

THE CONTINUING CONFLICT, RESOLUTION, AND COMPROMISE
FOUND IN AFRICAN AMERICAN BURIAL SITES

by

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DEDICATION

This work is dedicated to the Williams family, Courtney Williams and her husband, Jose Luis Juarez, Larry Williams and his wife, Janice Streitmatter, Larry's mother and father, Magnolia and Thomas Williams, Morris Williams; and their ancestors; and to United States African American soldiers and veterans everywhere. May your stories be told.

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...because no one makes this journey on their own boat. Smile ~ Laugh ~ Breathe.

TABLE OF CONTENTS

	Page
ACKNOWLEDGEMENTS	v
LIST OF FIGURES	ix
LIST OF ABBREVIATIONS.....	xiii
CHAPTER	
I. Introduction: Stigmatized Beyond the Grave	1
II. Tradition, Law, and Society	28
III. Differences in African American Burial Sites	61
IV. A View of African American Burial Sites in Hays County.....	91
V. Naming Names – All American Heroes	127
BIBLIOGRAPHY	175

LIST OF FIGURES

Figure	Page
1. Williams' Family Plot.....	26
2. Cedar Boxes with Remains from First Street Cemetery.....	79
3. Rosemound Cemetery. Waco, Texas.....	80
4. Historical Pennington Funeral Home Ledgers, 1915-1917.....	111
5. Historical Pennington Funeral Home Ledgers, 1920-1922.....	111
6. Aerial View of San Marcos-Blanco Cemetery.....	114
7. San Marcos-Blanco Cemetery Grounds.....	116
8. THC Historical Marker Threatened by Live Oak Tree.....	118
9. Confederate Memorial and the First Street Cemetery Historical Marker.....	123
10. Dedications.....	124
11. Civil Rights Protest at Old Slave Market in St. Augustine.....	127
12. Jim Bradie.....	129
13. George William Byas.....	131
14. Eugene Cliett Cheatham.....	133
15. Richard D. Cheatham.....	134
16. Roger Burns Cheatham.....	135

17. Freeman Crunk.....	137
18. Willie Ellis	139
19. William Farmer	140
20. Warner Green.....	141
21. James Greenwood	143
22. Sam Harris	144
23. Floyd Waymon Hutson.....	145
24. Robert W. Kirk.....	147
25. Virgil Miller	148
26. Ernest Sanders.....	149
27. Herbert Smith.....	150
28. Ivory Smith	151
29. Belvin Taylor	152
30. Willie Wells (Sr.).....	153
31. Roland S. Bolden	156
32. Walter Brady.....	157
33. Johnnie Bratton, Sr.....	157
34. Herman Brown.....	158
35. Andrew Carr.....	158
36. Earley R. Carver.....	159
37. Oscar D. Cheatham	159

38. Douglas Richard Coleman	160
39. Raymond E. Criss	160
40. Eugene Fields.....	161
41. Adell Hamilton.....	161
42. Edward Harris	162
43. Arntie Edwards Hollins.....	162
44. Muart George Hollins	163
45. Lucious Brown Jackson	163
46. Neff Morris Johnson	164
47. Augustus George Kyle.....	164
48. Hardy Clifton Kyle	165
49. Curtis Rollings	165
50. Ozzie (Mae) Sanders.....	166
51. Leroy Thomas	166
52. Melvin Lee Tolliver	167
53. Cebron Leslie Traywick.....	167
54. Monroe Williams	168
55. Oscar Williams, Jr.....	169
56. Clarence Waymon Hutson	171
57. Arthur Love, Jr.....	172
58. Bobbie M. Williams.....	173

59. Thomas Lee Wilson	173
60. John William Wright.....	173
61. Albert Walker Kirk	174

LIST OF ABBREVIATIONS

Abbreviation	Description
GUOOF	Grand United Order of Odd Fellows
HTC	Historic Texas Cemetery
I.O.O.F	Independent Order of Odd Fellows
KKK	Ku Klux Klan
N.A.A.C.P.	National Association for the Advancement of Colored People
O.E.D.	Oxford English Dictionary
U.S.	United States
U.S.C.T.	United States Colored Troops
WWI	World War I
WWII	World War II

I. INTRODUCTION: STIGMATIZED BEYOND THE GRAVE

“Of all the schools of instruction there is none like that which speaks to us from the dust.”
– Richmond’s Hollywood Cemetery Dedication, Oliver Baldwin (lawyer), June 1849.¹

Looking at death as the context for the continuation of racism, subjugation, and erasure, I argue historical, institutional, and social structures that set precedence for how African Americans were treated in life was later replicated in death and afterwards in the treatment of African Americans through time. During the mid-1800s to the late-1900s, African American segregated cemeteries were the final resting place for hundreds of thousands of the United States’ most distinguished (if they had been white): soldiers and veterans. This project queries whether the African American soldiers and veterans interred in the African American segregated San Marcos-Blanco cemetery were afforded an honored status similar to that of white service men in the traditional narratives of the country, state, county, and town where they (in most cases) were born and died?² The town of San Marcos, Texas includes one African American segregated cemetery where approximately fifty of the estimated 250-300 interments in the cemetery were soldiers and veterans from the four wars abroad. This is the starting point for the inquiry.³

¹ Alfred L. Brophy, "The Road to the Gettysburg Address." *Florida State University Law Review* 43, no. 3 (2016): 831-899, 868.

² For now, traditional narratives should be understood as celebrations emphasizing the exceptionalism, patriotism, and the nationalism associated with historical (and historically white) figures and events, many times to the detriment of historical validity. Heritage Day celebrations and Davy Crockett at the Alamo are two examples relative to Texas. Traditional narratives are discussed in detail in Chapter II.

³ No primary evidence of an interment list was found in city and county historical records, but a register was later compiled by Ollie Giles. Giles’ compilation is discussed in Chapter III. Further research will be required before an estimate on the number of African American service men interred in segregated cemeteries in the county, state, and county can be known. To understand the imbalance through time, Confederate soldiers and veterans, and later, white soldiers and veterans, are widely documented in context.

Historically, U.S. African American soldiers and veterans were not awarded the respect and celebrated status white service men received during the U.S. Civil War and four major conflicts abroad: World War I, World War II, Korea, and Vietnam. Instead, African Americans were subjected to the effects of racism as civilians before entering military service, as soldiers while serving in the military, again as veterans, and then once more after they died when they were buried in segregated cemeteries or segregated sections of larger cemeteries. On an institutional scale, the national cemetery is an example of segregated sections within larger cemeteries.⁴

Established in 1864, Arlington National Cemetery separated African American service men in segregated sections of the cemetery, *Section 27* and *Section 23*, until 1948.⁵ The remains of Union United States Colored Troops (USCT) were interred in Section 27, the “original” burial ground dating back to the Civil War.⁶ Roberta Hughes Wright and Wilber B. Hughes III wrote that “approximately ten thousand burials in Section 27,” included “thousands of combat troops” from the Civil War and “four thousand Contrabands.”⁷ Contrabands was the name the government gave to escaped enslaved African Americans and refugees who set-up living quarters in the nearby

⁴ Were all national and state cemeteries segregated is a question for future inquiry.

⁵ U.S. Army, “African-American History at Arlington National Cemetery,” (Arlington National Cemetery, online, accessed April 4, 2018, <https://www.arlingtoncemetery.mil/Explore/Notable-Graves/Minorities/African-American-History-at-ANC>).

⁶ U.S. Army, “African-American History at Arlington National Cemetery,” U.S. Department of the Interior: National Park Service. “African Burial Ground National Monument New York: Entrance to the Ancestral Libation Chamber,” New York, NY, accessed April 18, 2018, <https://www.nps.gov/afbg/index.htm>.

