

The Ironton Tribune, Ohio

Distributed by McClatchy-Tribune Business News

August 12, 2009 Wednesday

Shaffer still faces suit in rock incident: Historian faces civil lawsuit for his part in rock's removal

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SECTION: STATE AND REGIONAL NEWS

LENGTH: 594 words

Aug. 12--ASHLAND, Ky. -- The court days for Steve Shaffer aren't over. One week after the criminal charges against Shaffer were dropped, the amateur historian was in the U.S. District Court of Judge Henry R. Wilhoit Jr. in Ashland to face a civil lawsuit for his part in the removal of the Indian Head Rock.

On July 30, the criminal charges that had resulted from a grand jury indictment against Shaffer were dismissed in the courtroom of Greenup Circuit Judge Robert Conley.

However, the civil suit filed in February by Kentucky Attorney General Jack Conway remains active with Wilhoit ordering this past Friday the continuance of discovery.

The Commonwealth of Kentucky is suing Shaffer, the city of Portsmouth, former Portsmouth Mayor Gregory Bauer and David Vetter, a diver involved in the rock expedition.

As in the criminal case, Conway contends Shaffer violated Kentucky statutes by removing an object of antiquity and/or defacing an archaeological site.

"Kentucky was and is the sole rightful owner of the site in the Ohio River from which the Indian Head Rock was designated," the Feb. 3, complaint states. "By removing Indian Head Rock from its archaeological site in the Ohio River without having first obtained a permit from the University of Kentucky Department of Anthropology, Defendants committed a violation of KRS 164.720. ... Kentucky has been injured by the Defendants' appropriation of Indian Head Rock."

Conway seeks punitive damages, costs and a jury trial.

However, in a motion filed on Aug. 4, Mike Curtis, Shaffer's attorney, argued that the rock Shaffer retrieved is not the Indian Head Rock and that any dispute over a rock taken from the Ohio River becomes one between states, putting it in the jurisdiction of the U.S. Supreme Court. The state's criminal case had been withdrawn on the grounds that the rock removed was not the historic object in question.

During the Friday hearing Wilhoit issued a schedule for discovery; however no trial date was set.

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