange or ultimate disposition under such regulation of archaeological resources excavated or removed from Indian lands shall be subject to the consent of the Indian or Indian tribe which owns or has jurisdiction over such lands. Following promulgation of regulations under this section, notwithstanding any other provision of law, such regulations shall govern the disposition of archaeological resources removed from public lands and Indian lands pursuant to this Act.

Section 6

(a) **No person may excavate, remove, damage, or otherwise alter or deface or attempt to excavate, remove, damage, or otherwise alter or deface any archaeological resource located on public lands or Indian lands unless such activity is pursuant to a permit issued under section 4 of this Act,** a permit referred to in section 4(h)(2) of this Act, or the exemption contained in section 4(g)(1) of this Act.

(b) **No person may sell, purchase, exchange, transport, receive, or offer to sell, purchase, or exchange any archaeological resource if such resource was excavated or removed from public lands or Indian lands in violation of—**

(1) the prohibition contained in subsection (a) of this section, or

(2) any provision, rule, regulation, ordinance, or permit in effect under any other provision of Federal law.

(c) **No person may sell, purchase, exchange, transport, receive, or offer to sell, purchase, or exchange, in interstate or foreign commerce, any archaeological resource excavated, removed, sold, purchased, exchanged, transported, or received in violation of any provision, rule, regulation, ordinance, or permit in effect under State or local law.**

(d) **Any person who knowingly violates, or counsels, procures, solicits, or employs any other person to violate, any prohibition contained in subsection (a), (b), or (c) of this section shall, upon conviction, be fined not more than \$10,000 or imprisoned not more than one year, or both:** Provided, however, That if the commercial or archaeological value of the archaeological resources involved and the cost of restoration and repair of such resources exceeds the sum of \$500, such person shall be fined not more than \$20,000 or imprisoned not more than two years, or both. **In the case of a second or**

subsequent such violation upon conviction such person shall be fined not more than \$100,000, or imprisoned not more than five years, or both.

(e) The prohibitions contained in this section shall take effect on October 31, 1979 [the date of the enactment of this Act].

(f) Nothing in subsection (b)(1) of this section shall be deemed applicable to any person with respect to any archaeological resource which was in the lawful possession of such person prior to October 31, 1979.

(g) **Nothing in subsection (d) of this section shall be deemed applicable to any person with respect to the removal of arrowheads located on the surface of the ground.**

Section 7

(a)(1) Any person who violates any prohibition contained in an applicable regulation or permit issued under this Act may be assessed a civil penalty by the Federal land manager concerned. No penalty may be assessed under this subsection unless such person is given notice and opportunity for a hearing with respect to such violation. Each violation shall be a separate offense. Any such civil penalty may be remitted or mitigated by the Federal land manager concerned.

(2) The amount of such penalty shall be determined under regulations promulgated pursuant to this Act, taking into account, in addition to other factors—

(A) the archaeological or commercial value of the archaeological resource involved, and

(B) the cost of restoration and repair of the resource and the archaeological site involved.

Such regulations shall provide that, in the case of a second or subsequent violation by any person, the amount of such civil penalty may be double the amount which would have been assessed if such violation were the first violation by such person.

The amount of any penalty assessed under this subsection for any violation shall not exceed any amount equal to double the cost of restoration and repair of resources and archaeological sites damaged and double the fair market value of resources destroyed or not recovered.

(3) **No penalty shall be assessed under this section for the removal of arrowheads located on the surface of the ground.**

(b)(1) Any person aggrieved by an order assessing a civil penalty under subsection (a) of this section may file a petition for judicial review of such order with the United States District Court for the District of Columbia or for any other district in which such person resides or transacts business. Such a petition may only be filed within the 30-day period beginning on the

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date the order making such assessment was issued. The court shall hear such action on the record made before the Federal land manager and shall sustain his action if it is supported by substantial evidence on the record considered as a whole.

(2) If any person fails to pay an assessment of a civil penalty—

(A) after the order making the assessment has become a final order and such person has not filed a petition for judicial review of the order in accordance with paragraph (1), or

(B) after a court in an action brought under paragraph (1) has entered a final judgment upholding the assessment of a civil penalty, the Federal land managers may request the Attorney General to institute a civil action in a district court of the United States for any district in which such person is found, resides, or transacts business to collect the penalty and such court shall have jurisdiction to hear and decide any such action. In such action, the validity and amount of such penalty shall not be subject to review.

