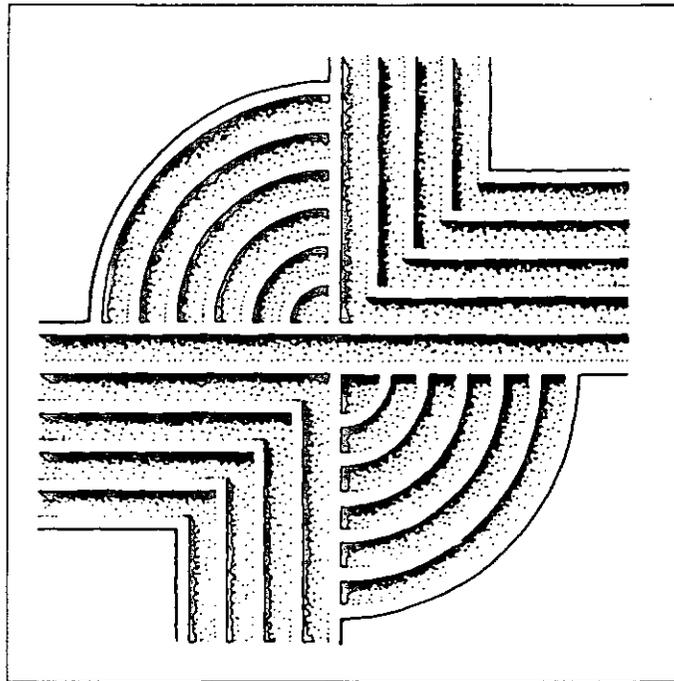


PRESERVATION IN CRISIS:  
THE CASE OF THE SHEPPARD TRACT



RESEARCH CONTRIBUTION 184

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It might have also been appropriate to introduce me as an individual whom the Deputy Charleston County Administrator Mac Canterbury has placed on his "unwelcome" list. For those of you not familiar, Mr. Canterbury was quoted by your paper here as commenting that I'm "welcome to stay in Columbia and have his opinion." Well, I'm delighted to be here with you today and share some of those dangerous thoughts that Mr. Canterbury wishes would stay out of Charleston. I hope that by time I'm finished you have some dangerous thoughts as well.

My goal this afternoon is to challenge your ways of looking at the past and offer a new perspective on how to best preserve our fragile heritage. I hope to live up to this — we all know that it is easier to entertain than to challenge.

A central theme of my discussions will be that heritage resources — such as archaeological sites and historic buildings — aren't automatically important. Most of us probably take this for granted. Because we love the past, we are inclined to believe that it is important. But resources don't automatically have importance — they are ascribed importance by the public. If enough people believe that Mount Vernon, or the neighborhood McDonald's, is important, then it *becomes* important.

This means that archaeology must have a constituency and that this constituency must be vocal. In fact, the constituency must be down-right pushy and aggressive. But I will come back to this concept in a few minutes.

A second, and equally important theme, is that government can either be an ally to preservation or can be a sworn enemy. Strangely, there seems to be no middle ground. Far too often governmental agencies feel that while they make and, presumably enforce, laws, they have no obligation to live by them. Far too often governments can become abusive of their power, causing exceptional damage to the preservation movement. I believe that it is the proper role of government to support preservation efforts and I will take a few minutes to suggest some ways that this can be appropriately, effectively, and economically accomplished.

All of this means that those of us in preservation must be very careful in our dealings with the government. And I will come back to this as well.

I would like to take you on a whirlwind tour of a single archaeological site in the Charleston area. This single site can be taken as largely representative of the County's — and perhaps even the preservation community's — response to heritage issues. It can illustrate for us the way the system works, and doesn't work. It can perhaps help us to better understand how preservationists can focus and re-direct their efforts.

## Sheppard Tract

In late July of last year I received a copy of a letter from one of your members, Lee Pye. The letter had been sent to a number of much larger, and frankly more powerful, organizations. It described how Charleston County was in the process of planning a landfill in the Parkers Ferry area and how this proposal would damage both the environment and the historic resources. I read the letter, put it aside for several days since I wasn't really sure what our small, poorly funded, non-profit foundation could do. I then wrote back, explaining a little more about what Chicora Foundation does.

