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A COMMENT ON THE RELATIONSHIP BETWEEN THE STATE
AND SALVAGE DIVING OPERATIONS*

Stanley South

Since the salvage license agreement with Shipwrecks, Inc. was the first issued by the State of South Carolina, it becomes a pilot case for future licenses. The Institute of Archeology and Anthropology is responsible for the awarding of such licenses and for making the division of the objects recovered in these salvage operations. Due to this involvement with the diving operation on the Mary Bowers it is appropriate that a comment be made on the achievements and disappointments of this adventure as outlined in Lee Spence's paper.

Lee and his colleagues are certainly to be commended for their positive attitude and leadership in working toward the passage of controlling legislation involving diving operations in South Carolina. However, Lee states that a "substantial" amount of the artifacts recovered will be retained by the State, whereas only one-fourth is so retained for study and exhibit purposes, and of this amount an effort is made to favor the diver in that broken or damaged items are often just as good for study purposes as the whole ones, and it is these that usually become a part of the State's share. Lee's position that "The State basically wants to achieve the same benefit from the salvage of these wrecks as it would if it was sponsoring the entire operation with its own funds," is not supported by the facts. If the State were sponsoring a diving operation with its own funds, strict requirements as to recording and recovery, preservation and study of the objects would be enforced, whereas with salvage diving, proper recovery techniques can be urged but not required, and thus much less information of value is forthcoming from such salvage operations than would result from a State sponsored underwater archaeological operation. This point is clearly seen in contrasting the admirable plans outlined by Lee before his major operation began, with the actual execution of these goals during the salvage operation. Since such a contrast is so familiar as to constitute a pattern wherever diving operations are undertaken, details of this contrast are presented here in the hope that future diving operations undertaken by private salvagers under permits issued by agencies of various states, can evolve toward more competently recorded salvage operations. When such becomes the case, then and only then can salvage operations take on the name of "archaeological salvage", for the use of the word "archaeological" implies a systematic approach to data recovery which is characteristically absent from salvage operations now being carried on in the United States. The exceptions are projects of the Smithsonian Institution, University of Pennsylvania, and the Canadian Historic Sites Service, which can legitimately be called "archaeological".

*This paper, presented at the Tenth Annual Conference on Historic Site Archaeology, is published here because of its relevance to Lee Spence's paper just preceding.
Polychrome Painted Pearlware Mug from the State of South Carolina's Collection of Artifacts from the Wreck Thought to Be that of the Mary Bowers. Cases of handleless cups and saucers and mugs in four sizes were being shipped to the Confederate States on English Blockade Runners such as the Mary Bowers. This type is now known to date as late as the 1860's, which may appear at first to be surprising. The possibility is seen that perhaps the English were cleaning out out-of-date stock from warehouses to be shipped to the Confederacy, thus accounting for the presence of this type ware at a somewhat later date than generally assigned to the type.
In a salvage operation carried out by private diving companies on a historic wreck, certain basic questions are of interest from the State's point of view, and it is toward the answering of these questions that the State should orient its contract agreements with salvagers so as to produce the desired results. The divers will be primarily interested in artifact recovery, not in the process of recording data to answer questions asked by State representatives. The salvage companies are motivated by financial gain, as Lee has so well pointed out, and all else takes a second place to this motive in salvage operations. It is up to the states through their representative agencies and individuals to work toward the goal of making salvage operations more properly called archaeological salvage operations, and to deserve the title. The importance of this viewpoint cannot be overemphasized, for some states have made little effort to require of the salvagers that proper records be kept of the process of data recovery. If the pattern of salvage diving to recover artifacts for monetary gain is not redirected toward a systematic approach to wreck investigation in the decades to come, that systematic approach may always remain the exception. It is up to the states through their responsible agencies to not only issue diving licenses and permits to insure that the State's share of the artifacts is forthcoming from the effort, but to work through attitudes, requirements, and laws toward the achievement of a systematic approach to the investigation of the unique time capsules presented by shipwrecks.

In the case of Shipwrecks, Inc. the questions of interest could be answered by carrying out the following steps:

1. Drawings should be made and measurements taken of the visible wreck.
2. Photographs should be taken of areas of the wreck, or all of it if possible.
3. Drawings should be made of cargo relationships, where various objects come from.
4. Drawings and photographs of packaging of cargo should be made, below and/or above water.
5. Photographs of cargo immediately after being brought aboard should be systematically taken and records made at that time as to provenience.
6. A written report of visual observations should be made daily by the divers as to what they saw, accompanied by sketches whenever possible.
7. A systematic data recording system to catalog the objects and record their provenience should be carried out throughout the recovery process.
8. Objects should be kept under salt water until a division is made by representatives of the state agency involved. This can be done in cheap plastic pools, plastic lined boxes or pits, etc.