(c) Hearings held during proceedings for the assessment of civil penalties authorized by subsection (a) of this section shall be conducted in accordance with section 554 of title 5 [of the United States Code]. The Federal land manager may issue subpoenas for the attendance and testimony of witnesses and the production of relevant papers, books, and documents, and administer oaths.

Witnesses summoned shall be paid the same fees and mileage that are paid to witnesses in the courts of the United States. In case of contumacy or refusal to obey a subpoena served upon any person pursuant to this paragraph, the district court of the United States for any district in which such person is found or resides or transacts business, upon application by the United States and after notice to such person, shall have jurisdiction to issue an order requiring such person to appear and give testimony before the Federal land manager or to appear and produce documents before the Federal land manager, or both, and any failure to obey such order of the court may be punished by such court as a contempt thereof.

Section 8

(a) Upon the certification of the Federal land manager concerned, the Secretary of the Treasury is directed to pay from penalties and fines collected under section 6 and 7 of this Act an amount equal to one-half of such penalty or fine, but not to exceed \$500, to any person who furnishes information which leads to the findings of a civil violation, or the conviction of criminal violation, with respect to which such penalty or fine was paid. If several persons provided such information, such

amount shall be divided among such persons. No officer or employee of the United States or of any State or local government who furnishes information or renders service in the performance of his official duties shall be eligible for payment under this subsection.

(b) All archaeological resources with respect to which a violation of subsection (a), (b), or (c) of section 6 of this Act occurred and which are in the possession of any person, and all vehicles and equipment of any person which were used in connection with such violation, may be (in the discretion of the court or administrative law judge, as the case may be) subject to forfeiture to the United States upon—

(1) such person's conviction of such violation under section 6 of this Act,

(2) assessment of a civil penalty against such person under section 7 of this Act with respect to such violation, or

(3) a determination by any court that such archaeological resources, vehicles, or equipment were involved in such violation.

(c) In cases in which a violation of the prohibition contained in subsection (a), (b), or (c) of section 6 of this Act involve archaeological resources excavated or removed from Indian lands, the Federal land manager or the court, as the case may be, shall provide for the payment to the Indian or Indian tribe involved of all penalties collected pursuant to section 7 of this Act and for the transfer to such Indian or Indian tribe of all items forfeited under this section.

Section 9

(a) **Information concerning the nature and location of any archaeological resource for which the excavation or removal requires a permit or other permission under this Act or under any other provision of Federal law may not be made available to the public under subchapter II of chapter 5 of title 5 [of the United States Code] or under any other provision of law unless the Federal land manager concerned determines that such disclosure would—**

(1) **further the purposes of this Act** or the Act of June 27, 1960 [the Reservoir Salvage Act, as amended, 16 U.S.C. 469-469c-1] and

(2) **not create a risk of harm to such resources or to the site at which such resources are located.**

(b) Notwithstanding the provisions of subsection (a) of this section, upon the written request of the Governor of any State, which request shall state—

(1) the specific site or area for which information is sought,

(2) the purpose for which such information is sought,

(3) a commitment by the Governor to

adequately protect the confidentiality of such information to protect the resource from commercial exploitation, the Federal land manager concerned shall provide to the Governor information concerning the nature and location of archaeological resources within the State of the requesting Governor.

Section 10

(a) The Secretaries of the Interior, Agriculture and Defense and the Chairman of the Board of the Tennessee Valley Authority, after consultation with other Federal land managers, Indian tribes, representatives of concerned State agencies, and after public notice and hearing, shall promulgate such uniform rules and regulations as may be appropriate to carry out the purposes of this Act. Such rules and regulations may be promulgated only after consideration of the provisions of the American Indian Religious Freedom Act (92 Stat.469; 42 U.S.C. 1996 and 1996a). Each uniform rule or regulation promulgated under this Act shall be submitted on the same calendar day to the Committee on Energy and Natural Resources of the United States Senate and to the Committee on Natural Resources of the United States House of Representatives, and no such uniform rule or regulation may take effect before the expiration of a period of ninety calendar days following the date of its submission to such Committees.