⁷ Roberta Hughes Wright and Wilber B. Hughes III., *Lay Down Body: Living History of African American Cemeteries*, ed. Gina Renée Misiroglu, (Visible Ink Press, Detroit, 1996), 36.

Freedman's Village on the Arlington Estate. The Arlington Estate was the home of Confederate General Robert E. Lee before the war. During the war the grounds were confiscated. To deal with the "critical shortage of cemetery space," Congress created the National Cemetery System in 1862.⁸ Following the war, a "search and recovery program" began exhuming and reintering Union and Confederate soldiers from "thousands of scattered battlefield burial sites" in places like Arlington.⁹ In 1906, the federal government formed the Commission for the Marking of Confederate Graves. The commission was charged with identifying fallen Confederate soldiers so that they could be given military headstones. Combining the burials of Union and Confederate soldiers was meant to exhibit a healed and unified republic. The effect was not entirely inclusive or healing though. When Union and Confederate veterans met "amicably," Thomas W. Laqueur wrote, "black Union soldiers were excluded. Together, the dead and the living seemed to give their blessing to national reconciliation under Jim Crow."¹⁰

⁸ The National Cemetery System grew to include fourteen national cemeteries under the management of the National Park Service, one-hundred-fourteen national cemeteries managed by the Department of Veterans Affairs, and twenty-four American cemeteries on foreign soil, overseen by the American Battlefield Monuments Commission. National Center for Preservation Technology and Training, "Confederates in the Cemetery: Federal Benefits and Stewardship," October 8, 2014, accessed April 9, 2018, <https://www.ncptt.nps.gov/blog/confederates-in-the-cemetery-federal-benefits-stewardship/>.

⁹ National Center for Preservation Technology and Training, "Confederates in the Cemetery: Federal Benefits and Stewardship," October 8, 2014, accessed April 9, 2018, <https://www.ncptt.nps.gov/blog/confederates-in-the-cemetery-federal-benefits-stewardship/>.

¹⁰ Thomas W. Laqueur, *The Work of the Dead: A Cultural History of Mortal Remains* (Princeton: Princeton University Press, 2015), 416.

On May 3, 1948, the U.S. Supreme Court decided that racially restrictive covenants violated the Fourteenth Amendment in *Shelley v. Kraemer*.¹¹ In July 1948, by Executive Order 9981, President Harry S. Truman desegregated the armed forces, which included the desegregation of military cemeteries.¹² The desegregation of Arlington did not include the exhumation of the USCT dead and reinterment within the cemetery proper. They remained in the sequestered position among civilian contrabands. Many of the headstones identified the African American service men only as “civilian” or “citizen.”¹³ Essentially, as soldiers, their invaluable service to the Union at one of the country’s greatest times of need was erased – even though in total 180,000 African American soldiers served in the Union Army.¹⁴

Moreover, with no historical marker identifying them as soldiers to the millions of visitors travelling through the cemetery each year, their place in history was forgotten. Wright and Hughes III noted that as late as 1992, Ohio Representative Louis Stokes, an African American, was “dismayed by the lack of maintenance and recognition of the site [Section 27]” and “won approval to upgrade and designate the area.”¹⁵ The *upgrade* did not happen, though, until over a century after the Civil War and almost fifty years after the military and cemetery were desegregated.

On an institutional level, Arlington National Cemetery’s treatment of the African American soldiers who were buried on the grounds illustrated how the situation was in

¹¹ JUSTIA: US Supreme Court, *Shelley v. Kraemer*, 334 U.S. 1 (1948). Accessed June 5, 2018. <https://supreme.justia.com/cases/federal/us/334/1/#annotation>. This subject is discussed in detail in Chapter I.

¹² U.S. Army, “African-American History at Arlington National Cemetery.”

¹³ Wright and Hughes III., *Lay Down Body*, 35.

¹⁴ U.S. Army, “African-American History at Arlington National Cemetery.”

¹⁵ Wright and Hughes III., *Lay Down Body*, 35.

the United States through time regarding race – a neglected and avoided subject, and way too slow in its progression toward the goals set forth in the Constitution. On an institutional level, Arlington National Cemetery was only one example; on a state and local level, there were hundreds of thousands of African American service men interred in hundreds of African American segregated cemeteries and sections of cemeteries that were affected by the same neglect through time.

As Arlington illustrated, until recently African American service men were excluded from the physical landscape and the traditional narratives emphasizing U.S. patriotism and nationalism, and the exceptionalism of the United States soldier. As a result of the erasure from both the landscape and the narratives, African American service men lost the place they fought for and deserved in the line of respected men fulfilling their civic duty by serving in the military. The exclusion continued, amounting to the erasure of over a tenth of the military population during World War I. According to Sara Amy Leach, African American segregated military units consisted of “nearly eleven percent of the army, 404,000 officers and enlisted men.”¹⁶ To illustrate the point on a regional level, “Negroes provided about 25 per cent – 31,000 men – of the troops called up from Texas” during WWI, even though they were “only 16 per cent of the state’s population,” according to Alwyn Barr.¹⁷ While Leach and Barr’s findings emphasized how large the erasure was, their numbers also helped explain why there were so many

¹⁶ Sara Amy Leach, “World War I Veterans and Their Federal Burial Benefits,” *AGS Quarterly: Bulletin of the Association for Gravestone Studies*, 41, no. 4 (2017), 39.

¹⁷ Alwyn Barr, *Black Texans: A History of African Americans in Texas, 1528-1995* (Norman, OK: University of Oklahoma Press, 1996), 114.

African American service men interred in the African American segregated San Marcos-Blanco Cemetery.

The racial segregation of cemeteries is examined briefly here. Using the Oxford English Dictionary (OED), the root word, “segregate,” is defined as: “1.a.) *To separate (a person, a body, or class of persons) from the general body, or from some particular class; to set apart, isolate, seclude* [emphasis added].”¹⁸ The white population is *the general body* of U.S. society, and segregated cemeteries for the African American population are a product of racial segregation established to *isolate or seclude* the African American population away and apart *from the general body*.¹⁹ Moreover, cemeteries resulting from religious animosity or adherence to strict religious funerary custom, such as Jewish cemeteries, were a different phenomenon in that these cemeteries were not a product emphasizing society’s overwhelming support for racial inequality through segregation. Other ethnic cemeteries, such as Mexican American cemeteries, exist in the racial margins as well, but will not be discussed here.

I found two instances of authors writing about the social perception that white cemeteries for the white population, the general body, were segregated. (1) Michael K. Rosenow wrote that a lawsuit was filed against a cemetery because of a 1907 resolution “making it [the community cemetery] a segregated cemetery that would accommodate whites only.”²⁰ (2) Speaking about “getting the right dead body in the right place and excluding the wrong body from where it is not wanted,” Thomas W. Laqueur wrote that

¹⁸ “Segregate, v.,” *Oxford English Dictionary*. Online: Oxford University Press, March 2018, accessed April 18, 2018.

¹⁹ “Segregate, v.,” *Oxford English Dictionary*.

