

## Anticipated impact of the 2009 Four Corners raid and arrests

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Postprint / Postprint

Zeitschriftenartikel / journal article

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### Empfohlene Zitierung / Suggested Citation:

Goddard, J. (2011). Anticipated impact of the 2009 Four Corners raid and arrests. *Crime, Law and Social Change*, 56(2), 175-188. <https://doi.org/10.1007/s10611-011-9322-5>

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**Anticipated Impact of the 2009 Four Corners Raid and Arrests**

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**Biographical Sketch:**

Jennifer Goddard is a doctoral candidate in the Department of Archaeology at the University of Cambridge. Her dissertation, entitled *Clandestined: Understanding values and motivations for illegally hunting, digging and collecting artifacts in the United States Southwest*, explores the socio-cultural paradigms of looting and the pragmatics of conducting such ethnological research. Her background is in museums with previous degrees in Archaeological Heritage Management (University of York), Anthropology (University of Utah) and Creative Writing (Antioch College) all of which emphasized post-colonial theories. Current research interests include archaeology in social contexts, looting and the illegal antiquities trade, cultural heritage theory, legislation and ethics, as well as museology, exhibit fabrication and interpretation.

**Abstract**

Archaeological looting on United States federal land has been illegal for over a century. Regardless, the activity has continued in the Four Corners region. This paper discusses how the 1979 Archaeological Resources Protection Act (ARPA) can be viewed as sumptuary law, and within a sumptuary context, subversion can be anticipated. An analysis of 1986 and June 2009 federal raids in the Four Corners will exemplify this point by identifying local discourses found in newspapers both before and after each raid, which demonstrate a sumptuary legal. Ultimately, this paper concludes that looting just adapted, rather than halted, after each federal raid and that understanding this social context of continued local justification and validation of illegal digging is a potential asset for cultural resource protection.

## Introduction

In May of 1986, federal authorities raided sixteen homes in the Four Corners<sup>1</sup> region of the United States, confiscating over three-hundred artifacts under the 1979 Archaeological Resources Protection Act. In June of 2009, another federal raid in the same region resulted in twenty-four arrests, confiscating truckloads of artifacts. Most of the arrested individuals were considered upstanding, respected and even prominent members of the community, but many were repeat offenders. In fact, the arrest warrant and informant affidavits indicate that all were aware of the illegality of their actions and took precautions to avoid arrest (see Brosnan 2009). The arrests of repeat offenders and individuals cognizant of the law signify that raid tactics have not worked to deter the activity in San Juan County, Utah, but this paper moves beyond whether or not the raids have been effective. Instead, the primary issue addressed here is *why* otherwise law-abiding citizens continuously subvert the law and *how* repeated justifications within the community enable such legal subversion through group identity.

Archaeological scholars have documented the extensive damage that archaeological looting has caused in the Southwest United States for decades (Ahlstrom, Adair, Euler, & Euler, 1992; Davis, 1971; Green & Davis, 1981; Hutt, Jones, & McAllister, 1992; Lange & Riley, 1966; Lipe, 1974; McAllister, 1981a; Nickens, 1981; Rippeteau, 1979). Rather than reiterating the damage to the archaeological record, this paper begins by briefly discussing the local perceptions of archaeology over the years<sup>2</sup>. It

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<sup>1</sup> The Four Corners is named for the area where the states of Utah, Colorado, Arizona and New Mexico meet. It is a specific region of the Colorado Plateau, but in the broader sense of the United States Southwest it can also refer to the four states in their entirety.

<sup>2</sup> Although direct interviews were conducted with individuals in the Southwest for previous research (see Goddard, 2011), citations have been withheld to retain

then explains the ways in which the 1979 Archaeological Resources Protection Act (ARPA) can be viewed, within this historical context, as a sumptuary law because it regulates the consumption of material culture. This also means that subversion can be anticipated.