(b) Each Federal land manager shall promulgate such rules and regulations, consistent with the uniform rules and regulations under subsection (a) of this section, as may be appropriate for the carrying out of his functions and authorities under this Act.

(c) Each Federal land manager shall establish a program to increase public awareness of the significance of the archaeological resources located on public lands and Indian lands and the need to protect such resources.

Section 11

The Secretary of the Interior shall take such action as may be necessary, consistent with the purposes of this Act, to foster and improve the communication, cooperation, and exchange of information between—

(1) **private individuals having collections of archaeological resources and data which were obtained before October 31, 1979 [the date of the enactment of this Act], and**

(2) **Federal authorities responsible for the protection of archaeological resources on the public lands and Indian lands and professional archaeologists and associations of professional archaeologists.**

In carrying out this section, the Secretary

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shall, to the extent practicable and consistent with the provisions of this Act, **make efforts to expand the archaeological data base for the archaeological resources of the United States through increased cooperation between private individuals referred to in paragraph (1) and professional archaeologists and archaeological organizations.**

Section 12

(a) Nothing in this Act shall be construed to repeal, modify, or impose additional restrictions on the activities permitted under existing laws and authorities relating to mining, mineral leasing, reclamation, and other multiple uses of the public lands.

(b) Nothing in this Act applies to, or requires a permit for, the collection for private purposes of any rock, coin, bullet, or mineral which is not an archaeological resource, as determined under uniform regulations promulgated under section 3(1) of this Act.

(c) **Nothing in this Act shall be construed to affect any land other than public land or Indian land or to affect the lawful recovery, collection, or sale of archaeological resources from land other than public land or Indian land.**

Section 13

As part of the annual report required to be submitted by the specified committees of the Congress pursuant to section 5(c) of the Act of June 17, 1960 [the Reservoir Salvage Act, as amended, 74 Stat. 220; 16 U.S.C. 469a-3(c)], the Secretary of the Interior shall comprehensively report as a separate component on the activities carried out under the provisions of this Act, and he shall make such recommendations as he deems appropriate as to changes or improvements needed in the provisions of this Act. Such report shall include a brief summary of the actions undertaken by the Secretary under section 11 of this Act, relating to cooperation with private individuals.

Section 14

The Secretaries of the Interior, Agriculture, and Defense and the Chairman of the Board of the Tennessee Valley Authority shall—

(a) develop plans for surveying lands under their control to determine the nature and extent of archaeological resources on those lands;

(b) prepare a schedule for surveying lands that are likely to contain the most scientifically valuable archaeological resources; and

(c) develop documents for the reporting of suspected violations of this Act and establish when and how those documents are to be completed by officers, employees, and agents of their respective agencies.

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How Much Does The Archaeological Resources Protection Act Matter? Though Some Don't Get Hard Time, Almost 25% Of Those Convicted For Relic Looting Receive Prison Sentences.

By Mike Stark, Associated Press (Reported In The Denver Post, October 12, 2009)

SALT LAKE CITY—Stepping into the afternoon sun last month, B. X. (*not her real family name for this article*) and her daughter walked away from a federal courthouse with probation papers—not prison time—for their role in the theft and illegal trafficking of Indian artifacts.

Some, including one of the Salt Lake City's daily newspapers, expressed frustration that the judge didn't come down harder on the duo from southern Utah.

History however says the punishment for the X.'s, who pleaded guilty to several felonies, was fairly typical. Despite high-profile arrests and indictments, most people convicted of illegally digging up, collecting and cashing in on artifacts in the United States don't go to prison.

And for those that do, most are in for a year or less, according to a 10-year analysis of prosecutions under a 1979 law meant to punish those that foul the country's cultural resources.

In B. X.'s case, prosecutors had sought at least 18 months in prison. She's among 26 people charged after a federal sting operation that lasted more than two years and included hundreds of transactions between an undercover agent and buyers and sellers from Utah, New Mexico and Colorado.