²⁰ Michael K. Rosenow, *Death and Dying in the Working Class, 1865-1920*, (Urbana: University of Illinois Press, 2015), 59.

some in society thought that “Jim Crow laws kept blacks out of segregated cemeteries.”²¹

Although the social perception was that whites were segregating their cemeteries, I contend that a cemetery serving the white population cannot be or become segregated. Segregated cemeteries were the result of Jim Crow laws, rules, regulations, and ordinances, and these elements of racism were instilled with the power to effectively separate African Americans from using cemeteries already in existence for the white population – in the same way African Americans were segregated from using the same public service facilities already in existence for the white population. In Rosenow’s description, the cemetery could not have been segregated since the white population was *the general body* of the community and the cemetery. In the second instance, cemeteries for the white population were not segregated in the truest sense of the word, segregate. African Americans were kept out of cemeteries for the white population, *the general body*, because the Jim Crow laws the white population wrote segregated the African American population. The power was in the hands of the white population, therein lies the difference. In *Death and Dying in the Working Class, 1865-1920*, Michael K. Rosenow quotes geographer David Harvey as saying that “the ability to influence the production of space is an important means to augment social power.”²²

Burial grounds for enslaved African Americans were different from segregated cemeteries; African American burial sites did not “augment social power,” they were a necessity.²³ Slave owners usually owned the grounds used to bury enslaved African Americans before the Civil War. In contrast, segregated cemeteries were usually owned

²¹ Laqueur, *The Work of the Dead*, 7.

²² Rosenow, *Death and Dying in the Working Class, 1865-1920*, 44.

²³ Rosenow, *Death and Dying in the Working Class, 1865-1920*, 44.

by groups of African Americans, and were plots of land allocated explicitly for the burial of African Americans after the Civil War when the white population took issue with burying free African Americans in close proximity to their dead relatives, friends, or themselves – many of whom had fought under the Confederate flag during the Civil War. For many whites of the once-Confederate state of Texas, separating African Americans from white sacred space was one of the ways they dealt with what they saw as an inconceivable notion – the burial of African Americans in the same consecrated grounds as whites. Yet, the burial of African Americans was an inevitable and reoccurring situation that had to be dealt with somehow. Segregating burial sites solved the problem, and as such, segregated cemeteries memorialized racism by subjugating African Americans in a way that was sustained through time. Segregated cemeteries were a lasting visual impression of the meaning of racism that had the power to encourage white supremacists, their descendants, and future white supremacists while at the same time disenfranchising African Americans, their descendants, and allies. This was subjugation. For the most part, society and academia avoided looking at this subjugation.

The historical literature has not focused a lens on the extension of racism into death and long after. Literally, the discussion ended at death. The narratives about why there were African American segregated cemeteries were written out of traditional narratives, or rather, were not written into traditional narratives. Even though scholars discussed countless aspects of racism in public spaces and through time, a thorough accounting of segregated cemeteries was missing from the narratives. It was hard to believe that scholars had overlooked the fact that African Americans from all walks of life were legally and socially coerced into burying their dead and being buried in legally

segregated cemeteries in every region of the country from small towns in the south to large cities in the north, from the Emancipation Proclamation and the Civil War to Reconstruction and through the era of Jim Crow and into and after the Civil Rights Movement. Finding scholarship on African American burial sites, and specifically about African American segregated cemeteries, was, therefore, a frustrating and painstaking endeavor.

Most scholarship and literature about cemeteries came from a small group of scholars and cemetery enthusiasts and generally focused on historic white cemeteries and the preservation of the sites from an archaeological, anthropological, preservation, or sociological (mourning rituals) perspective. Covering multiple academic and social angles, the main purpose of the scholarship was to highlight unique headstones or memorials, and preserve the legacies of influential white people interred in particular cemeteries. The scholarship was an above-ground how-to story that defined the different historical periods of cemetery landscaping and architecture, headstone identification relating to religion, materials used to make the headstones, how to care for old headstones in poor condition, and narrated the famous and infamous who's who. While I do not mean to diminish the value of this much-needed preservation work, the majority of scholarship did not include African American burials or cemeteries, and it definitely did not include a conversation about racism stalking the African American population through time.

Absent from the conversation about the African American experience in the United States was the historical perspective provided by African American burial sites. For many decades, historians overlooked the historical relevance of the death of ordinary

people. Instead, historians focused on those, who, according to the traditional narrative framework, contributed the most to U.S. exceptionalism, nationalism, and patriotism. Few traditional narratives included the countless contributions ordinary African Americans made over the decades that helped make America seem great to some, mainly the dominant culture, but not so great to others. America seemed great to some because it was missing vital information – all the other narratives that included stories about exclusion, isolation, and desperation in the face of oppression. Recently there has been an effort to include narratives about enslaved African American burial sites, but that is a different conversation from the discussion about free people in segregated cemeteries.

That racially segregated burial sites existed and were created after the Civil War provides physical evidence that institutional racism continued into death. Moreover, the abandoned, neglected, and destroyed African American segregated cemeteries illustrate how deeply and historically ingrained racism's reach was long after death, and over half a century after the Civil Rights Movement of the 1960s. How did this mysterious power of racism reach into the grave? How could racism become as powerful, if not more so, than even death itself? If it was possible to see how the extension of racism followed African American service men into death and afterwards by examining how ordinary African American bodies were treated in life and in the grave, the next question became obvious: From a historical perspective, how should historians work to correct the erasure created by segregation? Is it possible to preserve the heritage of African Americans interred in segregated cemeteries, which, for the most part, were and are invisible to academia and society, and yet, were and are physically visible today in segregated cemeteries?

Segregated cemeteries were threatening because they were a reminder of the fabricated or imagined history of the United States. Moreover, segregated cemeteries are threatened by many factors because the elements of racism's power are not bound to place, but were free to travel through time. As an integral extension and expression of racism existing beyond life and through time, African American burial sites represent a valuable and relevant piece of America's history. From a historical perspective, the earnest study of African American segregated cemeteries offers historians the opportunity to trace racism's course through history by exposing where racist elements have long guided traditional narratives.

The research put forward here, therefore, is relevant because it discusses how and where the writers of traditional narratives intentionally omitted the countless sacrifices African American soldiers and veterans made for the country. By following African American soldiers and veterans into and after death, the discussion illustrates precisely where the gaps in our understanding of the complexities and power of racism continued through time. Writing about an African American segregated cemetery in San Marcos, Texas is one necessary step in correcting the course of traditional narratives found across the country. Texas is not the lone state and San Marcos is not an isolated town in connection with the phenomenon of African American segregated cemeteries, racial subjugation, and missing or erased narratives; this phenomenon is found throughout the United States. More so, it is relevant because it brings together the names and service records of the soldiers and veterans interred in the San Marcos-Blanco Cemetery.

I examined records covering decades of institutional data collected in the late-1800s through the mid-1900s by government institutions and authorities, including the

United States Census and Vital Statistics records, Congressional Amendments and Acts, Supreme Court decisions, and U.S. military records. Documents from state and local burial-funerary records, city ordinances, and the local newspaper were included in my research as well and covered the late-1800s through the first two decades of the 2000s. Both the documents and the records exposed the inept nature and the acceptance of the inept nature with which institutional authorities and communities documented the African American population and narrated the African American experience in Texas and the U.S. Granted, the introduction of new institutions and the nature of data collection and record keeping on the nation's entire population in the early-1900s could have contributed to the haphazard historical records; however, when the records for the African American population in Texas are compared to records for the white population in the same period, the differences cannot be explained away as general incompetence or inexperience. The records for the white population were meticulous. The records themselves serve as the recorded evidence necessary to demonstrate how various elements of racism, subjugation, and erasure followed African Americans through time.

Moreover, I looked at how the San Marcos community portrayed the town's history and heritage to see where the traditional narratives the townsfolk repeated through the decades differed from the documents and records of institutions. Narratives of the African American experience in early traditional narratives were sparse and sketchy, resembling compulsory inclusion. Traditional narratives of the white population and the white founding fathers and settlers had essentially taken over the whole history of the town. Effectively these traditional narratives erased the rich history of the African American experience that co-existed in the same space and time. Traditional narratives,

census records, funeral records, city ordinances, and local newspaper articles exposed that the white community did not interrelate in any significant way with the African American population of San Marcos, away from commerce. Overall, the white population's interaction with the African American community was a subjugated relationship based on commerce and labor.