Ms. Pye called several days later and we had the opportunity to speak at length. I learned several important details that I ask you to also keep in mind.

First, I found that the proposed landfill/borrow pit had been reviewed by the State Historic Preservation Office in December 1994, and that agency wrote back saying that there was nothing of consequence present and that no archaeological studies were necessary. This struck me as odd since I have worked with many private sector clients who have been required to perform detailed archaeological studies on the basis of very little evidence.

Second, I discovered that the State Historic Preservation Office had funded a study which specifically mentioned the project area and that several historic sites, in the immediate area of the proposed County activity, had been recorded and were on file with the State Historic Preservation Office. In other words, there was information right there, in the office, which suggested that there might be important resources in the area.

Third, with very little effort I discovered that the area was home to a number of very important historic events. The 1739 Stono Rebellion — a slave uprising which marked, if you will, the "end of innocence" for Carolina's slave owners — came to a bloody conclusion in this area. In 1782 the area was used by General Nathanael Greene as his encampment to protect the Jacksonboro Congress, held in the shadow of British-occupied Charleston. During the antebellum, the area was owned by Robert Young Hayne, perhaps best remembered for his 1830 debate over nullification with Daniel Webster on the floor of the United States Senate. Just before the Civil War the property was owned by James M. King, a cotton planter. After the Civil War the area participated, if only marginally, in the phosphate boom of the 1890s.

Fourth, I found that only after repeated contacts by Ms. Pye had the State Historic Preservation Office agreed to re-open the case and examine the project site to see if sufficient resources were present to require compliance with historic preservation requirements. This March 1995 study, by the State Historic Preservation Office, collected a number of artifacts — a sufficient number for them to request that the County conduct an archaeological survey. But strangely, the State Historic Preservation Office did not complete a state site form for their discovery. Nor did they take any immediate steps to

curate the artifacts — for several months they were being stored in a cardboard box under a desk.

And fifth, I discovered that there was an African-American cemetery nearby. These resources are particularly important to me since they are very fragile and easily overlooked. There are far too many cases where cemeteries simply "disappear." In this case, I was shocked to learn that the County anticipated pumping the seemingly astronomical figure of 123,000 gallons of water per hour from the borrow pit norhtwesterly across this cemetery to the old rice fields just beyond.

This was enough to encourage me to visit the site. I wanted to see, with my own eyes, what was there. I also wanted to examine the record surrounding this site. How had these resources been missed? Why was the County so ignorant concerning the history of the tract?

I visited the site with another member of my staff on Monday, August 7. I discovered, contrary to a DHEC permit, there was no fence around the proposed borrow pit. I walked from the Pye's adjacent property onto the County property. I found the holes excavated by the State Historic Preservation Office still open. I found brick fragments, even artifacts, laying on the ground. There could be no doubt that there was at least one, potentially very significant, archaeological site on the County property. I visited several additional sites on the Pye's property. And I also walked to the African-American cemetery. I was shown several marked graves. I saw several plants — cedars and yuccas — commonly planted by blacks in their cemeteries.

I read over the transcripts of public hearings. I found that the County had made a concerted effort to down-play the significance of the project area. They described it as representing a slave encampment rather than a Revolutionary War site — based, apparently, on no substantive evidence. The County implied that a slave site was not worthy of study, although a colonial settlement or military site might be. The County had also attempted to discount archaeological sites found in cultivated fields as being "already destroyed" and unworthy of study — with absolutely no evidence. The County was also tossing about cost figures with no basis in reality, perhaps in an effort to discourage professional investigation. Even the State Historic Preservation Office offered only additional confusion, misusing their own technical language to describe the intensity of their own survey efforts.

I had to ask myself, could all this confusion and misrepresentation be unintentional?