At sentencing, U.S. District Judge Clark Waddoups gave her three years probation and a \$2,000 fine for seven felony counts of plundering artifacts from tribal and federal lands. She and her daughter, who got two years of probation, had already surrendered a collection of more than 800 artifacts ranging from exquisite pottery and decorative pendants to human remains.

The sentences didn't surprise Robert Palmer, an archaeologist and former academic who analyzed Archaeological Resources Protection Act prosecutions from 1996 to 2005.

His analysis, published in an obscure law journal in 2007, found that of the 83 people found guilty, 20 went to prison and 13 of those received sentences of a year or less. Palmer also found that while prosecutors were successful in the cases they took on, they turned away about a third of the cases they got, mostly because of weak evidence or a lack of clear criminal intent.

Those refusals—along with a lack of manpower and other priorities for investigators—are part of the reason why “we are witnessing the wholesale stripping and selling off for scrap our collective American heritage,” said Palmer, who now works as the senior law enforcement ranger at Effigy Mounds National Monument in Iowa.

“People might see these as insignificant but over time, you're removing context, you're removing significance, you're removing the lens of the future to look back at the past,” he said.

On average, 840 looting cases are reported each year—more than two per day—across federal land managed by the National Park Service, the U.S. Forest Service, U.S. Bureau of Land Management and the U.S. Fish and Wildlife Service, according to Todd Swain, the Park Service's lone investigator on cultural crimes.

There are certainly more cases that are either never discovered or never reported, he said.

“Lord knows what the scope of the problem actually is,” he said. “But clearly the numbers we do have are seriously under what's going on.”

Of the cases reported, only about 14 percent ever get solved. Roughly 94 percent of violators walk away with misdemeanor tickets, said Swain, who examined records from 1996 to 2005.

Some of those are minor cases worthy only of a misdemeanor citation but “a bunch” could probably be pursued as felony cases—those that result in damage of \$500 or more—if there were the time and resources to conduct a lengthier investigation, Swain said.

“ARPA investigations can be as complex as murder cases,” Swain said in his 2007 analysis which, like Palmer's, appeared in the Yearbook of Cultural Property Law.

Often those cases require archaeological expertise, weeks or months of investigation and prosecutors with the time and inclination to take on the cases with a portion of federal law they're not always familiar with.

Despite a push in recent decades to get tougher on artifact looters, there are no significant signs that prosecutions or punishments are having any major effect on looting, especially those that steal for commercial purposes.

“The numbers should be going down,” said Swain, who has investigated more than 30 archaeological looting cases. “That's definitely not the case.”

e-Mail Letters To The Editor:

October 7, 2009

Hello Mr. Crawford,

Thank you so much for your most recent edition of "Arrowhead Collecting On The Web." I found it very informative.

I couldn't help but notice a recent "letter to the editor" which asked for information regarding point hunting locales in western Oregon.

My family moved to Oregon a year ago and upon doing so were invited by my wife's uncle to their ranch in central Oregon. My son and I stumbled upon an area of significant obsidian flaking while horseback riding and after looking around a bit found 4 nice size Cascade points. At the time we had no idea what we were looking at or for but since have both grown increasingly interested hunting for points.

Unfortunately, we live in the Portland metro area and after some research learned that most "good" hunting ground in the area (Sauvie's Island, lower Columbia) is protected and off limit for anything but the occasional artifact find.

Since the drive to central Oregon is a bit much, I was wondering if you could direct us to some places in the Willamette Valley that would be closer. I understand that asking for the location hunting grounds may be off limits but I thought I'd try. We were thinking about going out this weekend and just going along the Santiam River and asking farmers if we could search their plowed fields. Ideally a reservoir or some other, less invasive, method would be preferred.

Additionally, I would love to send you some "in-situ" photos of our latest finds. We have been back to the ranch several times during the summer and come across some excellent finds.

Thanks and keep up the great work!

Jason Davis

(Editor's note: Thanks, Jason,

I would appreciate your participation and in-situ photographs, etc., with your story for the next edition of the magazine.

I think that along the Santiam River is a good guess, as you mentioned, asking farmers to look around in the plowed fields. I have been able to do that a few times over in that area, like around Lebanon near the river. My brother and I found a few points doing that several years ago.

Just about anywhere around the Willamette Valley should be productive, since so many native groups occupied that area for a very long time. Let me know how it goes.