The 1986 and 2009 federal raids are discussed as events, but then quotations and opinions found in local newspapers are used to exemplify community sentiments before and after these enforcement tactics. Additional discourse analysis on these sentiments identifies changing justification themes within the community. For instance, this paper will identify conflicting ideas of *expertise* between non-professional artifact diggers and archaeologists, which dominated social discourse in San Juan County before the 1986 federal raid. It then identifies the local discourse after the 1986 federal action as a direct conflation of archaeology with the federal government, which enabled both passive and aggressive subversions of ARPA to be socially acceptable. This analysis demonstrates how strong-armed law enforcement tactics have worked to codify community values in archaeological crimes rather than deter them. In short, this paper will show how socio-cultural perceptions of artifacts at the local level can display the ideological adaptations made to subvert the laws. The socio-cultural trajectories of justifications, used by the community inform the motives that sustain the illicit activity regardless of legislation and enforcement. Thus, it is important to identify commonalities in the community discourse.

Ultimately, the aim of this paper is not to condone illegal activity, but to situate the professional understanding of archaeological crimes as identity generating activities.

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participant anonymity. For the purposes of confidentiality, all quotable material in this paper was acquired from publicly available resources.

As such, they are held to steadfastly regardless of legislation and may require alternative preservation tactics.

### **Historical Overview**

The majority of arrests in both aforementioned raids took place in San Juan County, Utah. The Euro-American community in this region began in the 1880s when the Church of Jesus Christ of Latter Day Saints (LDS), more commonly referred to as the Mormons, commissioned families to leave the Salt Lake valley and move south to settle the area for future church expansion. Adding to this early community were a group of Mormon families fleeing persecution from the Mexican territory in 1910. These individuals, who became known as “Hole-in-the-Rock” Mormons from the north and “Mexican” or “Poncho Villa” Mormons from the south, made up the community of San Juan County, Utah.

Colorado explorers preempted local interests in artifacts in the San Juan region. Richard Wetherill and his brother in law Charles Mason ‘discovered’ the Mesa Verde cliff dwellings in the mid-1880s (Blackburn, 2006; McNitt, 1966), but had already expanded their artifact hunting to the Grand Gulch area of Utah by the time Mormon communities arrived there (Blackburn and Williamson, 1997). Hence, from the very onset of a Euro-American presence in this area, people were actively hunting and digging for artifacts and they were doing so before there was a professional archaeological presence in the region.

Early American Archaeology was predominantly located in east coast institutions and influenced by European interest in Classical world discoveries. For example, Biblical and Classical Archaeology were the initial focuses of the Archaeological Institute of

America (AIA) when it was organized in 1879 (Turner, 1999: 278; Fowler 2003: 309).

As Charles Norton, the first president of the AIA, stated to a friend in 1880, “I don’t care much for our American Archaeology” (quoted in Sheftel, 1979:5). However, the flood of local artifact discoveries in the Southwest changed this archaeological notion.

Unfortunately, the attention that followed used local artifact hunters, and even some archaeologists, as institutional collecting arms (Pinsky, 1992: 171).

The line between professional archaeologist and local artifact hunter was blurred. On one hand, non-professional diggers often supplied the professional institutions with artifacts (Snead, 2001). On the other hand, many professional archaeologists began their careers as hobbyist ‘pot-hunters’ and continued to dig for personal collections (see for instance Morris in Lister and Lister 1978: 5-6). However, the professional paradigm changed with the enactment of the 1906 Act for the Preservation of American Antiquities. The Antiquities Act, as it is more commonly known, allowed the federal government to appropriate land for preservation and required a professional permit to excavate on federal lands (Hewett, 1906; McGimsey, 1972; Thompson, 2000).

Throughout the Southwest, local artifact hunters claimed to be the regional experts in both landscape and material culture (Goddard, 2011: 208-210), but the 1906 Antiquities Act gave archaeologists the legal upper hand. By the time professional archaeologists began to consistently, and legally, excavate in the Four Corners, the *expertise* status of local artifact hunters was already entrenched in the local belief system. Thus, conflict ensued when professionals were given permits to excavate on federal land (see for instance Rothman 1993: 318-319).

