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## Sacred Native American sites threatened by Florida bills

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BY [PETER B. GALLAGHER](#)

**TALLAHASSEE** — Two bills currently on the Florida Legislature table threaten the state's current protection of historical resources, principally Native historical and sacred sites dating back to aboriginal times.

If passed, House Bill 803 and its companion Senate Bill 1054 would direct the Florida Division of Historical Resources to administer \$100 permits allowing individuals to remove artifacts from sovereign state waters.

"All that one need do is report your finds to the Division of Historical Resources within 14 days and the artifacts you have removed will become your personal property," wrote Dr. William B. Lees, executive director of the Florida Public Archaeology Network at the University of West Florida, in his blog "Topics in Florida Archaeology."

Critics claim the bills will make it easier for private groups and grave robbers to legally locate, destroy, pilfer and profit from the desecration of Seminole, Miccosukee and Florida aboriginal Native history and culture.

"It is absolutely shocking," said Ah-Tah-Thi-Ki Museum Director Paul Backhouse. "This would set

back intelligent historical preservation and respect for Native American culture back to the Indian Wars where the bodies and possessions of Natives who died in battle underwent wholesale abuse. I can't imagine that such a measure which benefits only a few shady individual antiquities dealers – at the expense of the preservation of the state's archaeological heritage – could be given any serious consideration. But it is there, it is real, moving through the Legislature and we have to deal with it.”

Backhouse brought the issue to the United South & Eastern Tribes' Sovereignty Protection Fund Impact Week conference in Arlington, Virginia, where a resolution damning the bills was unanimously passed Feb. 11.

The resolution does not mince words: “The passing of the proposed bills represents a direct threat to the cultural heritage of the indigenous peoples of Florida through the unwarranted disturbance of our cultural heritage and has a high likelihood of disturbing ancestral burial sites...”

“I can't believe that in modern times this kind of thing still exists,” said Willie Johns, Chief Justice of the Seminole Tribal Court. “We don't go out digging in other peoples' cemeteries. Now, for \$100 you get a free pass to dig up my grandparents.”

Chief Justice Johns said the bills grew out of public backlash against what some “mistakenly felt was the jailing of ‘innocent’ people.”

On Feb. 27, 2013, Florida Fish and Wildlife agents finished Operation Timucua, a two-year \$130,000 investigation into the digging, looting, buying and selling of historical artifacts. Fourteen people across Florida and Georgia were charged with more than 400 felonies.

“The sting netted people with clean criminal records, including a brick mason, a 24-year military veteran and a 74-year-old retired University of South Florida professor,” reported the Tampa Bay Times. “It drove suspects into debt and wrecked their reputations. One man got divorced. One committed suicide.”

Those accused gained grassroots sympathy and support across rural Florida, successfully trivializing the multi-million dollar antiquities market as akin to finding an arrowhead while fishing with your son.

“But that's what happens when you break the law,” Chief Justice Johns said. “Seminole people come up to me all day long upset about this. They want to know how can they do this to us. I don't know what to say other than they're doing this because they can and we have to stop them.”

Backhouse said the very nature of the bills would make public, for the first time, the location of hundreds of Native sacred sites – long exempt from Florida public records laws to protect sites from looters – under the guise of letting permittees know where they cannot dig.

“We're giving them a treasure map. It says, ‘Don't go here.’ But if you think about it, the map also

says, ‘Here is where it’s at,’” Backhouse said. “The bill also leaves it up to the permittees to police themselves and report all findings to the state; yeah, sure ...”

In addition to reporting finds to the Division of Historical Resources within 14 days, permit holders must provide a map indicating the location of the discovery and photographs of the artifacts. They must allow the Division to inspect, analyze and photograph the artifacts.

Lees also expressed skepticism.

“While some honest collectors would certainly follow the rules and be diligent in reporting their finds, the last time Florida tried to implement an isolated finds policy (1994-2005), only 22 percent of people who land managers observed collecting artifacts reported them,” he said. “This dismal failure proved a lesson in how this sort of unenforceable program results in loss of artifacts, loss of information and loss of our heritage.”

Rep. Charlie Stone, R-Ocala, is the sponsor of the House bill. The Senate bill is sponsored by Sen. Charlie Dean, R-Inverness, and co-sponsored by Sen. Denise Grimsley, R-Sebring, whose district includes the Fort Pierce Reservation and abuts the Brighton Reservation, including all Okeechobee County and parts of Polk, Highlands, St. Lucie and Martin counties.

As of press time, neither bill had shown movement through committees since late January, giving opponents optimism.

“It doesn’t mean they are dead,” Backhouse said. “They (legislators) can do what they want until the session is over.”

The session ends March 11.

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