Scott

September 15, 2009

Yep, the "private land" issue is part of why I asked. I sure miss the old days when I was a kid and it seemed everything was fair game....You're correct about the reservoir/lake areas around Corvallis/Eugene. I scored in the drained Fern Ridge Reservoir last February. Found six complete obsidian points on one outing (attached), and they were the tiniest



things I've ever seen. The top one is barely a half-inch long. The two on the right were lying right next to each other when I found them. I'm even wondering if they were from some kind of a blowgun setup or something. Anyway, thanks for the great information!

Kelly



(Editor's note: Thanks, Kelly. Back in December 2006, we drove up the Santiam toward Mt. Jefferson. At the time the Detroit Reservoir was empty for some work on the dam. That would have been a good chance to wander the cleared valley,

if there was access. You can see from our car how open the old de-forested valley was then, up-river from the dam.

Publisher's e-mail address:

fscottcrawford@

arrowheadcollectingontheweb.com

Owner Of A Special Arrowhead Collection In Need Of Assistance.

"I have a collection in excess of 200 arrowheads. My mom owned a rock shop in Calistoga, CA in the 70's. She is since gone and I have them. I have no idea as to where they came from or value. I am looking for someone to help me with this." Sharon P.



Note the spear point or large knife which is the centerpiece in the bottom right oval case. It looks like petrified wood or an ornate jasper. It is surrounded by several classical arrowhead styles from California, Nevada and Oregon.



Three oval display cases in Sharon's California collection assembled many years ago by her mother.

I see several nice knives and spear points in the top oval, and a wide variety of dart and spear points in the left case. For a set of closeup photos of these points, send a note to the publisher's email:

*fscottcrawford@
ArrowheadCollectingOnTheWeb.com*



"I Was Hoping To Catch...The Enormity Of The Obsidian Here At Glass Mountain. It Is Just About As Far As The Eye Can See."

Glass Mountain, as seen from high altitude. The area in this image measures about 3.2 miles from east to west.



Obsidian arrowheads, from the Lake Shasta area, found by Jennifer Peterson in 2008, are shown here at actual size. Much of the obsidian used by native peoples across northern California was obtained from Glass Mountain.

On Location At Glass Mountain In Northern California. Sunshine, Then Snow Flurries On October 3.



When we first got to Glass Mountain on Saturday, the sun was shining for just a few minutes, so you are able to see in the mountain the beautiful shiny obsidian. It really is quite spectacular because it goes on and on, into a valley of obsidian, so it is more like a mountain range of obsidian.

Sure there are actually other sites for obsidian here in Northern California: Callahan, Railroad Grade, Medicine Lake Glass Flow, Cougar Butte, Blue Mountain, East Medicine Lake, East Glass Mountain, and, of



The photo of the small cave and lava field is in Lava Beds National Park. This lava field was covered with caves, just like the ones that Capt. Jack and his men holed up in for months during the Modoc War.

course, the largest deposit of all "Glass Mountain." To the east and west, 8 or 9 smaller deposits exist. And far to the south are a few small deposits.

I was hoping to catch the scope of the enormity of the obsidian here at Glass Mountain. It is just about as far as the eye can see. There are trails that you can walk so that you can see just how large this deposit is.

Again, really it was COLD. We were not dressed for anything

like this. In a few of these photos you can see the snow flying! We did not even get a chance to look around for anything. That is cold! if it's too cold for us to hunt points.

But it did excite us and we are already talking about going back up before winter sets in. We'll watch the weather very closely and hopefully, when we have another warm spell, we are gone to the mountain!

(continued...)



Glass Mountain, with snow flakes blowing about on October 3, 2009. The cooling weather was enough to drive away our friends. Off the mountain to the warmer lower elevations, to await another warming, sunny day for a return trip to explore.

Glass Mountain, Near Mt. Shasta, Was A Primary Source Of Top Quality Obsidian For The Inhabitants Of Northern California.



The lady at the lake shore is my Mom, Pat Welch. Really she is a good looking women for 76 years old. I think that "head-hunting" has kept her young and in shape all these years. And as you can see, we were not dressed for this kind of weather! The lake is Medicine Lake, another great place to "head hunt."

