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The Rock abides

By MIKE JAMES The Independent Mar 30, 2015



Ray Ball watches as a crane lifts Indian Head rock. Photo Kevin Goldy



GREENUP There it squats in the county garage in Greenup, eight tons of sandstone surrounded by worn-out tractor tires and crusted with four years worth of cobwebs and grit.

The trouble is, no one knows where else to put it. It's too bulky and heavy to move without heavy equipment and not pretty enough to capture admiring glances.

But if you look closer, you see the surface is criss-crossed with carved names and inscriptions, and on one side is the cartoon-like face that may have given its name: Indian Head Rock.

While there's no clear picture of where the rock ultimately will go, there's not much chance of it returning from whence it came. That would involved lugging it to the Ohio River and trying to find the underwater spot from which a group of history buffs plucked it several years ago.

There are those, perhaps including the ones who removed the rock, who wish it had been left in the water. Because taking it had two major consequences.

Because the rock was separated from its historical context, clues researchers might have used to trace its origins or the significance of its inscriptions were obliterated.

And it launched a legal fight between two states and a criminal case against the man whose idea it was in the first place.

The squabble brought politicians from both states to posture before the notebooks and cameras of journalists. National media picked up the story and made Kentucky and Ohio objects of ridicule until the arm-wrestling match between the two states fizzled when prosecutors dropped criminal charges and Ohio surrendered possession of the rock to Kentucky.

The rock was a well-known landmark in the river during the 19th and early 20th centuries. Just the top of it jutted from the surface near the Kentucky side across from Portsmouth. Initials carved on it in neat block capitals date from the mid-1800s. Boaters, swimmers and picnickers posed on it in pictures from the turn of the 20th century.

That all changed in the early 1900s when the first navigation dams were built and the rock was permanently submerged under 16 feet of water.

It wasn't forgotten, however. Stories were handed down through the decades and eventually reached the ears of historian Steve Shaffer of Ironton.

Shaffer had been working on a documentary about prehistoric rock art, and the more he learned the more he wondered about the effects of acid rain, weathering and vandalism on such artifacts.

He recruited a team of scuba divers to explore the river off Portsmouth and after three years of scouring the murky waters they located and photographed the boulder.

Shaffer already had a goal: to raise the rock and donate it to the City of Portsmouth.

In the summer of 2007, divers strapped it into a harness with air bags and barrels to provide lift. They towed it triumphantly behind a pontoon boat to the Portsmouth landing and from there a crane lifted it out of the river. The rock was taken to the city garage to await decisions on where and how to display it.

That's where the plan went awry. Kentuckians got wind of the expedition and declared indignantly — and correctly, as it turned out — that the rock was the property of the commonwealth.

Others, including archaeologists and historians, pointed out Shaffer should have requested permission from the U.S. Army Corps of Engineers before taking the rock from the river. They fretted that removing it from its original site violated one of archaeology's basic tenets: that an artifact yields more knowledge to scholars when it can be studied in situ.

Whether that ever would have happened was not discussed.

Politicians got into the act, and before one could say "rock of ages," Kentucky legislators had gone eyeball to eyeball with their Ohio counterparts.

Louisville state Rep. Reginald Meeks sponsored a resolution condemning the removal and called Shaffer and his cohorts "cowboys" and "trophy hunters."

On the Ohio side, Portsmouth state Rep. Todd Book introduced his own resolution applauding Shaffer's efforts.

Portsmouth said the rock was part of the city's historical heritage; Kentuckians said it was a piece of the state's cultural heritage.

Ohicans had rallies. Kentuckians had press conferences.

Greenup Commonwealth's Attorney Cliff Duvall convened a grand jury, which indicted Shaffer on felony charges of violating the Kentucky Antiquities Act, which was designed to protect historical sites and artifacts. Duvall said removing the rock without the proper permits could be compared to removing artifacts from a Native American burial ground.

Kentucky Heritage Council official David Pollack said Shaffer and the divers, no matter how well-intentioned, should be prosecuted to send a message about disregarding antiquities laws.

The conflict of words and court documents escalated and caught the attention of national newspapers and television networks. Needless to say, those outlets found the battle between two flyover states quaintly humorous — hillbilly bumpkins in Kentucky feuding with staid simpletons in Ohio.

In fact, the rock belongs to Kentucky. Notwithstanding its name, the Ohio River, where it borders Kentucky, is part of the commonwealth. That is, the Kentucky state line extends across the river to the low-water mark on the Ohio shore.

Kentucky Attorney General Jack Conway demanded that Portsmouth return the rock with a public apology, pay court costs and bankroll a display in Kentucky. When Portsmouth declined, Conway filed a federal lawsuit.

The war finally ended in 2010 when Portsmouth gave the rock back and Conway dropped the suit.

Shaffer's legal jeopardy ended when Duvall dismissed his case because he couldn't prove conclusively whether the rock was the same one registered as an antiquity with the University of Kentucky.

The rock was trucked to Greenup County, this time with no fanfare, and tucked away in the garage.

There was talk of putting it in a park in South Shore, near where the rock was lifted from the water.

Greenup County Judge-Executive Bobby Carpenter still thinks that is a good idea, although he's not sure about the details.

Whether the rock would be better displayed al fresco or under a roof is debatable, he said. And if a structure is to be built, could South Shore afford it?

Until those questions, and others, are answered, the rock likely will remain in its garage limbo.

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PROGRESS: Life on the River

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