Chicora Foundation prepared a report on our visit to the site. We did this in the public interest — we were not paid for the study. We provided the Pye's with a copy and, as we always do, forwarded a copy to the South Carolina Institute of Archaeology and Anthropology — the state repository for all archaeological research. We also recorded

the archaeological sites we visited, including the cemetery and the colonial site on the County's property — again, standard, professional actions.

Several months later the County found itself forced to advertise for an archaeological survey. Although delayed for several weeks, with the explanation that they were waiting on a scope from the State Historic Preservation Office, a scope of services was finally issued. It was, however, unlike any scope I have ever seen in my 20 years of professional archaeological research. Perhaps most disturbing, it demanded confidentiality. Although the project was being conducted under public laws which specify that the study of archaeological sites is in the public interest, the County wanted no information released to the public. Beyond this, the County also wanted the right to sell the public's artifacts after the study was over.

I sat through a pre-bid conference with the County. I listened with amazement as it became apparent that months after I had recorded the sites and written a report on the work, no one from either the County or the State Historic Preservation Office had checked the files of the State Archaeologist, where all such information is supposed to be deposited.

I decided that it would not be appropriate for Chicora to offer a proposal to the County.

A month or so later, after the bids for the work were in and opened, the State Historic Preservation Office discovered, apparently almost by accident, that our study had been on file the entire time. While I doubt that any of us will ever know the details, only a few days later I receive a letter from the County Attorney threatening to arrest me for trespass and making other allegations concerning my professional reputation. This was a letter written in intemperate haste — a letter written by an individual caught in a web. Curiously, this letter or its contents were leaked to a number of my colleagues. I was stopped on the street and asked if I had been arrested. Business contacts asked me if Chicora Foundation was closing. All the work of a governmental agency bent on quieting any dissent.

Needless to say, the rumors of my demise were greatly exaggerated. The Foundation's attorney responded to the County that Chicora stood behind our study and we would be happy to debate the issues at any time. We also challenged the County to put up or shut up. They chose to shut up.

Only a month ago the State Historic Preservation Office was still explaining to inquiring State Senators and Representatives that the cemetery was only alleged to have been used by blacks, stating that there was no proof. They seem, once again, either not to have read to have chosen to ignore an updated site form we filed weeks earlier with the Institute of Archaeology. We had tracked down one of the names on a stone in the cemetery and found a death certificate. This proved that the individual was black and it

gave us the name of the graveyard — King Cemetery. All of this information was available to both the County and the State Historic Preservation Office, if they only had looked for it.

As the cemetery increasingly became an issue the County reacted in typical zeal. County Council quickly declared it abandoned and ordered that the archaeological survey include efforts to determine its size.

No one bothered to speak to any of the black residents of Parker's Ferry. They didn't consider it abandoned. And they know where it is, how big it is, and even where the gates used to be located. The most recent *Coastal Times* paper has an excellent article about the cemetery and how a nearly 100 year old black woman remembers many a procession to the graveyard. But all of that is immaterial to the County.

The archaeological survey of the cemetery began appropriately enough, using probing and careful exploration of the ground surface for evidence of graves. And the number slowly increased from 30 to 80 to eventually over a hundred. I wonder if, at this point, someone with the County panicked. Rather than using carefully controlled light equipment to carefully remove small quantities of soil in an effort to see how far burials extend, the County brought in a bulldozer. Before it was all over the vegetation was gone, as were several feet of soil.

Just as the County had no interest in understanding the archaeological resources, just as the County had no interest in understanding our technical report — available to them for free — the County has shown that it has no interest in understanding the feelings of the black residents of Parker's Ferry.

### The Implications of the Sheppard Tract

I think that what this tells us goes far beyond the treatment of this one, individual tract. Certainly it appears that the County had no sincere or real interest in understanding the heritage resources present on their property. There was, in other words, no real desire to evaluate the site. The decision to destroy the site had already been made and there was no interest in learning more, or incorporating the site into the County's seemingly non-existent preservation plan.

This is particularly sad when we consider that the City of Charleston has such an exceptional record of preservation.