The first photo, below, is from a

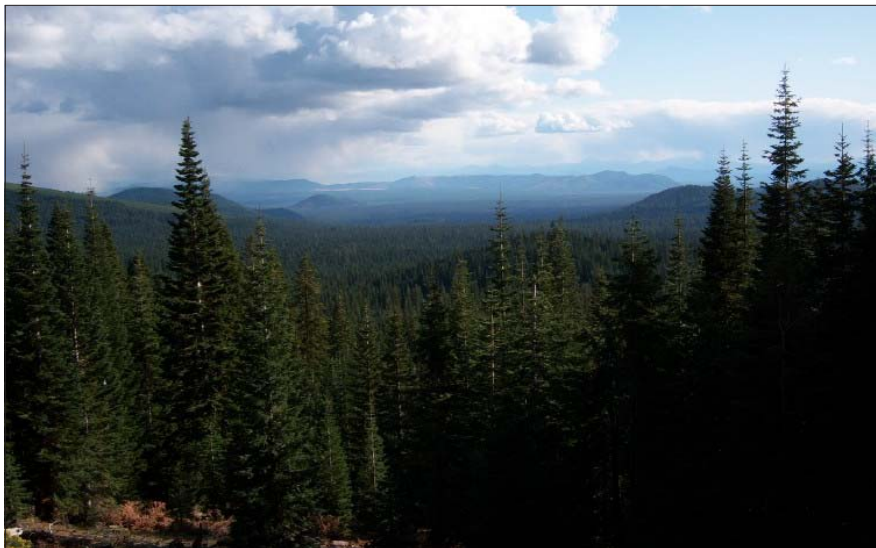
roadside viewpoint about 10 miles from the Glass Mountain turn-off, from there it's about 3 miles on a dirt road. So you can see just how desolate this country is.

Of course, the obsidian trade was alive and well in these parts. The only Indians who did not believe so much in trade, and were more warlike, were the Modocs.

But the Shasta, Wintu, Atsugewi, Yana, Karok, Hupa, Chimariko, Maidu, and a few other Indian tribes all traded in obsidian.

Again we hope to make it back before winter sets in, and if so, we will get better pics.

Story and Glass Mountain photographs by Jennifer Peterson



Glass Mountain, seen from about 10 miles to the west. The volcano's elevation is right at 7,000 feet. The most recent obsidian flows are about 1,000 years old. Older flows have been utilized for as long as people have been here in northern California.



Pat Welch, shown here, and Jennifer Peterson visited Glass Mountain on October 3, 2009. Here at Medicine Lake.

A Word To The Wise, When You Consider Buying Artifacts On The Internet Or In Person From An Individual Or A Company.

Do not let the excitement of a new find distract you from careful consideration of the authenticity and the history of the point or tool you are contemplating. If a story sounds too good to be true, likely it is too good to be true.

Develop a relationship with the seller so that you can decide the level of trust you can place on his or her word.

Ask for as full an account of the history of the point as may be available. This is called the "provenance" of the point. It should include the name of the finder, the place, the date, and a description of the circumstances or special conditions under which the discovery was made. Also you should ask for a full list of previous owners of the point or tool, if you are not obtaining it from the original finder.

Whenever possible, you should inquire about and even require a certificate of authenticity from a respected source.

Almost any collector to whom you speak will have a story of how he bought a point from someone whom he thought was trustworthy, only to later find out that the point was either unknowingly or deliberately sold as authentic, when in reality it might have been a modern-made copy or reproduction point. For example,



2-5/8" x
3/4"

when you are looking at supposed "Paleo-Indian" artifacts, it would be well to keep in mind that, in most parts of the country, these are extremely rare.

I know life-long students of archaeology who have worked all over the country on projects covering many eras of human occupation in this continent who have only ever found one or two authentic Paleo-Indian relics such as a Clovis spear point or a Folsom dart point. When these points are found in scientific excavations they are celebrated and then carefully cataloged for

future study and scientific reference. If they are found on private land, these points and tools are most often preserved and put away, well out of the public eye. As a result, you will not find a point like this for sale often. At least, not an ancient, authentic point of topmost form and quality. You may see a few broken or partial points. And sometimes, if a collector has had a good Paleo-Indian point

which has been certified and authenticated, he might be tempted to sell it, but this would be unusual. No artifact dealer would ever want to sell a high quality Folsom, Clovis or Cumberland point, for example, without suggesting a substantial price. I say this to caution you and to encourage you to carefully consider claims of age, culture and authenticity which you will hear from collectors and/or sellers of possibly ancient artifacts.