San Juan County, in particular, had a different relationship with archaeology than other Southwest regions after the Antiquities Act. For one, it has always been a remote area with little external interference and, as such, has always been a close-knit community. Additionally, most professional archaeologists were based in other states and cities; thus, the self-perceived expert status of San Juan County artifact diggers was not challenged for many decades. More importantly, however, was the way in which professionals were *made* in the Southwest. Many of the early archaeologists, like Edgar Hewett in New Mexico and Byron Cummings in Utah, began their archaeology careers as hobbyist artifact collectors, but were legally considered to be professionals because they held college degrees in other fields (Woodbury, 1993: 29; Snead 2001: 165; Fowler 2003). As such, ideological conflict arose between the uneducated *experts* and the educated *hobbyists* (Goddard, 2011).

In San Juan County this was further exacerbated by the appointment of Dr. Andrew Kerr at the University of Utah in 1915. Although Kerr had just returned home to Utah after earning a Harvard PhD degree, he was inexperienced in archaeological practices (Woodbury, 1993). In 1924 he began paying local artifact hunters in San Juan County \$2 per pot in order to build up the University of Utah museum (Bassett, 1986; Brewer, 1986), collating over 2000 pots within five years (as detailed by Hurst in Woodbury, 1993: 405). Kerr was not respected by the archaeological community (Brew, 1946), but the fact that he held a PhD and then used local residents' knowledge and labor for professional university-based collecting enabled a local belief that they were, in fact, "trained archaeologists" (Hurst 1983, quoted in Woodbury, 1993: 405). Hence, the



perceived right to continue digging for artifacts, regardless of the law, continued in San Juan County.

From 1906 to 1972 there were only ten convictions, nationwide, for Antiquities Act violations (Hutt, et al. 1992: 22) and as it failed to achieve prosecution through the 1960s and 1970s, archaeologists lobbied to strengthen it (Collins & Green, 1978). In October of 1979, the Archaeological Resources Protection Act (ARPA) was passed into law. In San Juan County and in other Southwest regions, ARPA was interpreted as a federal monopoly of material for the sake of elitist archaeologists, for whom locals held no respect (see for instance Page 1973; Sealy 1985: 2).

### **1979 Archaeological Resources Protection Act as a Sumptuary Law**

Anthropology, archaeology and material culture fields use sumptuary goods to study social rank, cultural exchange and craft practices (for instance Ericson and Baugh, 1993: 14; Gibson, 1996: 107-120; Feinman and Nicholas, 2000: 209; Miller, 2006; Schneider, 2006). Sumptuary studies have also been used to analyze consumption behavior and collecting practices in contemporary contexts (for instance Bourdieu, 1984; Belk, 1995; 2006). Sumptuary laws, as Beebe (2010: 4) defines, occur when “societies impose...laws in an effort to regulate and enforce their sumptuary codes. A society’s sumptuary code is a system of consumption practices...by which individuals in the society signal through their consumption their differences from and similarities to others”. They were present in the Greek Empire (Ribeiro, 1986) as well as the Roman Empire (Daube, 1969; Elliott, 2008; Killerby, 2002) and continued into other European empires. Historically, sumptuary laws have sustained social stratification in a way that secured authority paradigms or class divisions (Cranny, 1998).

Studies of sumptuary laws further indicate that strategies routinely develop and adapt within the outlawed community to “legally circumvent these laws” (Belk, 1995: 9). For example, from 1337 to 1362, English law prohibited foreign cloths, furs, velvet, certain clothing colors, “precious stones, cloth of silver, silk...knives, rings, buttons, [and] brooches” (Mukerji, 1983: 180). In 1511 all “new fashions” were outlawed in Venice and in 1657 Nuremburg authorities passed similar dress codes regarding “extravagance in dress and new styles” (quoted in Beebe, 2010: 3). In response, the outlawed class substituted studs for buttons and lined their garments with the prohibited fabrics in a way that socially displayed them in sleeve slashes, etc. (Belk, 1995; Hughes, 1983). Thus, sumptuary laws have ascertained a historical pattern: when material culture is utilized in social contexts, but then access is prohibited by a governing authority for the sake of an elite class, then the outlawed class will find ways to subvert the law. What is more, the outlawed community will create social cohesion around the subversion itself.

