

HISTORIC SHIPWRECKS: A GROWING CONCERN OF THE NATIONAL TRUST FOR HISTORIC PRESERVATION

Americans lined up by the millions at museum doors to see the traveling exhibit from King Tutankhamen's burial tomb: so great was our appreciation of this wonderous collection. Yet if, through a quirk of history, a barge of King Tut's had sailed into and sank in San Francisco Bay or New York Harbor, or any state's waters, we would be virtually powerless to keep it from being plundered by anyone who located it.¹

A long overdue bill is now pending before Congress to give states clear title to their wrecks,² but until that passes, sunken galleons, Civil War ironclads, clippers, and many other historically significant vessels beneath our waters, are at risk against vandalism.

Shipwreck remains often stay very much intact, providing a Pompeii-like look at early seafaring. A ship, after all, was a living city when it went down, and careful investigation fills the voids of scanty or non-existent records on how interior space was used, what methods and materials were used in the ship's construction, what held allure as contraband, what combination of guns, navigation gear, and supplies were carried, and so much more. Answers to these questions help portray earlier societies by amplifying social, political, economic, technological, ideological, and artistic values and accomplishments, and ultimately this helps us to better understand ourselves.³

Peter Stanford recently wrote about sunken historic ships: "(I)t is not just the technical knowledge we acquire, it is a new sense or feeling for the past--the elaborate, dressy finish of things found aboard the MARY ROSE, for example, bring us at a bound closer to the High Renaissance, in a way no picture or description of them could. The ship has always been an ultimate effort of the society that launches it, a thing representing the ultimate reach of thought (and art) and technology in its day. A shipwreck catches that flowering life in midstride, not through old, exhausted, worn-out things recovered from garbage heaps, but loaded cannon awaiting the linstock, backgammon games put away the night before, prayer books hastily set aside. These ships must be allowed to complete their interrupted voyages, to deliver their cargoes of purpose and meaning to ALL of us."⁴

The Congressionally chartered, leading organization in America's preservation movement is the 190,000 member National Trust for Historic Preservation, which has taken a continuing and strong interest in marine archaeology. The purpose of this essay is to make more widely known major concerns in American marine archaeology, and the ways in which the National Trust has already responded, and can become more involved.

PENDING SHIPWRECK LEGISLATION

The single most important issue in marine archaeology today is legislative protection. Courts continue to hand this nation's patrimony from historic shipwrecks to private salvors, who in turn disseminate valuable artifacts to investors.⁵ Companies such as Citicorp's Diner's Club provide Americans an opportunity to buy their own national treasure,⁶ and from the maxim "The Past is Prologue," we are staggering to "The Past is Profit."

Trust President, J. Jackson Walter, testified on April 21, 1987 before the Subcommittee on Oceanography of the House Committee on Merchant Marine and Fisheries on the Abandoned Shipwreck Bill: "As a nation we would not tolerate a commercial enterprise that bulldozed Gettysburg and then dumped the remains through a sifting machine to recover any valuable objects. Yet this is exactly what current law allows treasure hunters to do to our nation's maritime legacy. This legacy is not the property of any syndicate of investors, daredevil treasure seekers or, even, well meaning sportsmen. It is the property of the nation as a whole and the nation as a whole is not currently protecting its interests in the heritage of historic shipwrecks."

Walter cited three basic ingredients necessary to protective legislation: 1) removal of historic shipwrecks from federal admiralty law, which now permits the finders-keepers activity of salvors; 2) vesting the authority to regulate the exploration and salvage of historic shipwrecks in the states; and 3) the need to be consistent with the federal-state-private partnership established by the National Historic Preservation Act of 1966. Noting that the Preservation Act established the basic framework for the nation's historic preservation program, of which nautical archaeology is a part, Walter noted that it gives approved state programs primary responsibility to make preservation decisions for historic and archaeological resources.

Mr. Walter's comments have been quoted in newspaper columns across the country, and the Trust's Department of General Counsel continues to make a special study of the conflicting shipwreck case law. This material is reported in the Trust's PRESERVATION LAW REPORTER,⁸ and is the subject of discussion at various sessions of the National Trust's annual conferences.

STRONG STANDS ON SPECIFIC MARINE ARCHAEOLOGY PROJECTS

With a nationwide web of communication through its award-winning quarterly magazine HISTORIC PRESERVATION and quarterly newspaper PRESERVATION NEWS, the Trust responsibly comments on marine archaeology projects that clearly compromise the public's interest. The September 1986 Editors' Column of PRESERVATION NEWS described ruinous sifting through a road-construction rock sorter of the priceless 18th-century H.M.S. DeBRAAK artifacts in Delaware. This printed candor was important, since much of the problem to shipwreck shredding is caused by the media. As the Trust article said, "Rather than mourn the loss of a national treasure, newspapers and television hype the romance of the hunt. While they do, they aid and abet in the ignorance of the average American to the cultural deprivation caused by such a loss--a loss no different from bulldozing a Bulfinch church or paving over an Olmstead park."