I also compared the traditional narratives from the white community and the documents and records of institutions to the voices of the African American population to see where and how the traditional narratives differed from the African American voices. In response (and possibly defense) to the overwhelming traditional narratives of white founders and settlers, the African American population sometimes embellished their narratives of the African American experience in San Marcos. The stories, on both sides of the color line, over-emphasized how well whites and *coloreds* got along – even as the sense of wellness overshadowed the reality that the African American population was subjugated and coerced into subjugation. City of San Marcos minutes, resolutions, and ordinances illustrate the above point. A planning and zoning ordinance recorded on February 16, 2010 from a July 1, 1943 deed for a housing subdivision called “Victory Gardens” stated: “that no lot nor any portion of any lot will be leased, sold or encumbered to nor allowed to be occupied by any person of the negro race.”²⁴ Another “Special Meeting” of the City Council, on October 15, 1957, documented “the matter of [developing] a public swimming area and other recreational facilities requested by the Negro residents;” in the matter, the discussion and recommendations were both

²⁴ City of San Marcos, “City Ordinance No. 2010-8,” February 16, 2010, <http://weblink.sanmarcostx.gov/weblink/Browse.aspx?startid=6694>; Hays County Clerk, “Hays County Deed Records,” *Victory Gardens*: Vol. 42, p 151-153, June 16, 1893.

postponed.²⁵ By March 22, 1960, though, the progress both whites and African Americans had over-emphasized earlier was being made when the city council carried a motion “developing a park area for the colored people of San Marcos.”²⁶

Cultural geography professor Terry G. Jordan called the old rural cemeteries he visited in Texas “old folk graveyards – museums full of obvious and subtle reminders of our ancient past and distant, diverse ancestral homelands.”²⁷ Through landscaping design and management, rural cemeteries summoned nature’s beauty to arouse a romantic, yet solemn, sense of a united national identity. Published in 1982, his work, *Texas Graveyards: A Cultural Legacy* was one of the earliest and few books written about Texas-specific burial sites. He argued that historic cemeteries were not so much for the dead as for the living. Although hopeful that the living would work to save all ethnicities’ historic cemeteries, Jordan recognized that the living were throwing away a “priceless legacy.”²⁸ His conclusion was realistic, but bleak: “An Old Testament prophet, if permitted to view this situation, might ascend the nearest high place and declare woe unto a people who so thoughtlessly discard, destroy, and desecrate the customs and artifacts of countless generations of ancestors.”²⁹

²⁵ City of San Marcos, “Special Meeting of October 15, 1957,” pg. 116-117, <http://weblink.sanmarcostx.gov/weblink/Browse.aspx?startid=6694>.

²⁶ City of San Marcos, “Regular Meeting Held on March 8, 1960: Pg. 174I: March 22, 1960,” <http://weblink.sanmarcostx.gov/weblink/Browse.aspx?startid=6694>.

²⁷ Terry G. Jordan, *Texas Graveyards: A Cultural Legacy* (University of Texas Press, Austin, 1982), 126.

²⁸ Jordan, *Texas Graveyards*, 123-124.

²⁹ Jordan, *Texas Graveyards*, 123-124.

Medical scholar David Charles Sloane was one of the earliest to write about cemeteries in the United States.³⁰ With four generations of cemetery landscape, design, and management experience in his family, his study was extraordinary because he classified burials by the period, design, location, monumental style, monument material, type of management, and primary distinction. He also included photographs and diagrams of cemeteries for visual effect. From frontier graves to domestic homestead graveyards to potters' fields to town/city cemeteries, to rural and memorial park cemeteries, Sloane defined and described the changing characteristics of burial sites in the United States from the 1600s to the 1900s.³¹ The detailed classifications illustrated how "funeral, burial and memorial customs differed among groups and between eras."³²

Sloane's research perspective pertaining to the African American population during the 1600s through the 1900s was an all-or-nothing approach. Rendering sweeping conclusions about different regions of the country and across time, African Americans were more likely to be included in communal cemeteries in northeastern states; southern states "strictly segregated" burials; and Midwestern states "allowed [African American] burial only in segregated sections" of the communal cemeteries.³³

In an effort to highlight how "new [rural] cemeteries were meant to represent the American democratic philosophy of equality" – at least in death, Sloane illustrated how cemeteries in the northeast during the early-1800s "apparently" permitted African

³⁰ David Charles Sloane, *The Last Great Necessity: Cemeteries in American History* (Baltimore: The John Hopkins University Press, 1991).

³¹ Sloane, *The Last Great Necessity*, 24. Potters' fields were burial sites for people who were too poor to afford to purchase a plot in city cemeteries; from a verse in the Bible: Matthew 27:67-8.

³² Sloane, *The Last Great Necessity*, 9.

³³ Sloane, *The Last Great Necessity*, 83.

American burials.³⁴ According to Sloane, during the dedication of the new rural cemetery, Albany Rural in Albany County, New York, Congressman Daniel D. Barnard “encouraged” those in attendance to “remember that the new cemetery, unlike earlier graveyards, was ‘open to all – to every class, and every complexion in society, and to every sect in religion.’”³⁵ Rural cemeteries were not heavily regulated yet, and money talked – the evidence was scattered throughout the property by way of elaborate headstones. Although Sloane included a few examples to prove his point that racial inclusion was progressing along the lines of the Constitution in the northeast, the theory that a *democratic philosophy of equality* was in effect fell short without more extensive proof. Detailed and precise research would be necessary before conclusively determining whether cemeteries in the northeast, including the new rural cemetery Sloane referenced, were inclusive of all African Americans or only those African Americans with lighter complexions who *passed* in social circles as having several generations of white blood and were therefore accepted in many cemeteries. Sloane’s blanket claim of inclusion was blurred by light-skinned Mulattos and darker African Americans.

Regarding the southern states, Sloane wrote that the “racist slave-holding society’s attempt to strip African Americans of legitimate familial and community relationships encouraged them [African Americans] to develop and protect the areas in which they could express their sense of family and community.”³⁶ Since slavery was in full-force and the majority of African Americans were enslaved during much of the time period Sloane’s research covered, how African Americans dealt with burial was not

³⁴ Sloane, *The Last Great Necessity*, 83.

³⁵ Sloane, *The Last Great Necessity*, 83.

³⁶ Sloane, *The Last Great Necessity*, 15.

necessarily their decision – ultimately burial was the property owner’s decision. In spite of this, there is current evidence coming forward to show that historically enslaved African Americans did have funerals for other enslaved African Americans whenever possible, sometimes with the owners and other white present and sometimes “beyond the watchful eyes of masters.”³⁷

However, after slavery was abolished, when African Americans were free to develop connections with their families, the African American population had to contend with Jim Crow segregation, which also dictated where African Americans were buried. Cemetery by-laws and clauses restricting African Americans burials were enforced in most city and town cemeteries, so burial in common community burial space for the white population, more often than not, was out of the question. Whether legal or social, the racism and segregation forced African Americans to use the combined resources of their religious or fraternal organizations to buy land and develop cemeteries for their dead.³⁸ In most cases, when an African American cemetery was established after the Civil War, it was a result of the African American population being segregated from the common community cemetery. Individual African Americans in the United States did not have the power to control where they were buried in many regions of the country until the late 1900s. Lubbock City Cemetery, for example, did not end the segregation within its cemetery until 1969.³⁹ Boasted as the third largest cemetery in the state of Texas, the cemetery records contain documents on “Colored Burials” and a “Spanish language

³⁷ Rosenow, *Death and Dying in the Working Class, 1865-1920*, 94.

³⁸ Rosenow, *Death and Dying in the Working Class, 1865-1920*, 94.