In the Four Corners, looted material culture had been used in social contexts for decades, with little to no legal interference. It was not until the 1960s and early 1970s that arrests under the 1906 Antiquities Act began to surface (Collins and Green, 1978; Hutt et al. 1992; Goddard, 2011: 184), but these cases were dismissed with the judicial claim that the Antiquities Act was “unconstitutionally vague” (as can be noted in Collins and Green 1978; Hutt, et al 1992: 23). Thus, the perceived academic elites lobbied the federal authorities to strengthen the law. When stronger legislation was finally used to convict individuals of archaeological crimes, the community expressed concern that their very identities were being criminalized (noted in Sealy 1985: 2; San “Juant” Ads, 1985a; 1985b).

Thus, ARPA can be assessed as a sumptuary law for three main reasons. First, as discussed above, artifact hunting and collecting already had a deep social significance established amid the community before it was effectively outlawed. Second, the law was the direct result of government authority and perceived academic elites prohibiting local access to material culture. Finally, ARPA was interpreted as the criminalization of local identity and hence perceived as an unjust law. Within this sumptuary paradigm, archaeological looting continued in the Four Corners region. The raids discussed below exemplify how a sumptuary context enables social vindication at the local level and how residents create social cohesion around a defiance of ARPA.

### **1986 Federal Raids in San Juan County**

In the years leading up to 1986, archaeologists were caught between enforcing the law to combat a flurry of illegal digging (Green & Davis, 1981) and the enigma of conducting outreach within pot-hunting communities (King, 1982). In 1984, a federal task force was formed to address the ongoing looting problem in the Four Corners, but according to the Statement of Facts given in the Federal Grand Jury on Antiquities Violations in Salt Lake City on July 10, 1985, there were several things that led up to the creation of such a task force.

First, in 1979 an individual purchased private land in San Juan County. Following several incidences of looting on this property, the land owner reported the problem to the county sheriff. By May 1984, the local sheriff asked this person to go undercover investigate the looting situation and by October 1984, he had gathered incriminating information on several of his fellow townspeople. The land owner, still serving as an undercover informant, then collaborated with, and even offered immunity

to, certain individuals in exchange for their cooperation, proclaiming that the real intent was to arrest the dealers outside of the community, not the community members. Despite the participation of local law enforcement, there was no official federal investigation into the looting on his property, which nullified his offers of immunity. In response, the informant created a documentary of archaeological damage in the area and sent it to the Utah State Governor. The Governor created a Task Force on November 1, 1984 to look into looting in San Juan County and the sources that the informant had offered immunity to several months earlier were then served with arrest warrants (Statement-of-Facts, 1985).

In January of 1985, a year before the 1986 raid, a hearing was held in Blanding, Utah. Community opinions were detailed in the local paper (San “Juan” Ads, 1985a). The three primary themes expressed by the local public at this meeting, can be represented by the following statements:

1. “There is a need for some framework within which “average people” (meaning folks who don’t have a degree in archaeology) can dig sties on public lands and keep what they find”
2. “Digging should be decriminalized. Good family people have been made criminals by a legal definition for doing something “harmless”
3. “A formal system should be established that requires all archaeological Collections to be kept in the local area...[as a] stipulation of any permit to do archaeological work in the area”

These direct quotations, a year before the federal raids, expose several key notions that show a social trajectory consistent with the historical overview discussed above. As had been the ideology for decades, local populations still considered themselves on equal footing with the activities of archaeologist. Although they were expressing concern about

being labeled criminals, locals were soliciting professional collaboration as a way to retain their activities legally. Notably, stated opinions indicate the local community was not willing to cease the digging activity, and it seems clear that the community also presumed that there was a mutual understanding between archaeologists and local diggers that local knowledge was still a professional asset. The above sentiments additionally expressed a negative view of the trafficking or the removal of artifacts from the region; locals even placed archaeologists in the same sphere as the illicit dealers that removed artifacts from the county. Thus, before the raids, local residents were clearly dispelling any criminal element to digging from their self-identification and were specifically differentiating themselves from commercial looting.