The above outline does not appear to be asking too much of the salvaging companies, yet it is more difficult to obtain this type of data from salvage operations. In his paper Lee discusses the proposed use of nylon cord markers, and the utilization of timbers within the vessel to establish provenience control on the cargo. He says he plans to record the recovery of objects as
to depth, and to photograph underwater and above throughout the diving operation. All of these goals are admirable, but unfortunately almost none of them have been achieved. For instance, after a season of diving, we still do not have a drawing of the orientation of the wreck; there is no photograph of the appearance of the wreck on the bottom; there is no drawing of the relationship of the two wrecks to each other or to the shore; there is no verbal description from a diver; there is almost no information on how the cargo was packed; where it was located on the vessel; nor where it came from in terms of horizontal or vertical location. We do have the objects brought up, but few photographs have been taken, and no systematic control has been carried out. Thus, the artifacts recently divided between the State of South Carolina and Shipwrecks, Inc. are known to have come from somewhere on a wreck thought to be either the Mary Bowers or the Georgiana or both. These include a large quantity of rubber coated canvas sheets, porcelain buttons, sets of teeth for making dental plates, sticks of vermillion, a stoneware jug with an intact cork, large quantities of wooden spools with thread still intact on some examples, hundreds of blue-edged plates, polychrome painted cups, saucers, and mugs, Wedgwood bowls, wooden pencils with the name of the maker still visible, buckets of straight brass pins, wooden handles for tools, staff pens, and the contents of a fire making kit. All these objects are of considerable historical interest and will surely add to our understanding of specific objects being imported to the Confederate States during the Civil War. However, one still regrets the lack of control on such salvage projects.

This is not stated in a way of criticism of Shipwrecks, Inc., for they have been very cooperative in terms of attitude, and they also have to face practical realities of weather, strong currents, dangerous wreck conditions, availability of vessels and personnel, funds, etc. Their failure to fulfill their objectives as outlined in Lee's paper is pointed out here not to emphasize this fact, but to illustrate that this case represents a typical situation where a willingness to try to approach the data systematically is present, but the actual performance cannot reach these goals. Although the ideal goals were not accomplished here, the Institute of Archeology and Anthropology, archaeologists feel that definite and positive progress has been made toward a good working relationship between private divers and the Institute representing the State.

The need is for a more positive means of implementing these relatively simple data control procedures in shipwreck salvage operations by private salvagers. Although several states now have established procedures whereby salvage diving is carried out, the realities of salvage goals, to my knowledge, have always prevailed over those of data recovery. Therefore, the interests of the states in such operations have always come out second place to the goals and interests of the divers, regardless of how much their goals have been oriented toward data recording. Because of this situation, individuals and agencies representing the states are becoming accustomed to the recovery of artifacts from shipwrecks without the accompanying provenience drawings, photographs, observations, etc., characteristic of the process that is archaeology. The ironic thing about many of these operations is that they are called by their sponsors "underwater archaeology" rather than salvage operations. The stage of development at which the underwater recovery of artifacts from shipwrecks is
at present equates with that period in our history when museums were concerned primarily with relics, and expeditions were sponsored throughout the world to recover art objects and unbroken artifacts for their exhibit value alone. Surely we do not have to go through the same painfully wasteful process in our exploration and recovery of information from sunken time capsules; yet, in these infant days of the exploration of the historical and archaeological treasures lying on the bottom of the seas, we are headed down that very same pathway!

