

Artifacts and adjudication

Those who steal pieces of the past face light punishment.

By Mike Stark

Associated Press

SALT LAKE CITY - Stepping into the afternoon sun last month, Jeanne Redd and her daughter Jericca 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 Salt Lake City's daily newspapers, expressed frustration that the judge didn't come down harder on the duo from southern Utah.



CHRIS DETRICK / Salt Lake (Utah) Tribune

Jericca Redd, with Jeanne Redd and attorney Mark Moffat, leaving the federal courthouse in Salt Lake City last month.

The Redds got probation for trafficking in Indian artifacts.

History, however, says the punishment for the Redds, 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.

Of those who 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 who foul the country's cultural resources.

In Jeanne Redd's case, prosecutors had sought at least 18 months in prison. She was 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' 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 that "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 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.

Archaeological Resources Protection Act 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.

A Park Service program to train federal prosecutors lasted for 12 years before it was discontinued in 2003.