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Portsmouth mayor, citizen must testify in rock case

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Jun. 26--PORTSMOUTH -- Portsmouth's mayor and another man will have to testify before the Greenup County grand jury investigating the removal of an 8-ton boulder known as Indian Head Rock from the Ohio River.

Scioto County Common Pleas Judge William Marshall ruled Tuesday Mayor James Kalb and William Glockner would both have to come to Kentucky and appear before the panel.

Kalb and Glockner were summoned to testify by Greenup Commonwealth's Attorney Clifford Duvall, who identified both as material witnesses in the case. However, both challenged their subpoenas, claiming they were only circumstantial witnesses because neither actually saw the rock being extracted from the river.

Greenup Circuit Judge Bob Conley had earlier ruled that both men were material witnesses and Marshall did likewise Tuesday following a hearing in his court.

Kalb and Glockner are both scheduled to testify July 24, Duvall said Wednesday.

According to Duvall, Glockner, a former restaurant owner, testified during Tuesday's hearing he saw the rock being lifted from the river by a crane but one of the straps broke during the process. When he returned a couple of hours later, he said, the rock had been loaded onto a trailer.

The boulder was subsequently hauled to the Portsmouth city garage, where it remains.

The grand jury, which was convened in late March, last week handed up an indictment charging the man who led the expedition to remove the rock, Ironton historian Steve Shaffer, with removing a protected archeological object without a permit, a Class D felony that carries a prison sentence of one to five years.

The indictment alleges that on Sept. 9, Shaffer, in complicity with others, violated the Kentucky Antiquities Act "by exploring, excavating, appropriating and/or removing from land owned by the Commonwealth of Kentucky ... an object of antiquity" without first obtaining the necessary permit from the University of Kentucky's Department of Anthropology and the recommendation of the agency owning or having control of the land upon which the object was situated.

Shaffer has maintained he did nothing wrong and the indictment was motivated by politics, revenge and the desire of Kentucky officials to see the rock returned to the river.

Duvall, though, has said he's simply upholding the law, as he took an oath to do, and that all other matters in the case -- including the fate of the of the rock -- are incidental to that.

Indian Head Rock, which was registered with the state of Kentucky as a protected archeological object in 1986, was once a navigation marker and an attraction for local residents, who would walk out into the river and carve their initials on it when the water was low. However, the boulder had remained mostly submerged since the construction of the lock system on the Ohio.

The rock got its name because of a carving on it that resembles a crude face, which some have said may be a petroglyph carved by an unknown Native American. However, Dr. Fred E. Coy, the author of a book on rock art in Kentucky, recently examined the boulder and concluded the carving was more likely done in the 1800s with metal tools.

The removal of the rock has generated national headlines and triggered a dispute between elected officials in Ohio and Kentucky. The Kentucky General Assembly passed a resolution calling for the boulder's return to the commonwealth, while Ohio politicians have vowed to resist any such efforts.