In essence, sentiments before the 1986 raid were a matter of conflicting ideas about *expertise* in which archaeologist were considered the inexperienced party. The next edition of the local paper published a reactionary editorial to the community hearing that more directly stated, "...archaeologists have a problem because they feel that the ruins will all be gone in a few years leaving them without a job. They are wrong of course, but they will have to learn as much as the pothunters know in order to understand this" (San "Juant" Ads, 1985b). Several months later another local editorial was published stating the following:

It is a crying shame that the law makers have been so misled by this group of inexperienced plunderers [aka archaeologists]...The truth of the matter is that if it weren't for the pothunters there would be little knowledge at all of the pre-existence of the Anasazi. Fact: if it weren't for the pot-hunters taking such a great interest in painstakingly finding, restoring and preserving these artifacts there would be very few in existence today (Sealy, 1985: 2).

1985 discourses thus indicate that, before the raids, professional archaeology was viewed as an inept yet harmless science that did not understand the real preservation efforts of local diggers and collectors (albeit preservation via digging). The community repetition of such ideas codified values that, in turn, socially vindicated archaeological crimes.

After the raids, however, the repeated social justifications for archaeological crimes used themes that vilified archaeology as a direct threat to individual rights within the framework of an oppressive federal government. One of the informant's sources, arrested years earlier, had provided information about fellow community members in a plea bargain. On May 8, 1986, forty-eight armed agents raided the homes of sixteen individuals in the Four Corners region, confiscating over three hundred artifacts (McMullin & O'Brien, 1986). However, no charges were ever filed (Miniclier, 1987), and most of the artifacts were never returned. This gave the impression that the actual intent behind the raid was to 'steal' local collections. The raid tactic was repeatedly referred to as "Gestapo-like" by the Four Corners residents (Salt-Lake-Tribune, May 13, 1986). As one resident stated, "These people come in with flak jackets and intimidate women and children and frighten them...It's the worst form of ...Gaddafi terrorism" (Robbins, 1986: 1). The aftermath of such a tactic not only placed archaeology within the context of big government, but also sent the message that the artifacts were so valuable that they would be taken at gunpoint.

The 1986 raid had three primary sumptuary effects. First, it created a generation of artifact hunters now specifically motivated by the outlaw mentality. For instance, one such looter stated that if federal agents "are ornery enough to sneak up on me while I am out there digging in the middle of nowhere, more power to them. I just don't think they'll

leave the same way they came in” (quoted in Basset 1986: 27). Secondly, the law-abiding community, previously lobbying for collaboration with archaeologists, now placed its loyalties on the side of looters, regardless of any criminal or commercial elements to their digging. As the San Juan County commissioner at the time stated, “I am almost going to have to root for the other [looter] side” (quoted in Robbins, 1987: 29; Keele, 1986: 2B). The opposition was no longer those who sell or remove artifacts from the community; it was the federal government and anyone affiliated with it including archaeologists. Thirdly, the community learned *how* to continue legally or at least how to feign legality in their actions. For instance, one of those affected by the raids was reportedly, according to a family member, “trying to stay within the law since his arrest...and has only dug on private property with permission” within the same year of his arrest (quoted in Keele, 1986: 2B).

San Juan County newspapers continued to print editorials about archaeology and big government infringing on perceived local rights to dig for artifacts, which continued a social repetition of values that justify and thus sustain archaeological crimes (see Seely, 1994; Graham 1994; Joslin 2007). Such justification themes can be noted in Graham’s (1994) opinion that posed the questions, “Is the only value in our archaeological sites to conserve ‘Big Brothers’ job?” (p.2). In 2007, yet another editorial stated the community had experienced “years of unreasonable government interference in [their] lives concocted in the name of preserving the rich heritage of...ancient bums [*sic*]” (Joslin 2007: 2). Thus, the oppressive government as a justification trajectory continued, but looting never stopped. Rather, it just adapted.