The right side projectile point is an Archaic period Parman style dart point. The left is a more recent Gatecliff dart point. These were found by Pat Welch in Lake County in the early 70's. The middle point, of brown obsidian, is a variant of the Archaic period Northern Side Notch style dart point. It was found in Modoc County, California, in the early 90's by Jennifer Peterson.

Back When The Sahara Was A Rich Grassland, Skilled Artists Depicted This Lumbering Giraffe And An Amazing Variety Of Other African Wildlife.

Neolithic arrowheads from North Africa, perhaps 5,000 to 7,000 years old, date to a time when the Sahara Desert was a rich grassland teeming with wildlife. These arrowheads are quite different from what we generally find in North America. They were designed and produced by very skilled flint knappers to provide the weapons which the hunters needed to take big game such as those we still dream about "on Safari". These points were obtained in 2007 from eBay ID: *riverside0100*; their web site is: www.riversideantiquemall.com



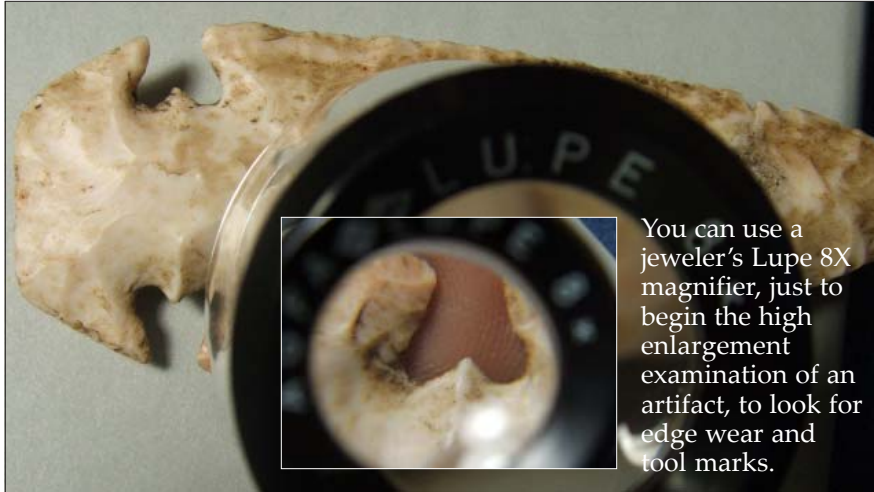
An ancient artist portrayed three archers, two dogs and a wildebeest in this rock painting. It is among thousands dating back as far as 14,000 years ago, located at the United Nations World Heritage Site of Tadrart Acacias in southern Libya. The rock art in hundreds of caves and wadis (canyons), reflects the marked changes in the flora and fauna, and also the different ways of life of the populations which succeeded one another in this region of the Sahara. Photograph from UNESCO. Blue wildebeest at Masai Mara, photograph from Wikimedia, made in 2005, by Johnny Ljunggren of Norway.



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Arrowhead Collecting On The Web

Artifact Authentication Services & Certificates Of Authenticity



You can use a jeweler's Lupe 8X magnifier, just to begin the high enlargement examination of an artifact, to look for edge wear and tool marks.

Authentication and evaluation services for artifacts from all over the world are available from a number of highly respected sources.

Some offer these services for regional items, since they specialize in Western, or South Western, or South Eastern, or North Central or North Eastern artifact types.

And most of the authenticators have web sites. Read up on their services, learn about their specialties, obtain pricing and timing information, and determine how to send items for authentication and evaluation.