In the field of archaeology there will likely always be those practitioners of the process who recover only a pitiful fraction of the data a site has to reveal, and whose efforts when compared with the more proficient craftsmen border on the criminal. So it will likely be in the recently expanding process of underwater exploration of shipwrecks and other underwater sites. The appeal here is for those representatives of the various states whose responsibility it is to represent the people in licenses with salvagers to make an effort to educate them toward becoming partners with the State in a remarkable challenge, the systematic recovery of information. Admittedly, this is a difficult challenge, but it cannot be met through strict legislation outlawing destructive practices unless it is accompanied by funds providing for an agency to enforce such a strict law. Since no such laws are at present in existence,* and since no regulatory forces are budgeted in most states, the effort must be made through cooperative action between the representatives of the state and the salvage companies. It is through this cooperative enterprise that the greatest progress toward systematic search and recovery of shipwrecks can be made. Under this arrangement, which is in effect in several states at present, a great deal depends upon the integrity and sense of public responsibility provided by the salvage divers. Under present laws in most states no attitude is realistic other than one of cooperation. The solution to many of the present problems will come when the states cease to depend upon the salvage divers to recover scientific and historical data and begin placing state personnel aboard diving vessels to insure that data is systematically collected. Laws authorizing the position of State Underwater Archaeologist with staff and operating budgets should outline the responsibilities existing between the State and the salvagers regarding systematic data recording, and provide for the establishment of a survey of underwater historic sites and wrecks. This state representative would draw up the contracts for diving operations and would take action where unauthorized or irresponsible salvage operations were being undertaken. Until underwater archaeological programs are created in the states involved, unfortunate looting of underwater sites will continue, both on the level of the weekend diver looking for bottles to full-scale operations by large salvage companies. Under the present system, state agencies dealing with salvagers will continue to have to rely on the integrity of the salvagers and on the amount of time the salvagers are willing to put into orderly recovery of data. Unfortunately not all salvagers are motivated as positively as Shipwrecks, Inc., and some flagrantly refuse to recognize any responsibility for data preservation. For such companies and individuals stringent laws and state financed personnel and budgets for the supervision of underwater salvage operations are the only answer. Such laws will gradually come into being in the years to come. Meanwhile, archaeologists, state representatives and conscientious salvagers can work toward bringing such legislation into effect in

* Texas has recently enacted such a law backed by state funds.
A cooperative effort in the exciting challenge of discovery, recording, and interpretation of the historical story that lies in the streams and rivers, and beneath the waters of the sea. Until legislation is enacted to bring to salvage diving operations systematic data collection through state involvement in underwater archaeology programs, the efforts at recovery of historical and scientific data from underwater sites will continue to remain in the realm of salvage relic hunting, and does not deserve to be referred to as "underwater archaeology".

SUMMARY OF SPECIFIC NEEDS FOR A STATE SPONSORED UNDERWATER ARCHAEOLOGY PROGRAM

An underwater archaeologist is needed to supervise contract agreements with salvagers, conduct a state-wide underwater site survey, and to be the state representative on-board diving vessels to supervise the following:

1. A diver to take underwater photographs, make sketches, drawings, and to take verbal notes.
2. Photography of artifacts as they are brought on deck.
3. Cataloging of items and provenience recording.
4. Supervise immediate preservation steps for some items.

These tasks can be fulfilled by the archaeologist and a staff of two, all three of which should be divers of experience and competence.

In order to properly carry out an underwater archaeological program with sufficient data control for it to be called "archaeological", these state personnel should be provided for in any new legislation aimed at recovery of data from underwater sites. In addition to these functions relative to specific diving operations, the personnel of state underwater archaeology programs would be responsible for the systematic location of historic wrecks and sites through survey in documentary as well as on site locations. The data from such a survey would become a major source of information which would allow for the evaluation of the historic wrecks and sites. Through such a classification, projects could be undertaken on the basis of the potential value a wreck would yield in terms of historical and other criteria. Permits for divers interested in search and survey of wrecks could thus be assigned, as well as salvage diving operation permits, on the basis of the classification of the wreck site. Under such a program, some wrecks might well be declared off limits to diving of any kind. Again, the significant point this paper is attempting to make is that any such program should be financed by the state governments involved, or by the Federal government. The time has come for governments to stop relying on private sponsors to recover scientific data from underwater sites.
A final word should be said regarding the needs as outlined here relative to underwater archaeology programs. This outline is specifically oriented toward a minimum program and not to a major archaeological project involving an underwater grid system complete with recording, such as is carried out by George Bass through the Smithsonian sponsorship. It is felt that in many cases such underwater work will not be possible due to problems of visibility, currents, etc., but in such instances, systematic recording and recovery can still be effected, provided there is sufficient legislation to protect the wreck sites and provide for at least a minimum program of systematic underwater archaeology as outlined in this paper.

As was mentioned earlier, several states are in the process of enacting laws designed to establish the relationship between the state and salvage divers operating on historic wrecks and sites. It is important that these laws be made strong enough to protect the sites while at the same time not being so prohibitive as to be unenforceable, and therefore virtually useless. Any legislation aimed at protection of wreck sites should be provided with the teeth of government funds to be most effective and realistic.