**2009 Federal Raids in San Juan County**

On June 10, 2009 federal agents, again, implemented over two dozen arrests from a two-year undercover sting operation. The sting, again, depended upon a single informant. This time, however, the informant was not casually collecting information for the county sheriff. Rather, the Federal Bureau of Investigation (FBI) and the Bureau of Land Management (BLM) had hired the informant to gain the trust of the community, compile evidence and directly purchase items from private collections in exchange for over \$200,000 dollars (Brosnan, 2009) and an alleged exemption from a Driving Under the Influence (DUI) charge (Johnson, 2010). It worked.

In the Affidavit in Support of a Search Warrant (federal case number 2:09-cr-0045), FBI special agent Patrick G. Brosnan details that, in October 2006, the FBI and BLM secured this Confidential Human Source (CHS) because he had been an artifact dealer already affiliated with the local community. Brosnan then outlines that this source compiled information for several months and then in March of 2007 was given authority, and \$335,685 to purchase 256 artifacts from local collections where the source also documented the falsification process of fabricating letters of provenance on private land. Brosnan's (2009) Affidavit exposes the overt subverting of ARPA by prominent members of the San Juan County community. In fact, Section 13 of Brosnan's (2009) Affidavit specifically notes an example of how the people arrested overtly took precautions to subvert the law by disguising the site of origin as private property and falsifying letters of provenance while identifying to the source on a map where on public land items were found. Additionally, direct interviews conducted in this San Juan County indicated that other individuals who were not necessarily involved in the 2009



arrests clearly knew how to frame answers to questions in a way that would not implicate them for federal crimes (Goddard, 2011: 103). For instance, most interview participants in Goddard (2011) proclaimed they thought they were on private land. All of this shows that local communities continued their heritage of digging and collecting artifacts, despite legislation; they instead socially adapted to the legislative circumstances. Hence, a sumptuary effect is noted.

ARPA, as viewed after the 1986 raid, came to represent an ‘us against them’ mentality, where community collaboration and practice was enacted within trusted networks and used in opposition to the federal government and the archaeologists. The ability for the FBI and BLM to infiltrate this community’s trust network was additionally compounded by the actual enforcement and aftermath of these search warrants. The impact of such tactics placed artifacts in a new ideological context where it is currently accumulating new social cohesion and hence a new trajectory.

The same raid tactic used in 1986 was similarly viewed as Gestapo-like in 2009. Even the advocates of archaeological preservation made statements such as “The whole point they wished to make is gone...It is completely swamped by the ridiculous imagery of people in their flak jackets taking some old sucker, shackled hands and feed, and shuffling him into the slammer” (Hurst, quoted in Riccardi, 2009). The 2009 raid tactic, again, vindicated the justifications used to sustain the activity. It reinforced the ideology that the artifacts are so valuable to the federal government and archaeologists that they would take them at gunpoint. The aftermath of the raid involved three primary events that directly changed the momentum of community sentiments.

First, two of the defendants committed suicide. This took the previous anti-government sentiments to a new level where, now, the government would not only take artifacts from private homes, but now they would ‘kill’ for them. Regardless of the fact that these deaths were suicides, the community assigned blame to the federal government. For instance, people proclaiming to be local residents in the online commentary posted after relevant newspaper articles made statements such as “I’d like to think that a little kid could go out in the desert find an arrowhead, say ‘Gee dad! Look at this!’, take it home, cherish it, dream of cowboys and Indians and show it to his grandkids...without you hunting him down and KILLING him! (*Good Will* quoted in Smart, Carlisle, & Henetz, 2009: np).

Secondly, the CHS identified in Brosnan’s Affidavit (2009) also killed himself. When his son later referred to guilt that his father had felt for those arrested (Johnson, 2010), such a sentiment socially vindicated a feeling of local victimization in opposition to an unreasonable and overbearing government. This suicide, depriving the government of its key witness, also complicated the prosecution. Thus, thirdly, the federal courts passed down mild sentences on those arrested in the 2009 raid, reifying the local idea that this had simply been an unjust action of the FBI and BLM archaeologists, implying that enforcement actions should not have happened in the first place. One judge even stated, “This is a community where this kind of conduct...has been justified for a number of years” (Hon. Clark Waddoup, quoted in Henetz 2009b: np).