Here are some well known and respected authenticators:

Dwain Rogers
Texas Flint Authentication
4102 Birch Avenue
Temple, Texas 76502
Telephone: 1-254-791-5520

Jeff Baker
Baker Authentication
www.BakerCOA.com
P.O. Box 772
Paragould, Arkansas 72451
Telephone: 1-870-239-9722

Bill Jackson
Jackson Galleries
www.JacksonGalleries.com
P.O. Box 1005
Mount Sterling, Kentucky 40353
Telephone: 1-800-466-3836
Fax: 1-859-499-0160

Tom Davis
Davis Artifacts, Inc.
www.TomDavisArtifacts.com
P.O. Box 676
Stanton, Kentucky 40380
Telephone: 1-606-663-2741

Ben Stermer
Western Typology
www.WesternTypology.com
44207 W McClelland Dr.
Maricopa, Arizona 85238
email: BSte122241@aol.com

Jeb Taylor
Jeb Taylor Artifacts
P.O. Box 882
Buffalo, Wyoming 82834
Telephone: 1-307-737-2347

Ken Partain
www.kensrelics.com
7044 Market Street
Dover, Arkansas 72837
Telephone: 1-479-331-3486

Sam Cox
www.SamCoxArtifacts.com
968 Floyd Drive
Lexington, Kentucky 40505
Telephone: 1-859-351-5675

Old Stone Age
Handaxe (Paleolithic),
age 200,000+/- years.



<http://www.Stormbroek.com>

A European artifact gallery,
which offers quality antiquities
from all historic eras, and all
areas around the world.
eBay Store: Stormbroek

Scottsbluff Spear
Point, late Paleo, early
Archaic period, age
8,000 to 10,000 years.



eBay store: SWArkArtifacts
eBay ID: "razrbk"

Dealer located in Arkansas, features
authentic artifacts from the south/
central United States, many with
Certificates of Authenticity.
eBay Store: SWArkArtifacts

A Northern Side Notch Arrowhead Found Inches From Another Almost Identical To Itself Near Southern Goose Lake In Modoc County In Northern California In The Early 1960's By Pat Welch.

By the way, one of the most famous styles of California arrowheads is called the "Ishi" point, several of which were made in the early part of the twentieth century by the "last wild California Indian."

He wandered into a California town after all his relatives had died. He had survived for many years on his own in the wilds of the Sierra Nevadas north of Sacramento.

His wilderness skills have become legendary.

University staff who studied his skills called him "Ishi," though he never told anyone his real name.

The obsidian and glass arrowheads which he made were just like this Northern Side Notch arrowhead found in northern California.



Northern Side Notch style arrowhead found in Modoc County of Northern California in the early 1960's by Pat Welch, front side shown here actual size, at 2-7/16" long by 1-1/16" wide at the base.



Northern Side Notch style arrowhead, back side shown here actual size. Obtained in 2009 from Jennifer Peterson, AACA member.

She and her mother, Pat Welch, offer their 100% ancient and authentic arrowheads under the eBay seller ID: "angelfaerieland."

Their items are listed in the category: Collectibles>Cultures & Ethnicities>Native American: US>Pre-1600>Artifacts.



Authentic Grade 10 quality, tan and red jasper "Gunther Barbed" arrowhead from Siskiyou County in northern California, found in 1970 by Pat Welch. Shown here actual size, 1-1/2" x 3/4".

STOP!

If you collect arrowheads, before you buy another point, make sure you read the critically important information about the difference between ancient, authentic artifacts and modern made reproductions. You will find this information every month in the e-magazine "Arrowhead Collecting On The Web". Copies of the most popular types of authentic projectile points and tools are sometimes sold as ancient. On occasion this happens innocently, through ignorance. Honorable flint knappers will inform you of the fact that their points are modern-made. They are proud of their artwork and will sign it with a diamond scribe or with indelible ink. Yet, too often, slick operators, with fraudulent intent,

will let you believe or even tell you that a modern-made piece is ancient in origin. They are trying to separate you from as much money as possible. You should deal with someone whom you trust...and be careful even then. Require signed provenance for your purchases; certificates of authenticity whenever possible. Always remember that if a story sounds too good to be true, it usually is too good to be true. Being forewarned is forearmed. Accurate knowledge and practical understanding can give you peace of mind about the artifact collection you are building. Make sure you read the e-magazine "Arrowhead Collecting On The Web" every month. By the way, your subscription is free.

Arrowhead Collecting On The Web™