The Trust is committed to providing accurate information and impetus to preservationists to be more vocal about protecting shipwreck sites which are a treasure trove of cultural information, and which often have the added sensitivity of being human grave sites. Response to the September 1986 editorial came from all parts of the United States, and from Canada, Mexico, and Sweden. Among them was word from George Bass, long dubbed "the father of marine archaeology," who said "Your editorial is the most

accurate, succinct statement I have read on the battle against salvors," and from Daniel Lenihan, Chief of the National Park Service's underwater unit, "(Your editorial) convinced me that the Trust is willing to speak out when it really counts. You spoke the truth and spoke it well."¹⁰

OPPORTUNITY FOR CONGRESSIONAL ATTENTION TO MARINE ARCHAEOLOGY

The Office of Technology Assessment, which advises Congress, hosted workshops in 1985-1986 to review the effectiveness with which technology is assisting preservation efforts.

Noting that the workshop on "Technologies for the Preservation of Archaeological Sites and Structures" scarcely considered marine archaeology, the National Trust requested that OTA hold a separate session on underwater archaeology. Project Director Ray Williamson and Congressman Sieberling's professional staff person, Loretta Neumann, immediately recognized the need for this review, and with special planning, hosted a "Technologies for Underwater Archaeology and Maritime Preservation," on February 20, 1986, and a subsequent session on November 3, 1986.

A well-done 200-page report, TECHNOLOGIES FOR PREHISTORIC & HISTORIC PRESERVATION, resulted from OTA's five different workshops. This was the first report ever to identify for all members of Congress the major technical, legal, and financial needs in the 25-year old field of marine archaeology, and it is considered by some a landmark publication.¹¹

One of the major findings of this report was the need for a National Center for Preservation Technology, and particularly through the efforts of Jim Jordan, National Trust Director of Public Policy, the Trust has quickly responded by helping to establish the Coalition for Preservation Technology (C.A.P.T.) which now seeks to create that National Center. The OTA report suggested that the Center would ideally "draw on a multitude of different skills in several universities, and...would serve as a focal point for the development and promulgation of preservation technology. It would...also coordinate with the government agencies now responsible for research on different aspects of preservation technologies."¹²

While the full organization of the Center is still to be determined, the Trust recognizes the need for national technological cooperation and overview, and is actively working to bring these important benefits to the field of marine archaeology.

TYPES OF ASSISTANCE IN MARINE ARCHAEOLOGY NOW PROVIDED BY THE NATIONAL TRUST

Most recently, the Trust has completed a funding assessment for the exploration and study of the 1862 Civil War ironclad, U.S.S. MONITOR. Marcia Myers, National Trust Vice-President for Maritime Preservation, continues to be a member of the MONITOR Project Planning Committee, helping to provide guidance to the National Oceanic and Atmospheric Administration on their complex, deep-water marine archaeology effort.

Overall, the types of needs to which the Trust is asked to respond are multi-faceted. For example, recently Wisconsin and other states, as well as territories such as Guam, have asked for assistance in wording legislation that would seek to protect their shipwrecks. The Department of Defense has discussed with the Trust specific national policy concerning human remains on historic shipwrecks, and Congress has requested the Trust to work with the National Park Service on the "Maritime Initiative" which will include a literature search for shipwreck information that will be part of a national computerized inventory of America's maritime resources. Congressional staff seek National Trust help regarding citizen concerns about possible damage to shipwrecks caused by the dredging of inland waterways,¹³ and Trust grant programs respond to a variety of marine archaeology requests for emergency funds to protect and document underwater sites. Additionally, the Trust receives calls and letters from individuals who have found wrecks, and assists them in notifying the appropriate state preservation authorities. Students also contact the Trust for information when researching their maritime heritage.

These are just a few of the types of issues involving individuals, and local, state, and federal government, in which the Trust is active. Fundraising efforts are currently underway to enable the Trust to develop a formal Marine Archaeology Program, which can continue to respond to these needs, but also to take more initiative in several targeted areas.

