

By Benita Heath/The Ironton Tribune

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It was a phone call Ironton historian Steve Shaffer wasn't expecting Thursday morning.

But he got it anyway. Now he faces the possibility of spending 1 to 5 years in a Kentucky prison.

All because of a rock.

But not just any rock. It's the Portsmouth Indian Head Rock whose reemergence recently after almost nine decades under water has grabbed national headlines starring in a feature in the New York Times and a segment on Katie Couric's CBS Evening News.

On Thursday morning a Greenup County grand jury issued an indictment against Shaffer for "removing, excavating and appropriating an object of antiquity," according to Kentucky Commonwealth's Attorney Cliff Duvall.

It was a reporter from The Associated Press who brought Shaffer the news about the indictment.

"The correspondent said, 'Steve, You may not know this, but I thought you better,'" Shaffer said. "I said, 'You're kidding.' Then my phone has rung off the hook."

As far as the Greenup County grand jury is concerned, taking an 8-ton sandstone rock covered with historic carvings out of the Ohio River is a Class D felony and that means possible jail time.

No one has come forward with a definitive date on The Rock, but as far as experts can surmise, it has rested in the Ohio River possibly for centuries somewhere between South Shore, Ky., and Portsmouth.

It would periodically pop to the surface when droughts sent the water level of the river down. Because its appearance was so rare when the Rock came to the surface so did the crowds.

"It only stuck up at periods of low waters," Shaffer explained in an earlier interview. "I think that is what created such interest in The Rock. From the documentation I have seen, it was every five years, 10 years, maybe three years."

When it did people would go out to it and carve their names or make drawings on it, turning it into a kind of tourist attraction. There is even talk that some of those drawings were made by native Indians in the area, especially a round Charlie Brown-esque squiggle on the face of The Rock.

Thus, the contention that The Rock is a piece of history. In fact, the Kentucky Heritage Council states that the drawing is thought to be a Native American petroglyph and that The Rock is a historic artifact protected under state and federal laws.

This morning Duvall expects to have a warrant for Shaffer's arrest in his hands. Then, the next step is up to Shaffer, the Greenup-based prosecutor says.

"On whether he wants to bypass all the legal niceties of extradition," Duvall said.

The warrant for Shaffer will be placed in the National Crime Information Computer. From that computer entry, Ohio law enforcement can arrest Shaffer and place him in jail, Duvall said.

“This thing has captured the public’s attention,” Duvall said. “It is a felony. The legislature has designated it a felony. This is not the border war that some of the media has made it out to be. It is merely a violation of Kentucky law. I expect people who come here to respect that law. It is really not any more complicated than that. It is not revenge. I don’t even know these people.”

Ohio Rep. Todd Book, whose 89th District takes in Portsmouth, described himself as “a little bit shocked” when he heard about the indictment.

“Steve has done a lot of work and tried to find something that everyone has forgotten about. Now he is being punished. I didn’t think it needed to go negative. Let us hope cooler heads prevail when it comes to the actual resolution of this matter. No one needs to go to jail for finding a lost piece of history.”

Whether Shaffer will actually end up as the centerpiece of a trial across the river, Duvall says he can’t predict.

“I really don’t know how the defendant will respond to the indictment,” he said. “We are going to be fair no matter what.”

One of the reasons Shaffer was surprised about the indictment was because of the assessment of Louisville-based Kentucky rock authority, Dr. Fred Coy Jr.

Coy came to Portsmouth, where The Rock resides in the municipal garage, in November to check out the drawings, Shaffer said.

“Fred told me before as far back as 2002 that he didn’t think the head was Native American,” Shaffer said. “He told us that verbally.”

Then two weeks ago, Coy offered his assessment in written form that the carving was not Indian.

“After I read that, that solves their whole contention that the Indian rock needs to go back in the river,” Shaffer said. “I was really surprised they are really doing this.

“This isn’t about historic preservation. It’s some people who got their egos bruised wanting to put this rock back in the river. This was just a rock with names on it. There are rocks with names on them anywhere here. This has grown to gigantic proportion,” he said.

“This is just a rock.”