

Clash on Fossil Sales Shadows a Trade Fair

By MALCOLM W. BROWNE

TUCSON, Ariz. — THERE was something for everyone: \$5 fossil sea urchins for customers on tight budgets, museum-quality dinosaur skeletons at prices up to \$1.1 million and hundreds of thousands of other fossils of all types and values.

But as crowds packed the Tucson Minerals and Fossils Show last week to ogle the paleontological treasure on sale, Federal officials were looking for new ways to crack down on fossil trading.

Thousands of commercial dealers, collectors, museum agents and fossil buffs from many nations filled the hotels and motels of Tucson, where the annual show spread out over many square miles.

Hundreds of hotel rooms, banquet halls and meeting rooms were converted into private museums during the week for an event that has become the largest trade fair for fossil dealers throughout the world. Eye-popping fossils from China, Germany, England, Spain, Morocco, Leba-

non and many other countries joined a wealth of fossils from America's badlands and bluffs in the big sale.

But it was a trade fair steeped in dispute, bitterness and litigation, with commercial dealers claiming a legitimate right to hunt, collect and sell fossils, while Government agencies and some paleontologists strive to halt the trade.

Commenting on the current boom in fossil sales and prices, Dr. William S. Clemens, a professor of paleontology at the University of California at Berkeley, and the president of the Society of Vertebrate Paleontology, said: "I've been visiting the exhibits at the Tucson show this year to get a feeling for the trade, and some of the things I saw made me sick. I saw some exhibits marked with numbers similar to those used by museums, and I couldn't help wondering whether these specimens had been looted from museums. I saw a rare fossil amphibian from Russia on sale, accompanied by a certificate from Russia's Paleontological Institute allowing export of this treasure. The Russians must certainly be hard up to let

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things like that go."

Although many a deal was done, the trading this year took place under a legal cloud that could send some prominent fossil dealers to jail for terms of hundreds of years. With the Justice Department, the Federal Bureau of Investigation, the Bureau of Land Management, the National Park Service and other Federal agencies breathing down the necks of America's fossil collectors, dealers here were taking pains to avoid even the hint of wrongdoing.

Several criminal cases are pending against fossil dealers, and the Justice Department is seeking fresh evidence for use in prosecutions. Meanwhile, fossil dealers who gathered for the Tucson show, many of whom described recent Government initiatives as a "witch hunt," were organizing to defend themselves by legal action, perhaps aided by a Washington-based lobby. The charges and implications levied against the dinosaur dealers are serious.

Hints of Crime Links

Dr. Dan Chure, a National Park Service paleontologist at Dinosaur National Monument in Utah, said in an interview that the Colombian drug cartels might have become interested in acquiring valuable stolen fossils that disappear from museums or private estates. John Kunds, a spokesman for the F.B.I. in Washington, said that the prices of fossils, particularly those of dinosaurs, had become high enough to attract criminal notice.

Fossil dealers here angrily deny implications that their businesses have any ties to organized crime, and have accused Government agencies of slandering them.

Federal agencies, spurred to action by opponents of commercial fossil collecting, have undertaken a costly campaign against some fossil dealers who sell their wares to museums, corporations and private collectors in many countries. Targets of this campaign could eventually include educational and scientific institutions that have acquired fossils from dealers, and officials of museums in several countries are uneasy.

A Federal indictment issued last November named the Smithsonian Institution in Washington and the Field Museum of Natural History in Chicago as buyers of fossils excavated illegally from Federal lands. Karen E. Schreier, United States Attorney for South Dakota, where the indictment was issued, said in an interview that she did not intend to prosecute either museum because they had cooperated with investigators.

But dealers here said that museums in Europe that had lent many fossils to American institutions were worried that future action by the Federal Government was unpredictable, and that Federal officials might even seize collections on loan from abroad. Several European museums are therefore retelling their specimens from American museums.

Concern About Questionnaire

Some American curators are also uneasy about a questionnaire that will soon be circulated by the National Park Service requesting an accounting by museums of all archeological and scientific materials in their collections "obtained through relationships with Federal agencies such as permits and contracts." Although response to the questionnaire is voluntary, some museum officials fear the results of the survey could become the basis of Federal legal actions against some institutions.

The large investment the Government has made in prosecuting fossil dealers has awed collectors, scientists and museum officials.

The storm center of the dispute is the Black Hills Institute of Geological Research Inc. of Hill City, S.D., and its officers, who, under the Federal indictment issued last November could each face long prison sentences and fines for illegally collecting and selling fossils excavated from Federal land. The case involves the bones of a tyrannosaur, nicknamed "Sue."