³⁹ Barr, *Black Texans*, 186.

section of the cemetery.”⁴⁰ Therefore, Sloane’s suggestion that racism *encouraged* African Americans to *protect* anything as belonging to them oversimplified the African American experience and multiple historical facts.

One final example from Sloane’s contribution illustrated the need for more extensive research about African American burials in the U.S.: twice Sloane wrote that cemeteries in Chicago were segregated from the time they were established.⁴¹ His blanket generalization was contradicted in 2008 by Marilyn Yalom, a Stanford historian, who wrote, “Blacks, who have lived in Chicago since its earliest day, were originally buried alongside everyone else.”⁴² This suggests that there was a brief period before slavery was abolished when African Americans were buried in common community cemeteries, at least in Chicago, but the inclusivity reverted back to the philosophy of racism after the Civil War. According to Michael K. Rosenow, African Americans would not feel the power of Jim Crow exclusionary practices in Chicago’s cemeteries until the 1880s when “the black population increased [and] white racial attitudes hardened.”⁴³ The overt social attitude toward segregated burial practices was displayed on streetcar advertisements for

⁴⁰ Texas Archival Resources Online, “Lubbock Cemetery: An Inventory of its Records, 1917-1990 and Undated, at the Southwest Collection/Special Collections Library,” accessed April 22, 2018, <https://legacy.lib.utexas.edu/taro/ttusw/00276/tsw-00276.html>.

⁴¹ Sloane, *The Last Great Necessity*, 25; 188.

⁴² Marilyn Yalom, *The American Resting Place: Four Hundred Years of History Through Our Cemeteries and Burial Grounds* (Houghton Mifflin Company: New York, 2008), 170-171.

⁴³ Rosenow also wrote that the Chicago’s African American population grew from 6,480 in 1880 to approximately 44,103 in 1910. Rosenow, *Death and Dying in the Working Class, 1865-1920*, 57-58.

burial plots: ““exclusively for the white race.””⁴⁴ In Rosenow’s words, “Racial hostility pervaded the realm of the dead, just as it did the living.”⁴⁵

Marilyn Yalom’s contribution to the study of cemeteries was less thorough than Sloane’s general assessment, but more specific to the African American experience with burial. Yalom dedicated several sections of her work to the study of African American burial sites. In her discussion titled “Where Are the Old Black Cemeteries,” Yalom included an example she found in which the Bethel United Methodist Church in Charleston, South Carolina, accepted both slaves and free African Americans into its church and cemetery in 1797.⁴⁶

Yalom also found a white congregation, “one of Charleston’s most prestigious white congregations,” at St Philip’s Episcopal Church in Charleston, South Carolina accepting an African American fellowship community of free mulattos into their congregation and the white cemetery.⁴⁷ Established in 1790, the members of the society called themselves the “Brown Fellowship for Light-Skinned Blacks.”⁴⁸ This exclusive fellowship of African American men permitted only light brown-skinned males with “straight hair” who were the male offspring of a white man and a black woman and their descendants to be buried in their cemetery.⁴⁹ In 1843, a free African American named Thomas Smalls organized his own society in Charleston – a direct result of the

⁴⁴ Rosenow, *Death and Dying in the Working Class, 1865-1920*, 58.

⁴⁵ Rosenow, *Death and Dying in the Working Class, 1865-1920*, 60.

⁴⁶ Yalom, *The American Resting Place*, 122.

⁴⁷ Yalom, *The American Resting Place*, 122.

⁴⁸ Yalom, *The American Resting Place*, 122. Graham Russell Gao Hodges referred to the organization as the “Brown Fellowship Society” in his writing. Graham Russell Gao Hodges, “Encyclopedia of African American History, 1619-1895, Vol. 1: Class,” ed. Paul Finkelman, (Oxford University Press, New York, 2006), 298.

⁴⁹ Yalom, *The American Resting Place*, 122.

exclusionary practices of the Brown Fellowship. Smalls purchased the grounds “directly adjacent” to the Brown Fellowship Cemetery.⁵⁰ In the case of the “Thomas Smalls Graveyard for the Society of Blacks of Dark Complexion,” the interred were a particular shade of black with “‘pure’ African blood.”⁵¹ Yalom’s examination reveals interesting points about the African American experience with burial. Through these early African American cemeteries it was possible to see how, as individual African Americans grew in status, they began buying into white institutional power. In the late-1700s through the mid-1800s there were African Americans who were – at least in death – supporting segregation. Yalom’s research also points to overt and covert resistance and its layered complexity between groups and within a group.⁵²

As decades passed, the black and brown bodies interred in the three cemeteries mentioned in Yalom’s scholarship (and above) became captives of concrete and cut timber. In the mid-1900s, on three separate occasions, three different-denominations of churches in Charleston paved over the interred bodies in these historic African American cemeteries. The sacred spaces were reduced to parking lots and Sunday school buildings

⁵⁰ Yalom, *The American Resting Place*, 122.

⁵¹ Yalom, *The American Resting Place*, 122.

⁵² Altering the tradition of patrilineal succession to matrilineal was not unheard of; the Biblical story of Abraham served as the exemplar, and the practice was extended into slavery. The physical condition or appearance of these men and their insistence in being separated from other African Americans was likely the push-back result of a “complete reversal of English law” when, in 1662, an act in “British America” altered the succession of mulatto offspring so that they were not legally eligible to inherit their white father’s estate: “all children born in this country shall be held bond or free only according to the condition of the mother.” Based on Roman law, the legal term, *partus sequitur ventrem*, meant “the offspring follows the mother.” The 1662 Act granted impunity and non-culpability to the offending white man. In doing so, the entitled men running the government and industry, and in control of the legal system, erased both their bastard offspring from inheritance, and also the act of violation. William M. Wiecek, “slavery, Law of.” *Oxford Companion to American Law*, Oxford University Press, 2002.

for churches.⁵³ The headstones were sometimes removed, sometimes laid flat to level the ground before paving, and some headstones even “remain today, lined up against the parking lot wall.”⁵⁴ Yalom wrote that as late as 2001, “bodily remains and headstones were still being discovered.”⁵⁵ The African Americans interred in both of these cemeteries were given names in life, and in death were given headstones with their names engraved, and yet, notwithstanding the names on the headstones that lined the parking lot, the African Americans interred became anonymous, nameless, and invisible – a hindrance erased by the steam-roller of progress and racial indifference.

Yalom’s research seconded Jordan’s earlier conclusion that Texans were wasting a valuable resource of African American history when they demolished, intentionally or otherwise, any evidence of the existence of African American enslaved or segregated cemeteries. She wrote that African American segregated cemeteries in San Antonio were “neglected or abandoned” until recently when the city took over maintenance (pre-2008).⁵⁶ Like Jordan, Yalom feared that these historic cemeteries, started by fraternal organizations in the late-1800s, were in serious jeopardy.⁵⁷ Unlike Yalom’s cemeteries in post-Colonial Charleston, the African American cemeteries in post-Civil War San Antonio were associated with the time when Jim Crow racism forced many African Americans to bury their dead in segregated cemeteries away from the white community.

⁵³ Yalom, *The American Resting Place*, 122.

⁵⁴ Yalom, *The American Resting Place*, 122-123.

⁵⁵ Yalom, *The American Resting Place*, 122-123.

⁵⁶ Yalom, *The American Resting Place*, 193.

⁵⁷ Yalom, *The American Resting Place*, 193.