Perhaps — although I doubt it — the Sheppard Tract would have been given greater consideration if it was associated with some rich, famous person. Or perhaps it would have been preserved had it produced whole artifacts. Maybe there would have been interest had there been a beautiful building with white columns.

But as it was, the tract's archaeological sites, including even the King Cemetery, are seen, I believe, as "old and in the way." Things are only worth preserving if they represent the best, the richest, the biggest, the most famous. It seems that nothing can be allowed to stand in the way or distract us from "progress."

### The Attack on Preservation

This insensitivity toward heritage resources has culminated in the past year in what can only be described as vicious attacks on the very basis of preservation. Beginning at first with the efforts to justify greed using the tired and worn-out pretext of "regulatory takings," it has culminated in a hostility against science and learning in general. Anything which doesn't suit a narrow agenda is described as "revisionist" or "politically correct" — buzz words of the intellectually bankrupt which are used to justify the newest dark age.

If you think I am exaggerating I urge you to look no further than the attack on the Smithsonian's efforts to simply *explore* the use of the atomic bomb on Japan, or read Congress' uninformed and uncaring comments concerning the Historic Preservation Act, or explore the newest movement to drive historical teachings back to the stone age of famous people and significant dates. Or, you can simply look around at even local politicians.

The situation here in Charleston is even more complex. I believe that we are witnessing an extraordinary abuse of power. Government has the option to ignore, stymie, delay, confuse, and mislead in ways that no private developer could even imagine. This abuse strikes at the heart of government involvement in historic preservation. It also strikes at the ability of citizens to trust government and the decisions their government makes.

The Sheppard Tract did not have to evolve into this mess. Had the State Historic Preservation Office done their job, the steps in compliance would have been easy. Or having made a mistake — and we all have — had they simply admitted the problem and outlined a plan to get back on track, the preservation efforts would have been simple. Had Charleston County simply followed the same steps that every other developer follows, it is likely the study would be complete.

But the uncaring and abusive attitude has seriously damaged the process. How much confidence can the citizens place on reports and decisions made by a governmental agency which has undertaken the process kicking and screaming? How can the black citizens of Parker's Ferry feel that they are part of the decision making process when something as important as a cemetery is treated so poorly by the County? How can anyone of us be confident that preservation has been appropriately, and honestly, evaluated in the decision-making process?

### Is There Any Hope?

Preservation has much to recommend it, if we are only able to find rational individuals willing to listen. I typically tell groups that our first effort should *not* be to emphasize the intangible benefits of preservation, but rather to focus on the economic impact of preservation — the dollars and cents of preserving the past for future generations. It isn't that I believe the intangibles are unimportant, but rather because I believe the economic arguments will most likely get developers, businessmen, bankers, and the like to stop, look, and listen. These economic arguments, at least initially, will be the most compelling.

We face a different problem when dealing with a governmental agency. They seem to have no desire to evaluate decisions based on cost — money flows relatively freely from the taxpayer. Governmental agencies seem to have no need to carefully document decisions — the regulatory groups responsible for oversight seem to cut a great deal of slack to other governmental offices. And increasingly governmental agencies seem to exhibit a distinct lack of care and respect toward citizens — non-profit organizations like Chicora can be threatened, black citizen groups can be ignored, private citizens can be tied up in court for years.

It seems to me that we need is more citizen involvement. More individuals writing to say that they believe that historic preservation is worth the effort. That understanding and preserving our past is every bit as important as a borrow pit to Charleston County. More individuals need to stand up and declare themselves against the concept of destroying people's cemeteries.

I don't believe that historic preservation is a Republican or Democratic issue. Nor do I believe that it is a conservative or liberal issue. Preservation is respect for the past and what it can teach us. It is respect for history and respect for exploring a great deal of different views and understanding a wealth of different ideas.

Maybe if there was broad-based support for preservation efforts built on the concept of cooperation there would be a constituency to speak out for preservation. And maybe with that level of support counties like Charleston would treasure their history, rather than relegating it to oblivion as "insignificant," "old," and "in the way."