The combination of strong-armed enforcement, multiple suicides and light sentencing all worked to justify local sentiments that looting is accepted behavior for this community. Within the ongoing sumptuary context discussed throughout this paper, the

subversion of ARPA can be anticipated because events as discussed above have not only socially affirmed preconceived notions that it is an unjust law, but events have also socially vindicated archaeological crimes as accepted behavior. Whereas previous years placed local values amid *expertise* sentiments, then an *outlaw* role, current discourses indicate a potential *victim* role may be the next social trajectory. The implications of this possibility are discussed below.

### **Anticipated Impact**

The Euro-American looting and collecting of Indigenous material culture became part of the heritage in the Four Corners region many years ago. However, the ways in which heritage is *understood* by its community actively redefines the identity and cohesion of the community (Smith, 2006). Hence, heritage is adaptive. The values, processes and justifications for heritage can change, and when heritage is illegal, the legal adaptations necessary to continue the activity can change. Ultimately, as long as Four Corners community members continue to find social cohesion in archaeological crimes, they will continue to subvert ARPA.

The social sustainability of archaeological crimes is reflective of studies regarding folk crimes (Ross, 1961; Wilson 1990) and folk outlaws (Forsyth and Marckese, 1993). Ross (1961) demonstrated that traffic law violations, albeit criminal in legal criteria, were often socially and even legally condoned in opposition to “ordinary criminals” (236-237). Similarly, Wilson (1990) applied this concept to occupational deviance and Pendleton (1997) further exemplified institutional condoning of tree theft from Forest Service lands. Forsythe and Marckese’s (1993) study of Louisiana game poachers as folk outlaws offers a close parallel to pot-hunting in the Southwest. As was described above, Four Corners

locals often had negative connotations of people who have profited from artifacts, including archaeologists, which differentiated their activities from “ordinary criminals”. Louisiana poachers similarly looked down on game hunting for profit (Forsythe and Marckese, 19-20). Additional justifications for criminal activity in Forsythe and Marckese’s (1993) study of folk outlaws cite themes such as “others are worse”, “our own code guides us” and “we are good folk” (23-25).

Repeating justifications for archaeological crimes in local discourse builds social cohesion. The participation of heritage valuation becomes an active process of social understanding. In this way, otherwise law-abiding citizens are able to prioritize the community in opposition to ‘others’ or ‘unjust laws’, which socially validates illegal activity. This discourse repetition can be identified and used to anticipate the social redefining of identity and cohesion, rendering it professionally predictable.

Before the 1986 raid, conflicting ideas of *expertise* between non-professional artifact diggers and archaeologists dominated social discourse in San Juan County. After the 1986 federal action, a direct conflation of archaeology with the federal government in local discourse enabled both passive and aggressive subversions of ARPA to be socially acceptable. For instance, some passively fabricated provenience letters (as noted in Brosnon, 2009) or carried out digging activities on private lands (as noted in Keele, 1986) while others more overtly challenged law enforcement (as noted in Bassett, 1986), but looting did not cease. Based upon the historical trajectory and sumptuary context, it can be anticipated that looting and artifact collecting will, again, continue in this region, regardless of the 2009 raid, and regardless of ARPA. However, reactions to the 2009 raids indicate that there are different discourse themes amid the community than in

previous years. The alternate discourse direction is identified by different ways artifacts are *understood* within the local heritage.

This paper analyzed online discussions posted in the commentary of multiple newspaper articles published regarding the 2009 arrests and suicides (for instance Smart, 2009: np; Winslow, 2009: np). Only statements made by self-identified residents of Four Corners communities were used to assess discourse repetition. There were two main themes that I identified in the online discussions of these newspaper articles: 1) a repeated devaluing of artifacts as “trash” and 2) an overt disinheritance of Native American connections to artifacts (also noted in Goddard 2011: 267).