In 2009, Lynn Rainville determined that the majority of “disturbed or destroyed cemeter[ies] affect[ed] underrepresented groups.”⁵⁸ Rainville, a leading scholar on slavery and antebellum cemeteries in Virginia, took note of how modern social attitudes towards race and class discrimination were alive and visible through the treatment of African American cemeteries. She wrote that “unrecognized graves of lower and middle classes most often face[d] the possibility of disinterment.”⁵⁹ However, when faced with the choice of knocking over headstones before black-topping the space for a parking lot or building, the opportunity for disinterment and reinterment elsewhere seems like a more respectful option. In most instances though, the interred were not lucky enough to be properly removed and reinterred in another more foundational cemetery before civilization encroached on their sacred space. Nevertheless, Yalom’s research about churches paving over African American physical remains supported Rainville’s conclusion about African American burial places erased from the visual landscape. Underrepresented groups were most affected by these intrusions into their sacred spaces. Moreover, Yalom’s notation that headstones were leaned up as parking lot signs supported Jordan’s earlier warning that society was wasting a rich historical resource.

A crucial addition to the study of African American burial sites was Roberta Hughes Wright and Wilber B. Hughes III’s “Lay Down Body: Living History of African American Cemeteries,” written in 1996.⁶⁰ To date, it is the only comprehensive anthology written about African American burial sites in the United States (and Canada) that also

⁵⁸ Lynn Rainville, "Protecting Our Shared Heritage in African-American Cemeteries," (*Journal of Field Archaeology*, 34, no. 2 (Summer 2009): 196-206), 196.

⁵⁹ Rainville, "Protecting Our Shared Heritage in African-American Cemeteries."

⁶⁰ Wright and Hughes III., *Lay Down Body*.

discusses the “struggle and conflict” associated with efforts to protect these cemeteries from multiple threatening elements.⁶¹ The mother-son team who specialize in African American burial places and cemeteries, Wright and Hughes III travelled the United States and Canada, a country many African Americans fled to, recording the history of African American burial sites along their way. They came across an estimated three-hundred African American burial sites throughout the United States and Canada. In addition to the priceless documentation of African American burial sites, the book also includes valuable information about tracing family lines. The historical value of their contribution is undisputed and is a narrative of love, respect, and dedication to the histories of those who came before and a guide for those who will come after them.

More historical research is needed in order to clearly and properly define context and to provide clarity in relation to burial and remembrance. What defined a cemetery as a cemetery, and what distinguished an African American segregated cemetery from a burial ground or cemetery for enslaved African Americans? Chapter II asks the question: What do traditional narratives, the legal system, cemetery exclusionary clauses, and the Ku Klux Klan all have in common with continuing forms of racism, subjugation, and erasure after death? Each involved the creation of institutions that were invented, manufactured, and produced using the political system of the United States. Early in the history of the United States, institutions were set-up by the founding fathers to govern and regulate the affairs of the growing society of immigrants and enslaved African Americans from many different countries and cultures. The government was established by a majority of the voting population (white males with wealth and property), which

⁶¹ Wright and Hughes III, *xxvi*.

resulted in the creation of institutions that directed society and those with less power and influence. The dominant institutions were the United States Congress and the legal system; they controlled the actions of the government and the country's citizenry through Acts and Amendments and the Supreme Court, and were instructed to follow the U.S. Constitution and Bill of Rights. Molded after Western European laws and customs, the government and legal system in the U.S. advanced and protected the priorities of the wealthy through commerce laws, rules, and regulations, while at the same time directing individual behaviors and interactions with others. Narratives about the history of the United States worked in much the same way as the legal system.

Chapter III discusses issues pertaining to identifying the differences between African American burial sites for the enslaved and free African American population in the United States, from the birth of the country and in Texas to the late-1900s. Cemeteries for the African American population were not organized in the same manner as burial sites for the white population. The inability to answer questions about the African American experience with remembrance through the burials of their ancestors based on guidelines other scholars used to research historic cemeteries raises questions this work will address.

One problem was that burial sites for the white population were classified according to physical arrangement and presentation showing how the process of time affected each cemetery style in a different way, as in Sloane's works. African American burial places cannot be assessed with this approach because many burial sites for African Americans are either completely missing with little to no evidence they existed, absorbed

back into nature, or were destroyed by careless or intentional progress, or were threatened by one or more of these predicaments.

Further, researchers and the public fail to use consistent terminology. *Segregated* cemeteries were often identified as *slave* cemeteries. I understood African American burial sites with a majority of enslaved African Americans as different from burial sites that came into existence during segregation – different in the same way that burial sites with interred military veterans were different from military burial sites. Segregated cemeteries were created and used for the burial of free or freed African Americans who were segregated while living, not as slaves, but as free or freed individuals upon their deaths. Less mentioned, but also an issue were public segregated cemeteries.

There are noticeable differences between the two types of African American burial sites. Therefore, instead of classifying African American burial sites by physical arrangement or presentation, which was impossible, this work categorizes each burial site under one of two headings, each with a sub-category: 1) *African American Burial Grounds (Pre-1865)*, and *Public Segregated Burial Grounds (Pre-1865)*; and 2) *African American Segregated Cemeteries (Post-1865)*, and *Public Segregated Cemeteries (Post-1865)*.⁶² By identifying each cemetery in this way, African American burial sites fell into one of four categories – when the opening date of the burial ground or cemetery was determined by deeds and maps, or as calculated by the earliest recorded death date on a headstone or artifact recovered.

⁶² I borrowed Sloane's template from *Characteristics of American Cemeteries*. Sloane, *The Last Great Necessity*, 4-5.

For the purposes here, this classification is the least complicated way to discuss how racism followed African Americans through time, and the differences between *free* and/or *enslaved* African American burial grounds, and *segregated* African American cemeteries. The physical segregation in death of the dead had a reverberating effect – decades and generations later. Segregated cemeteries affected not only the living, but the dying, and the dead, and descendants of the dead. The dying knew they would be buried in segregated cemeteries, and generations later, families’ visited their ancestors in segregated cemeteries, and would often be buried with their ancestors’ in the family plot in a segregated cemetery (Figure 1.). The cycle repeated generation after generation until either the family moved elsewhere, the laws or ordinances changed, or the individual chose to be buried where African American burials were welcome – those were the choices.



Figure 1. Williams’ Family Plot. San Marcos-Blanco Cemetery.
The taller cement blocks on each corner mark the family plot boundary.

Chapter IV funnels the national conversation down to a local level, which discusses the relevancy of a few of Hays County’s cemeteries to the historical narrative of the community. The contradictions uncovered in the traditional narratives replicate those at the state and national level and with a circular action the levels of government support and reinforce one another. One of the reasons why the history of African Americans in life and afterwards is important to the historical narrative was only seen

when looking at how African Americans were seen and treated in life and in death through time. Chapter V focuses on the erased and marginalized military narratives of the African American soldiers and veterans interred in the San Marcos-Blanco Cemetery by listing their recovered military records. It is a live document, which means that new information is added whenever it becomes available. The chapter also includes photographs of each military headstone and any photographs of the soldiers and veterans that were available at the time of this publication.

II. TRADITION, LAW, AND SOCIETY

The continuation of racism in the United States, the subjugation of the African American population, and the implementation of historical events strictly from a white perspective, from the mid-1800s to the 1900s, cannot be discussed or addressed without understanding how racism was perpetuated onto society by institutional and social systems of governance. Many elements were in play at the same time: political and social, legal and extralegal, official and unofficial, and traditional and historical. Each of the elements influenced different segments of society in different ways, but combined, they effectively controlled and/or erased non-white voices.

Silencing conflicts and controversies was a necessary step before historical events could be replaced with traditional narratives. Groups such as the Ku Klux Klan and the Daughters of the Confederacy established, promoted, and provided a mechanism for many whites to voice their concern about the changing times, their perceived lost place as the central figures in society, and the heritage myths they spent their lives supporting. This chapter argues that many factors contributed to racism's continuation through time, and it was the combination of these factors: traditional narratives, the legal system, exclusionary clauses, and the KKK, that held racism together whenever the white population sensed they were losing leverage socially.