OUTLINE FOR A NEW MARINE ARCHAEOLOGY PROGRAM AT THE NATIONAL TRUST

The Trust has identified the following as priority areas for its new Marine Archaeology Program:

- 1) **Promote increased marine survey for a national inventory of historic shipwreck sites through cooperative efforts with State Historic Preservation Officers, National Park Service staff, museums, major sport diving organizations, such as P.A.D.I. (Professional Association of Diving Instructors), and others.**

Although most states have very little information about the submerged cultural resources within their waters, Governor William Donald Schaefer is making significant improvements in Maryland. Not only are plans being made to survey Maryland waters, but a recent state appropriation marks the beginning of a major effort in marine archaeology which will include staffing an excellent conservation laboratory. Trust Vice-President, Marcia Myers, is involved in planning meetings with the leaders of this new program, which is expected to be a national model.

- 2) **Develop educational opportunities, such as more underwater parks, for the most valuable shipwrecks.**

Determining shipwreck value will require the development of rating systems, and is a subject about which the Trust can host various forums for discussion and consensus.

Additionally, the Trust is involved in education through a Sport

Divers Orientation to Underwater Archaeology course which is given in various locations around the country, and the Trust is funding the development of a textbook and training course for federal and state managers of historic resources to acquaint them with the special issues of shipwreck management.

- 3) **Develop a public awareness campaign about historic shipwrecks to increase understanding of history and the value of appropriate shipwreck management.**

The Trust sees many ways in which marine archaeology issues can piggyback with other preservation media efforts, such as inclusion in national advertisement campaigns that are currently being planned, and publicity in a variety of sail events which receive national attention.

CONCLUSION

As these examples show, the National Trust is committed to promoting legal, technological, educational, and other advances in the field of marine archaeology. These shipwreck sites are far too important to receive other than the best care possible, and the American public deserves the opportunity to know about the treasures, perhaps more exciting than those from King Tut's kingdom, which lie submerged in our own nation's offshore and inland waterways.

NOTES

- 1) The Archaeological Resources Protection Act, 16 U.S.C. Sec. 470aa-470ll, the Marine Sanctuaries Act, 16 U.S.C. Sec. 1431-1434, and the Historic Preservation Act Section 106, 16 U.S.C. Sec. 470f, review process have limitations in protecting most shipwrecks. At this time, admiralty law permits those who find shipwrecks to keep the materials they have located, regardless of their value to the nation as historical material.
- 2) H.R. 74 is scheduled for mark-up by the Oceanography Subcommittee on August 5, 1987.
- 3) Archaeological and professional conservation efforts on recovery projects have yielded valuable materials and information. For example, see the permanent museum display in Corpus Christi, Texas of 16th-century Spanish shipwreck remains, and the Maine State Museum in Augusta, Maine, which houses an artifact collection from the 18th-century privateer DEFENCE. Also, the Mariners' Museum in Newport News, Virginia, will exhibit the partial remains of the 18th-century "Ronson ship," and a 35-foot bow section from the last surviving Yankee clipper ship, SNOW SQUALL, has become a conservation project of the Spring Point Museum in South Portland, Maine. In addition, a cofferdam built around 18th-century sunken ship remains, thought to be part of General Cornwallis' fleet at Yorktown, Virginia, continues to be documented by

archaeologists, and the excavated artifacts conserved for public display. A number of other publically displayed and interpreted marine archaeology exhibits have also been developed in the United States.

- 4) Peter Stanford, "Nautical Archaeology: The Real Treasure," SEA HISTORY, No. 39 Spring 1986, p.7.
- 5) The most recent decision in shipwreck cases is Commonwealth of Massachusetts v. Maritime Underwater Surveys, Inc., Civ. No. 42725 (Super. Ct. Mass. May 12, 1987). This involves the only pirate ship ever found and excavated in the world. The court held that the salvor is entitled to everything it recovers from the wreck, and that the state has no rights to the wreck.
- 6) In early 1987, Citicorp's Diners Club mailed advertisements to cardholders which read "Long-lost silver treasure from Spanish galleons-transformed into exquisite jewelry!" These were mail order opportunities to buy coins from the 1715 Plate Fleet which sank off of Florida.
- 7) USA TODAY, April 22; DETROIT NEWS, (South Dakota) CAPITAL JOURNAL, (Olympia, Wash.) OLYMPIAN, (Lawrence, Kansas) JOURNAL-WORLD, and many others.
- 8) Thompson Mayes, National Trust staff counsel has prepared an article on shipwreck legislation which will appear in an upcoming edition of PRESERVATION LAW REPORTER.
- 9) In particular, at the National Trust's annual conference in Kansas City, Missouri, in October 1986, the Maritime Department hosted a taped session on "Problems in Nautical Archaeology," in which panelists discussed federal protection mechanisms for historic shipwrecks, and various ways in which states have attempted to assert control over significant sunken vessels in their waters.
- 10) National Trust for Historic Preservation, PRESERVATION NEWS, November 1986, p. 4.
- 11) U.S. Congress, Office of Technology Assessment, TECHNOLOGIES FOR PREHISTORIC AND HISTORIC PRESERVATION, OTA-E-319 (Washington, DC: U.S. Government Printing Office, September 1986).
- 12) U.S. Congress, ibid. 137.
- 13) On February 4, 1987, Trust President J. Jackson Walter wrote to Army Secretary John March, indicating that the Army Corps of Engineers' nationwide permit program does not comply with Sec. 106 of the National Historic Preservation Act. While the Corps rejects the Trust's recommendation that historic shipwrecks be removed from all categories of nationwide permits, it is preparing an "Appendix C" to the final regulations of the Corps' Regulatory Programs, in order to implement Section 106.