Local statements alleging that artifacts are worthless can be noted in multiple post-2009 raid and post-suicides comments (Smart, 2009; Smart, Carlisle, & Henetz, 2009). Some of the prominent examples include: “I think the dirty dishes that come from the ground are better served on display in the homes of AMERICAN PEOPLE rather than sold by the government” (*stupidliberals* quoted in Smart, 2009), and “...10+ years in prison for picking up 1000+ year old trash” (WL quoted in Winslow, 2009: np), as well as, “All this stuff -- pots, arrowheads, sandals -- they’re just ‘junk’ left behind by others. Would you put someone in jail for finding old tennis shoes, an old canteen, or maybe a used shotgun shell? Hardly. But make it ‘Indian’ stuff, it’s a crime.” (*Good Will* quoted in Smart, et al. 2009: np).

Devaluing artifacts in this social context supports a victimization role that amplifies the evils of big government rather than admitting any local wrongdoing. The process of devaluating artifacts and placing looters in a role of the victim not only displaces blame, but it also places local values in direct contrast to Native American

claims to their ancestral heritage. The last quotation above notes this, as does the following comment: “When is the Gov. going to stop being stupid over the dead Indians of years ago [?]” (*ruralboy* quoted in Smart, et al. 2009: np). Hence, victimization claims work to disinherit Native Americans from their pasts and their lands. Some additional, disturbing examples of this discourse include: “I object to the term ‘native american’. They are no more native than I am” (*firedog3a82* quoted in Smart, et al. 2009: np), and “The so-called indian government is a joke, how can people who lose wars have a government?...they aren’t even ‘native’ they came from Siberia...It is OUR lands now. You should have learned how to fight in a war” (*Theend* quoted in Smart, 2009: np).

In these quotations, posted in various places online, one can note not only the disinheritance and alleged disinterest of Native Americans with their ancestral cultural heritage, but it seems predictable that there is an impending *inheritance* of the local Euro-American community amid the artifacts in question. Take the following the statement, for instance: “[People were arrested] for digging up the plastic bag I dumped my trash into...That is what these artifacts meant to the people that made them” (*Jenna Burdick* quoted in Smart, et al. 2009: np). The speaker self-identifies with artifacts in their own modern contexts, but it is done in a way that figuratively speaks on behalf of the ancient inhabitants. This indicates an emerging ideology that *no one* can understand artifact value outside of the community: not the archaeologists, not the government and now not even the Native Americans themselves. Hence, local looting and artifact collecting may still be interpreted as a social right, if not obligation, amid the community.

A key notation here is that the *victimization* justification used after the 2009 raid still uses artifacts to define social identity. In this sense, the cultural values of artifacts are

reassembling and thus redefining the social cohesion in San Juan County, but it can be presumed that legal subversion will continue because artifacts are necessary in this identity practice.

### **Conclusion**

Previous studies support the evidence presented in this paper that local communities find social cohesion in archaeological looting (Hollowell, 2006a; 2006b; Matsuda, 1998; 2005; Staley, 1993). However, the idea that such communities also experience various episodes of renewal and adaption has been overlooked. Moreover, this renewal is a process that, itself, works to reinforce social cohesion. When the process necessitates artifact valuation, archaeological crimes will inevitably continue. The federal raids of 1986 and 2009 in San Juan County were used here to exemplify the fact that artifact values, looting justifications and community identity adapted with each federal action.

The events following the San Juan County raids indicate that ARPA, as a sumptuary law, will not halt the social meanings attached to material culture for the outlawed publics. Rather, ARPA forces such looting communities to adapt to legislative circumstances. Although this paper does not claim to have a panacea for archaeological preservation amid looting communities, this case study does suggest that social meanings and cohesion can be detected in local discourses. Indeed, the professional community must assess how archaeological looting is sustained in sumptuary contexts. By anticipating the *directions*, or renewed social meanings, that looting communities associate with artifacts, archaeologists and law enforcement may potentially mitigate ideologies that sustain looting before they are further codified within the community.

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