Traditional Narratives Disguised as Historical Events

Michel-Rolph Trouillot theorized how historical knowledge is produced by institutions and authorities who control society's perception of reality by presenting traditional narratives as complete historical accounts. From Trouillot's perspective, there are "four crucial moments" in what he calls the "cycle of silences" when "aspects of

historical production expose[d] when and where power gets into the story.”⁶³ The power to control and direct society was not necessarily in the (1) “fact creation” per se; power was written into the traditional narrative after the *fact creation* became a historical event.⁶⁴ Trouillot argues that, following the actual event, the power to control and direct society gathers strength during one or more sequences of elements that are invented, manufactured, and/or produced – in (2) “fact assembly (archives),” (3) “fact retrieval (narratives),” and/or (4) “retrospective significance [how significant the past was to imagining the present and the future].”⁶⁵ Trouillot’s *cycle of silences* theory focuses on the known and undisputed facts about a historical event (*fact creation*) and what was found in the archives (*fact assembly*), to see where and how contradictions entered narratives (*fact retrieval*).

Trouillot’s theoretically sophisticated *cycle of silences* not only explains how power is embedded in the process of historical production, it indicts the systems and institutions of power and authority responsible for supporting, promoting, directing, and protecting the process of shaping narratives. Historical narratives do not control and direct society, the people who control the contradictions found in the traditional narratives control and direct society. Subsequently, through many decades, what were the chances that the general public would be able to differentiate between the two narratives when traditional narratives were supported, promoted, and directed by institutions and

⁶³ Michel-Rolph Trouillot, *Silencing the Past: Power and the Production of History* (Boston: Beacon Press, 1995), 26-28.

⁶⁴ Trouillot, *Silencing the Past*, 26.

⁶⁵ Trouillot, *Silencing the Past*, 26.

authorities, and historical narratives were modified, silenced, and erased in what Trouillot called the “cycle of silences?”⁶⁶

The approach Alphen and Carretero took looks at “master narratives” as “powerful cultural tools” to see how traditional narratives are “produced and propagated for particular (political, educational) purposes” and how the traditional narratives are then “appropriated or ‘consumed’ by students or citizens.”⁶⁷ According to the authors, “the master narrative establishes the identity of a nation, its past and present are directly related through a protagonist, action, and goal.”⁶⁸ By “connect[ing] the national past and present in particular ways,” traditional narratives bring the past into a stable environment with the present in society.⁶⁹ The reality of the nation is then projected as a “natural and transcendental category” that is “idealiz[ed] as a moral, heroic or patriotic example ... with inherent and predetermined goal[s].”⁷⁰ Identifying the “political use of history” on a national level, Alphen and Carretero found that: 1) “change and otherness are not accounted for;” 2) idealization does not permit “historical contextualization;” and 3)

⁶⁶ Trouillot, *Silencing the Past*, 26.

⁶⁷ Traditional narratives have been defined by scholars by a number of similar terms (giving equal value to each): master narrative; metanarrative; dominant narrative; grand narrative; official/unofficial narrative; to name a few. The authors use the term “master narrative” to describe traditional narratives. So as not to confuse, I continued using “traditional narrative,” except when quoting the authors. Floor van Alphen and Mario Carretero, “The Construction of the Relation between National Past and Present in the Appropriation of Historical Master Narratives” (*Integrative Psychological & Behavioral Science* 49, no. 3 (2015)), 514.

⁶⁸ van Alphen and Carretero, “The Construction of the Relation between National Past and Present in the Appropriation of Historical Master Narratives,” 516.

⁶⁹ van Alphen and Carretero, “The Construction of the Relation between National Past and Present in the Appropriation of Historical Master Narratives,” 516.

⁷⁰ van Alphen and Carretero, “The Construction of the Relation between National Past and Present in the Appropriation of Historical Master Narratives,” 516.

explaining master narratives by their purpose “involves historical predetermination and a biased or linear view of the past.”⁷¹

Promoting holidays and festivals celebrating or remembering heritage were one of the ways institutions and authorities protected and reinforced the preferred ideologies of traditional narratives by creating a feedback loop of repeating the message in a yearly cycle of celebration or remembrance. The power of tradition was blended with the incentive of being an active partner in a grand and historic narrative. True or not, traditional narratives were one of the keys to controlling society’s perception of the past and the present. When communities and individuals become active partners in the celebrations or remembrances, the perspective and perception of identity is wrapped up with the traditional narrative. Through celebration and remembrance, traditional narratives idealized historical events in a way that marginalized other factors at work in historical production. Alphen and Carretero argue that “idealizing the past often overstates the role and impact of personal intentions and does not consider how political, social and economic factors interact in a complex way at a specific moment.”⁷² However, the purpose of the traditional narrative was to “play an important role in the imagination of nation, not only in the invention but in sustaining national identity as well,” once

⁷¹ van Alphen and Carretero, “The Construction of the Relation between National Past and Present in the Appropriation of Historical Master Narratives,” 526.

⁷² By covering up or glossing over the truth and the facts under the guise of nationalism, patriotism, exceptionalism, and religiosity, the institutions and authorities responsible for promoting traditional narratives made it possible for society to ignore the truth, the facts, and the reality that hundreds of millions of people were subjugated and murdered through time, often in the name of peace and democratic principles. van Alphen and Carretero, “The Construction of the Relation between National Past and Present in the Appropriation of Historical Master Narratives,” 527.

endowed with the power of idealized identity.⁷³ Establishing identity established reality. As such, traditional narratives should be recognized as a partner with the legal system, and in the same context as the legal system – as instilled with politics and the power to control and direct society.

While Trouillot explained how and where contradictions entered into traditional narratives, Alphen and Carretero explained how to go about correcting current conflicts and controversies surrounding traditional narratives. Each traditional narrative is filled with an idealized reality of facts and flaws. These facts and flaws, contradictions, repeated through time, and replicated the past and the present “through a national sameness over time.”⁷⁴ In order to sustain an idealized continuity of the history of the United States through time, traditional narratives were disguised as historical events.

The Legal System

The silencer used on the weapon of racism was the legal system. When legal historian Kermit L. Hall wrote that the legal system was “more a river than a rock ... more the product of social change than the mold of social development,” it was as if he was describing the legal mayhem that followed the African American out of slavery and into the late-1800s through the 1900s.⁷⁵ Although legally emancipated, African Americans were drowned by decades of legal restraints. Hall understood the legal system as society’s “manifestation of ideology,” which “evolved [through time] in response to

⁷³ van Alphen and Carretero, “The Construction of the Relation between National Past and Present in the Appropriation of Historical Master Narratives,” 514.

⁷⁴ van Alphen and Carretero, “The Construction of the Relation between National Past and Present in the Appropriation of Historical Master Narratives,” 518.

⁷⁵ Kermit L. Hall, *The Magic Mirror: Law in American History* (New York, NY: Oxford University Press, 1989), 336.

individual and group interest.”⁷⁶ The interactivity of society, culture, politics, and law created reality within the “rule of law – the rule of rules.”⁷⁷ As Hall put it, “Law is the work of more than just courts, judges, and lawyers. It is the product of lawmakers, of persons engaged in the political process, who, through the exercise of their constitutional authority, shape and then reshape the law.”⁷⁸

By Hall’s definitions of law, the legal system should be understood as political, “the high number of lawyers in politics meant that law and politics [were] intimately related, both yesterday and today.”⁷⁹ His analysis boiled down the legal system in this way: “Law is a system of social choice and control; politics is a means of distributing power within society. Politics has shaped law, and both have had a reciprocal and reinforcing nature.”⁸⁰ Therefore, a conversation about racism in America must also include a conversation about the politics of governance through the system of law, because the white reality as seen through the legal system was the African American experience during this time. Hall emphasized this point in 2002 when he wrote that “between 1917 and 1945...racism, nativism, and national-security hysteria shaped the legal culture in ways that mocked the rule of law.”⁸¹

⁷⁶ Hall, *The Magic Mirror*, 6; “Legal History,” *West’s Encyclopedia of American Law* (2 ed.) (Gale Group: Online, accessed April 26, 2015), <http://legal-dictionary.thefreedictionary.com/Legal+History>.