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SUMMARY OF "HISTORIC SHIPWRECKS: A GROWING CONCERN OF THE NATIONAL TRUST FOR HISTORIC PRESERVATION"

This paper points out the uncertain legal situation in the United States concerning historic shipwrecks, and the need for passage of the Abandoned Shipwreck Bill. Mention is made of the types of information shipwrecks provide, and how such materials culturally enrich the American people.

The role of the National Trust for Historic Preservation in preserving historic shipwrecks is examined, including Congressional testimony by Trust President, J. Jackson Walter, coverage of shipwreck issues in several Trust publications, and the involvement of many other Trust professionals.

Specific examples of harmful salvage approaches to important shipwreck materials are provided, along with quotes from leading marine archaeologists from the United States and other countries about this type of work.

The Office of Technology Assessment (OTA) is helping Congress to become more aware of the technical, legal, and financial needs of the 25-year old field of marine archaeology. More detailed mention is made of these efforts, and about the Coalition for Preservation Technology (C.A.P.T.) which has resulted from OTA's investigations.

Examples are provided of ongoing Trust involvement in marine archaeology including work on the U.S.S. MONITOR Project, and cooperative efforts with individuals, sport divers, and local, state and federal government agencies. Information is provided about a new marine archaeology program to be initiated at the Trust with priorities in the areas of 1) promoting a national inventory of shipwreck sites; 2) developing educational opportunities, such as more underwater parks; and 3) developing a public awareness campaign about historic shipwrecks to increase understanding of history.

RESUME DES NAUFRAGES HISTORIQUES:
UN IMPORTANT SOUCI DU NATIONAL TRUST FOR HISTORIC PRESERVATION

Ce papier souligne l'absence aux Etats-Unis de lois sur les naufrages historiques et met en lumière la nécessité de l'adoption de la Loi sur les Bateaux Naufragés Abandonnés. L'auteur attire aussi l'attention sur les informations culturelles qu'on pourrait tirer d'un bateau naufragé ainsi que leur importance pour le peuple américain.

De plus, l'auteur y examine le rôle que joue le National Trust for Historic Preservation dans la sauvegarde des naufrages historiques de même que les déclarations faites à ce sujet par le président du National Trust, J. Jackson Walter, par-devant le Congrès des Etats-Unis d'Amérique. Plus loin, l'auteur en profite pour ajouter à ces commentaires un aperçu des articles écrits sur des naufrages et publiés dans les différents organes du National Trust, et le rôle que joue les employés du National Trust dans la sauvegarde des naufrages historiques.

Le papier continue avec une analyse des effets négatifs de certains procédés employés dans la récupération des épaves. Ces observations sont corroborées par des déclarations faites par des archéologues sou-marins américains et étrangers.

Le Bureau pour l'Evaluation Technologique (sigle anglais O.T.A.) est chargé d'informer le Congrès américain des besoins techniques, légaux, et financiers de l'archéologie sous-marine, un domaine scientifique qui, il y a 25 ans, n'existait pas encore. On y trouve un rapport détaillé sur les activités entreprise par cette organisation et aussi sur celles de la Coalition pour la Préservation Technologique (sigle anglais C.A.P.T.) laquelle a pris naissance à partir des recherches effectuées par l'O.T.A.

L'auteur poursuit avec un résumé des activités menées par le National Trust dans le domaine de l'archéologie sous-marine y compris l'exploration et l'étude du vaisseau de guerre américain, U.S.S. Monitor. Elle en profite aussi pour mettre en relief la coopération qui existe dans ce domaine entre les individus qui partiquent la plongée sous-marine, les autorités locales et fédérales. Ce papier se termine finalement par l'annonce de la création au National Trust d'un nouveau programme d'archéologie sou-marine qui aurait comme priorités 1) promouvoir un inventaire national des sites naufragés, 2) le développement de centres éducationnels telle la création de parcs sous-marins, 3) la sensibilisation du publique quant à l'importance historique des bateaux naufragés.