According to Gary G. Colbath, one of the defense lawyers involved, the Justice Department has already spent \$4.5 million preparing its complex case against the Black Hills Institute and its president, Peter Larson. The preparation has included repeated raids on the Black Hills workshop, a fact-finding mission to Japan, where museums have bought fossils from the company, and the deployment of scores of Federal agents and National Guardsmen.

Professional paleontologists are divided in their opinions about commercial fossil dealing in general and the Larson case in particular.

Dr. Robert M. Hunt, a paleontologist at the University of Nebraska in Lincoln, has spearheaded a drive to restrict the activities of commercial collectors, and has expressed delight at Mr. Larson's indictment.

"Unfortunately," he said in an interview, "the abuse of America's fossil resources by these dealers is getting worse than ever. I can only hope that a public outcry against this assault on the resources of science and the American people will help to halt trafficking in priceless fossils."

A milder view was expressed by Dr. Clemens. "It comes down to a sense of responsibility," he said. "Many collectors have worked closely with scientists and museums, to their mutual benefit. Large museums have their own resources and staffs, but what's a small museum to do if it wants to acquire some good specimens? I think we must encourage large institutions to reach out and help smaller museums, and that has begun to happen."

ing all the murderers out there that remain to be caught. If they really want to stop the under-the-counter fossil trade, they should legalize it on Federal land, and regulate the practice, as governments in Europe do. This assures scientists and museums of access to important fossils, but allows a legitimate trade to exist."

Many of the items displayed at this year's show represent close collaboration between commercial dealers and scientists.

In the Quality Inn lobby in Tucson, Michael Triebold, a dealer from Valley City, N.D., set up a 20-foot-long, freestanding articulated fossil of a Xiphactinus audax, a meat-eating fish with huge jaws and teeth, that lived at the time of the dinosaurs. The fossil is shown being attacked by a fossil mosasaur, a large reptile predator of the shallow Cretaceous seas. Both are casts of the original fossils, which were collected in Kansas.

Sharing the Profits

"You don't have to hunt on Federal lands to find good fossils," Mr. Triebold said. "I enter into a partnership with landowners, and if we find and excavate fossils, the landowners share in the profits of the sales."

In some regions, plots of federally owned land are interspersed with private land, and since there are no markers or fences, it is difficult to know which is which.

"I take no chances," Mr. Triebold said. "I use a Global Positioning System satellite receiver to locate sites of interest. But a G.P.S. measurement may be off by several hundred yards, and when there is any doubt, I hire a surveyor to locate the boundary between Federal and private land."

The treasures found by Mr. Triebold's company are rich beyond the dreams of many museums. In his little showroom here, he displayed the leg bone of a triceratops dinosaur collected in South Dakota, which he calls a "Rex Biscuit." It is perforated by the daggerlike teeth of a tyrannosaur's jaw, and it is deeply gouged by the fangs of lesser carnivores that scavenged the leavings of the tyrannosaur's meal 65 million years ago. Mr. Triebold sells casts of this remarkable specimen for \$350 each. Although he prefers to sell casts, he would sell the leg bone, incorporated into a complete triceratops skeleton, for \$500,000.

Most of the deals here involve the sale of casts rather than original fossils, and dealers say that some 90 percent of the customers are museums. But for institutions or people with deep purses, some original fossils are available that would make any museum curator drool.

Geological Enterprises Inc., of Ard-



A cast of the skull of the tyrannosaur called Sue, at fossils show.

Bones of Contention In Bitter Court Fight

By MALCOLM W. BROWNE

IN 1990, Peter Larson, president of the Black Hills Institute of Geological Research, and his colleagues discovered an outcrop of fossil bones on the South Dakota ranch of Maurice Williams, a Sioux Indian, whose property was "in trust" to the Federal Government — an arrangement by which the Government retains certain rights to the land, in exchange for freedom from property taxes.

The Black Hills company paid Mr. Williams \$5,000 for the right to excavate the fossil, which proved to be the finest and most complete Tyrannosaurus rex ever found.

