

J. A. Eichenberger

P. O. Box 14
Saverton, Mo. 63467

June 13, 1975

Mr. Don Crabtree
Route I, Box 210
Kimberly, Idaho 83341

Dear Mr. Crabtree:

I have never had the pleasure of meeting you but I feel that we have kindred interests to such an extent that I might not be too much out of line in asking you for a favor.

A bill (Missouri House Bill 787) was introduced in the Missouri House of Representatives during the current session but died due to lack of time for consideration. The bill would make illegal in Missouri all replication of archaeological specimens by casting such as I am doing for various universities and museums and by knapping or otherwise whether or not there were intention to defraud.

It is my understanding that the bill will be re-introduced during the fall session but hopefully with a clear statement that the intent to defraud is a necessary element of any restriction.

Mr. Henry Hamilton, President of the Missouri Archaeological Society is Vice Chairman of the committee that will consider a revision of the bill. He will work toward changing the wording so as to restrict only replication for fraudulent purposes. Mr. Hamilton would appreciate having a number of back-up letters stressing the idea that replication when done with no intention to defraud is an asset and not a problem to archaeology. The committee is made up largely of historians rather than archaeologists and Mr. Hamilton would use the letters to strengthen his case for a change of wording.

If you should see fit to express your viewpoint in this respect I am certain that it would be most helpful to the cause. The letter should be addressed to Mr. Hamilton but sent to me for delivery to him along with others that will be forthcoming.

Copy of the bill was sent to Mr. Statham at the museum and I have asked him to forward it to you after he and Dr. Butler have had time to look it over.

Your help will certainly be appreciated,


J. Allen Eichenberger

CE.3.5.8.1

M.A.S. N.L. #288, February, 1975

The following bill has been introduced into the Missouri House of Representatives and we have received a copy. It is reprinted here for your information and we request your comments, pro or con, on the document. Furthermore, your representative would be interested in your views on the proposed legislation. The Missouri Archaeological Society has not formally endorsed this bill as yet and plans to discuss the ramifications of the proposal at the Spring Meeting to be held in Springfield, Missouri on April 27, 1975. Send to the Society Office (15 Switzler Hall, P. O. Box 958, Columbia, Missouri 65201) your views and plan to be present at the Spring Meeting for the discussion. (Ed.)

FIRST REGULAR SESSION
HOUSE BILL NO. 787
78TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE COLEMAN.

Read 1st time January 27, 1975 and 800 copies ordered printed

AGNES MOORE, Chief Clerk

AN ACT

To conserve Archaeological Resources with penalty provisions.

Section 1. The general assembly hereby declares that the public has an interest in the preservation and protection of the state's archaeological resources: that the public has a right to the knowledge to be derived and gained from a scientific study of these resources; and that therefore it is the purpose of this act to provide that activities for the preservation, excavation, study and exhibition of the state's archaeological resources be undertaken in a coordinated and organized manner for the general welfare of the public as a whole, as an adjunct to authorizations under art. III section 48 of the constitution of the state of Missouri.

Section 2. Definitions: As used in this act:

a. "Specimens" shall mean all relics, artifacts, remains, objects or any other evidence of a historical, prehistorical, archaeological, or anthropological nature, which may be found on or below the surface of the earth, and which have scientific or historical value as objects of antiquity, as aboriginal remains or as archaeological materials.

b. "Site" shall mean any aboriginal mound, fort, earthwork, village loca-

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tion, burial ground, historic or prehistoric ruin, mine, cave, or other location which is or may be the source of important archaeological data.

c. "Field Investigations" shall mean the study of the traces of human culture at any land or water site by means of surveying, sampling, excavating, or removing surface or subsurface objects, or going on a site with that intent.

d. "Department" shall mean the Department of Natural Resources.

e. "Director" shall mean the Director of the Department of Natural Resources.

Section 3. The Director of the department of natural resources shall be responsible for the administration of this act.

Section 4. The state reserves to itself the exclusive right and privilege of field investigation on sites owned or controlled by the state, its departments, commissions, institutions, or political subdivisions in order to protect and preserve archaeological and scientific information, matter and objects. All such specimens deriving from state lands shall remain the property of the state and be utilized for scientific or public educational purposes.

Section 5. The department of natural resources shall conduct, as part of that department's statewide inventory of historic properties, an inventory of sites and specimens as defined in section 2 located within the state. The department shall make available the results of such survey to all departments of the state government and its political subdivisions that require that information to conduct activities which may affect such archaeological or anthropological sites.

Section 6. The department shall issue permits for field investigations to be undertaken on state lands to institutions which are deemed to be properly qualified to conduct such activity, subject to such rules and regulations as the director may prescribe; provided that such activity is undertaken by reputable museums, universities, colleges or other historical, scientific or educational institutions or societies approved by the department with a view toward disseminating the knowledge gained through their activities, and, provided that a summary report of such undertakings, containing relevant maps, documents, drawings and photographs be submitted to the department; and provided further, that all specimens so collected under permit shall be the permanent property of the state and that the officer shall make prior arrangements for the disposition of specimens derived from such activities in an appropriate institution of the state or for the loan of such specimens to qualified institutions in or out of the state.

