

The Ironton Tribune, Ohio

Distributed by McClatchy-Tribune Business News

February 23, 2010 Tuesday

Indian Head Rock trial set for May: Shaffer faces charges in civil case

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SECTION: STATE AND REGIONAL NEWS

LENGTH: 461 words

Feb. 23--ASHLAND, Ky. -- A court date has been set in the civil lawsuit against Ironton historian Steve Shaffer over his part in the removal of the Indian Head Rock from the Ohio River almost three years ago.

Shaffer had faced criminal charges in Kentucky for removing an object of antiquity and/or defacing an archaeological site. However those charges were dropped in August 2009 in the courtroom of Greenup Circuit Judge Robert Conley when the state withdrew them on the grounds that the rock Shaffer had removed was not the historic object in question.

As the criminal case was going forward, the Commonwealth of Kentucky filed the civil suit in February of 2009.

Now that case is scheduled to come before U.S. District Judge Henry R. Wilhoit Jr. on May 11 in the federal building in Ashland.

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

"Kentucky was and is the rightful owner of the site in the Ohio River from which the Indian Head Rock was designated," the 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."

However in a motion filed this summer, Ashland-based attorney Mike Curtis, who represents Shaffer, argued that the rock Shaffer retrieved is not the Indian Head Rock. Curtis also contends 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.

At the time that the criminal charges against Shaffer were dismissed Kentucky Attorney General Jack Conway said via an email that he felt it was his duty to pursue the civil case.

"To fully explore every legal avenue to recover what is clearly an important artifact for the Commonwealth," the e-mail states. "We have consulted with archeologists at the University of Kentucky who maintain that this rock is indeed Indian Head Rock and therefore we will continue our efforts to have it returned to Kentucky where it belongs. We are still hopeful that this matter can be resolved outside of the courtroom."

The complaint asks for punitive damages, costs and a jury trial.

There will be a pretrial conference on April 26.