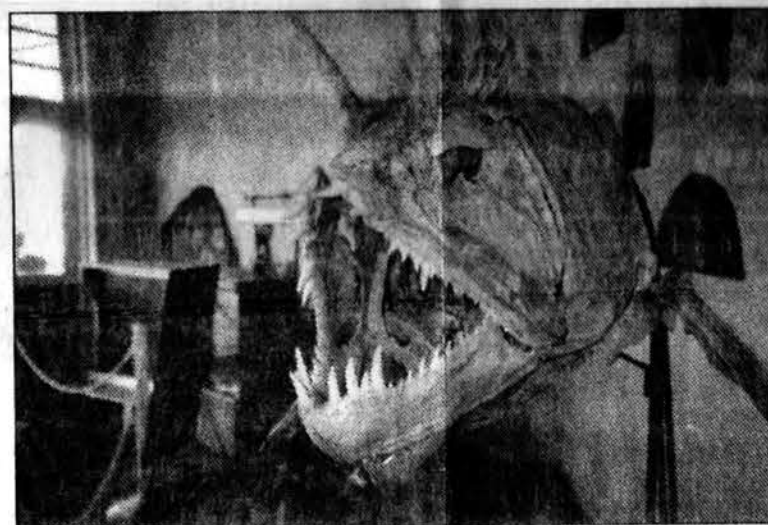
The bones of the tyrannosaur, nicknamed "Sue," after Sue Hendrickson, who sighted them, were carefully excavated, wrapped in protective plaster casts and taken to the company's workshop for study and mounting. Mr. Larson announced that he intended to place the fossil on permanent display in a museum he would build in Hill City.

But on May 14, 1992, Acting United States Attorney Kevin Schieffer led a raid by agents of the Federal Bureau of Investigation and National Guardsmen, seizing the tyrannosaur, as well as other fossils and company records. Sue has remained in crates under F.B.I. seal at the South Dakota School of Mines in Rapid City ever since.

The case entered a new phase when the Justice Department brought criminal charges against Mr. Larson and his associates in connection with the collection and sale of fossils during a period of about two decades. The indictment charged them not only with fossil hunting on Federal lands without a permit, but with illegal currency transactions, fraudulent declarations and other crimes. The case is to go to trial next October.

Mr. Larson, who has pleaded not guilty to all charges, said that defending himself and his associates had already cost about \$500,000.

"If I'd known I was embarking on a life of crime, I certainly would have picked a more lucrative specialty. A lot of murderers get much lighter sentences than what the Government wants to impose on me."



Photographs by Malcolm W. Browne/The New York Times

more, Okla., for example, is now cleaning and preparing an extremely rare fossil of an Acrocanthosaurus atokensis, a member of the carnivorous allosaur family that grew to enormous size in the early Cretaceous period. With a skull five feet seven inches long, this is the second largest carnivorous dinosaur ever found, following the tyrannosaur itself.

The company hopes to begin selling casts of the completed skull soon, but it would sell the entire fossil, prepared and mounted, if a suitable buyer is found. "The price is \$1.1 million, take it or leave it," said Leon Theisen, whose South Dakota shop is preparing the fossil. "Naturally, we would try to sell it only to a museum or scientific institution."

Paleontologists are sharply critical of some fossil dealers who cut up dinosaur fossils to make decorative objects or jewelry, but some of these dealers defend the practice by saying they only use bone that has been broken up already and spoiled for scientific study.

At one of the stands here, a company in Moab, Utah, The Look of the Past, offered earrings and pendants made of dinosaur bone that had mineralized into agate. But along with the jewelry, the company displayed an allosaur leg bone reassembled from its broken parts and then sliced in two with a diamond saw. The exposed stone surfaces were highly polished, revealing a blazing pattern of colored agate that highlights the cell structure of the big dinosaur's bone tissue

In a hotel room, a stegosaur cast played host. Elsewhere Xiphactinus audax, a toothy dinosaur contemporary, grimaced.

and marrow. Its price was \$8,000.

But despite the high prices of some fossils, "none of us get rich, and you won't find any fancy cars around here," said Dr. Raymond J. Boyce, a retired South Dakota urologist who has collected fossils all his life. Dr. Boyce's son Japheth now heads the fossil dealership he founded in Rapid City, S.D. "The money people pay is not for the fossils, which cost nothing," he said. "It's for the months of hard searching and the study and craftsmanship needed to separate these fossils from the matrix rock and prepare them properly and look after them scientifically — that's what people pay for."

"The Government called me before the grand jury to testify, and maybe it's getting ready to put me in jail, too," Dr. Boyce said. "Here we've been working as partners with our Indian neighbors for as long as anyone can remember, finding fossils, enjoying them, showing them and giving them to museums and sometimes selling them. I bought fossils from Ed Two Bulls Sr. himself, a descendant of Sitting Bull. And now the Federal Government wants to jail us all. I tell you, this country is changing in ways I hate to see."

His son Japheth nodded grimly. "We don't have money to do much yet, but we're trying to organize a new group, the Earth Sciences Trade Association, to fight back and sue the people who slander us. We're not dead yet."