Section 7. The department shall designate an archaeological site of significance to the scientific study or public representation of the state's historical, prehistorical or aboriginal past as an "archaeological landmark"; provided that no site shall be so designated without the express written consent of the state agency having jurisdiction over the land in question or, if it is on privately owned land, of the owner thereof. Upon designation of an archaeological site, the owners and occupants of each designated "archaeological landmark" shall be given written notification of such designation by the department. Once so designated, no person may conduct field investigation activities without first securing a permit from the department and complying with the provisions of section 7.

Section 8. When transferring real property under its jurisdiction that contains significant sites or specimens, the state, its departments, commissions and institutions, may, upon the recommendation of the department, condition the transfer upon such covenants, deed restrictions or other contractual arrangements as will limit the future use of the property in such a way as will protect those resources.

Section 9. All departments planning the sale of public lands must notify the department 90 days in advance of such sale. Upon receipt of notification the department shall cause field investigations to be conducted to determine whether or not any sites or specimens are on the property. Upon written notice furnished to any department by the department that sites or specimens have been located, the department shall reserve from sale any state lands, including lands forfeited to the state for non-payment of taxes, on which sites or specimens are located or may be found, as designated by the department: provided, however, that the reservation of such lands from sales may be confined to the actual location of the site or specimens. When such sites or specimens have been explored, excavated or otherwise examined by field investigations to the extent recommended by the department, the department shall then file with the director of the state department concerned a statement releasing such lands and permitting the sale of same. Exceptions to this provision may be determined based on size.

Section 10. All state agencies, departments, institutions, and commissions, as well as all counties and municipalities, shall cooperate fully with the department in the preservation, protection, excavation, and evaluation of specimens and sites; and to that end:

a. When any state, county, or municipal agency finds or is made aware by an appropriate historical or archaeological authority that its operation in connection with any state, state assisted, state licensed, or contracted project, activity, or program adversely affects or may adversely affect scientific, historical, or archaeological data, sites or specimens, such agency shall notify the department and shall provide the department with appropriate information concerning the project, program, or activity. The provisions of the article shall be made known to contractors by the state agencies doing the contracting.

b. The department, upon notification or determination that scientific, historical, or archaeological data including sites and specimens, is or may be adversely affected, shall, after reasonable notice to the responsible agency, conduct or cause to be conducted field investigations to recover and preserve or otherwise protect such data, including analysis and publication, which in the opinion of the director should be recovered in the public interest.

c. The director shall initiate his actions within 60 days of notification under subsection (a) and within such time as agreed upon in other cases. The responsible agency is authorized and directed to expend agency funds for the purpose of recovering said data, including analysis and publications, and such costs shall be included or part of the contractor's costs if the adverse effect is caused by work being done under contract to a state agency.

Section 11. It is the declared intention of the legislature that field investigations on privately owned lands should be discouraged except in accordance with both the provisions and spirit of this act: and persons having knowledge of the location of archaeological sites and specimens are encouraged to communicate such information to the department.

Section 12. Any person who shall conduct field investigation activities on any land owned or controlled by the state, its agencies, departments and institutions or within the boundaries of any designated state archaeological landmark, without first obtaining a permit therefor from the department, or any other person who shall appropriate, deface, destroy, or otherwise alter any archaeological site or specimen located upon state lands or within the boundaries of a designated state archaeological landmark, except in the course of activities pursued under the authority of a permit granted by the department, shall be guilty of a misdemeanor punishable by a fine not exceeding five hundred dollars or by imprisonment in the county jail for a period not to exceed six months or both, and in addition, shall forfeit to the state all specimens, objects, and materials collected or excavated, together with all photographs and records relating to such material.

Section 13. Any person who shall reproduce, retouch, rework, or forge any archaeological paleontological, or historical specimen deriving its principal value from its antiquity, or make any object, whether copies of not, or falsely label, describe, identify, or offer for sale or exchange any object with intent to represent the same to be an original and genuine archaeological, paleontological, or historical specimen, or any person who shall offer for sale or exchange any specimen with knowledge that it has previously been collected or excavated in violation of any of the terms of this act shall be guilty of a misdemeanor punishable by a fine not exceeding five hundred dollars or by imprisonment in the county jail for a period not to exceed six months or both.

Section 14. It shall be deemed an act of trespass for any person, natural or corporate to remove specimens as defined herein from the private land of any owner there of without the owner's permission being first obtained and any person so doing shall be guilty of a misdemeanor punishable by a fine not exceeding five hundred dollars or by imprisonment in the county jail for a period not to exceed six months or both.

NEWS

Memoir No. 11 is in blueprint copy and is headed for the presses. This volume of over 200 pages will be mailed to all members except Active and Associate for the years 1973 and 1974. For those who have ordered this publication at a prepublication offer will receive a copy as soon as it is available. The book will sell for \$5.00 per copy for all new orders. It promises to be a monumental work on Spiro Mound Copper.

Research Series No. 12 for 1975 is also at the press and will be distributed by early summer if some difficulty is not encountered which would cause a delay. It will be mailed to all M.A.S. members except Active and Associate for the year 1975.

The Missouri Archaeologist for 1974 is in preparation as is the volume for

1975. We have no projected completion date at this time.

By now you have recognized that the issues of the Newsletter are almost up to date. This year has been a real struggle to try to find copy to fill the issues. For anyone who has been an editor of a newsletter it is known that without input from those who receive the newsletter the production of a reasonable document is almost impossible. Some materials have been arriving recently from the M.A.S. membership on archaeological projects and will appear in future issues. A plea is issued for news copy from M.A.S. members--amateur and professional alike. Thank you.