⁷⁷ Hall, *The Magic Mirror*, 6.

⁷⁸ Kermit L. Hall, “Introduction.” *Oxford Companion to American Law*, ed. Kermit L. Hall (Online: Oxford University Press, 2002), viii.

⁷⁹ Hall, “Introduction.” vii-viii.

⁸⁰ Kermit L. Hall, “‘Sometimes the Otter and Sometimes the Hound’: Political Power and Legal Legitimacy in American History,” (*American Bar Foundation Research Journal* 8, no. 2 (1983)), 429-39.

⁸¹ Hall, *The Magic Mirror*, 265.

Consequently, the dominant culture held power over society by creating evolving institutional structures designed to control all of society in any given time period. The preferred ideologies, or core values, of the dominant culture were then supported and protected by the institutional structures they created and implemented. Essentially, those who created and controlled the law created and controlled the reality of society, and this reality, true or not, influenced the movements of society. While institutions shaped what was appropriate social behavior through the legal system, they also responded to evolving social conditions and situations whenever necessary and by any means necessary within the legal system. The legal system controlled conditions and situations by controlling the structure of appropriate conditions and situations in all ways and at all times, but the legal system was influenced by society and politics. Law, according to Hall, was not neutral; it was directed social and political movement. Indeed, law is far from neutral, it is, as one legal dictionary put it, "...a creature of power and politics."⁸²

Lawmakers quickly moved in to restructure slavery-era laws, codes, rules, regulations, and ordinances to stay in line with the measures Congress enacted and U.S. Supreme Court decisions following the Civil War, while, societies across the U.S. modified their social customs, practices, and traditions. Legally and socially, the pretext for such state, local, and social efforts was fear-based: fear of uprisings from an unruly population of dark people that needed to be governed firmly by the white paternal authority. Less admitted was the fear that white supremacy would be overthrown. By making laws that supported their authority, white men retained the collective power whites accumulated and were accustomed to before the Civil War – white men kept their

⁸² "Legal History," *West's Encyclopedia of American Law* (2 ed.).

authority. Known as Black Codes and Jim Crow, the legal modifications the country as a whole went through were known as *de jure segregation* and socially as *de facto segregation*.⁸³

De jure segregation (or statutory segregation) consisted of laws, codes, rules, regulations, and ordinances that state or local governmental authorities authorized and recognized as legal. It was legally sanctioned segregation of the African American population; one example was segregated railcars. Likewise, de facto segregation referred to social customs, practices, and traditions that promoted the segregation of African Americans outside the purview of the legal system (extralegal). For African Americans, de facto segregation was the most dangerous since it included vigilantism enforced outside of the law; an example was indiscriminate beatings and lynchings. In other words, de jure segregation referred to and included laws, codes, rules, regulations, and ordinances used against African Americans within the law, and de facto segregation referred to social customs, practices, and traditions used against African Americans that were often contrary to the law. Principally, these methods of controlling African Americans were extensions of white ideologies and social impulses.

Laws segregating African Americans were a reaction from the white population to the new freedoms African Americans exercised under the authority of the federal government after the Civil War. Although the violence the white population said they feared rarely materialized, African Americans still feared legal and extralegal reprisals if they were accused of or committed a crime. Many times asserting their independence was

⁸³ Paul Finkelman, "Segregation," ed. Kermit L. Hall (*The Oxford Companion to American Law*: Oxford University Press, 2002), 729-732.

enough to be accused of and sentenced for a fictitious crime. The laws disproportionately disenfranchised, subjugated, and segregated the African American population in much the same way slavery did: by regulating their actions and movements, their individuality and autonomy. Revising slavery-era means of control over the African American population legally and socially guaranteed the white population would continue to have the authority to control movements and activities of the African American population.

In 1857, a U.S. Supreme Court decision argued in 1856, *Dred Scott v. Sandford*, found that enslaved and free African Americans were not citizens of the United States under the Constitution, and therefore, were not entitled to the same rights and privileges as white citizens.⁸⁴ In the decision, Chief Justice Roger B. Taney wrote that African Americans were “altogether unfit to associate with the white race, either in social or political relations; and so far inferior, that they had no rights which the white man was bound to respect.”⁸⁵ It was Taney’s opinion “that the negro might justly and lawfully be reduced to slavery for *his* benefit [emphasis added]”⁸⁶ The opinion that African Americans needed a paternal figure to direct their behavior was not only the opinion of the Chief Justice of the Supreme Court, it was voiced by many other whites at that time.

In 1865, the federal government ratified the Thirteenth Amendment making slavery illegal.⁸⁷ According to the southern states, passage of the Amendment did not guarantee African Americans citizenship or automatically grant civil rights to African

⁸⁴ National Archives and Records Administration (NARA), “*Dred Scott v. Sandford*,” accessed June 28, 2018, <https://www.ourdocuments.gov>.

⁸⁵ Magnusson, Martin, “No Rights Which the White Man Was Bound to Respect” (*American Constitution Society for Law and Policy*, March 19, 2007), <https://www.acslaw.org/acsblog/no-rights-which-the-white-man-was-bound-to-respect>.

⁸⁶ Magnusson, “No Rights Which the White Man Was Bound to Respect.”

⁸⁷ 13 Stat. 774-775.

Americans in any civil rights cases before the Supreme Court proactively.⁸⁸ That same year (1865-1866), state and local legislators passed Black Codes in several previously Confederate states where many among the legislators themselves were Confederate veterans and supporters of what became known as the (Lost) Cause. These states' legislators were not alone in their fear and preconceived notions about the behavior of African Americans. Both southern and northern state and local legislators passed Black Codes wherever whites presumed and prematurely feared that the new status and freedoms African Americans received would undoubtedly "unleash blacks' alleged criminality."⁸⁹ Eerily similar to slavery, one law dictated that African Americans carry "written evidence of employment [with them] at all times, similar to the old pass system under slavery."⁹⁰ Racism had followed African Americans from slavery into freedom. The new boss was the old master in the new system.

After the Civil War, Congress compelled the states that had seceded from the Union during the war to accept the Fourteenth Amendment (proposed in 1866) in order to reestablish representation in Congress and admittance back into the Union.⁹¹ The Black Codes states passed made it necessary for Congress to enact the Civil Rights Act of 1866 defining citizenship at the same time it was considering the Fourteenth Amendment.⁹² The 1866 Act sent a clear statement to the states that every person born in the U.S., regardless of color, was a citizen. The Act brought about contentious debates, both in the

⁸⁸ Milton R. Konvitz, "The Extent and Character of Legally-Enforced Segregation" (*The Journal of Negro Education* no. 3, 1951), 425-435, 425.

⁸⁹ Christopher Waldrep, "Black Codes," *Oxford Companion to American Law*, ed. Kermit L. Hall (NY: Oxford University Press, 2002), 66-67.

⁹⁰ Waldrep, "Black Codes," 66-67.

⁹¹ 14 Stat. 358-359.

⁹² Civil Rights Act of 1866, April 9, 1866, 14 Stat. 27-30.

courts and on the streets. One street document (possibly a handbill), titled “Save Us from the Degradation: The Civil Rights Bill,” made many whites’ position socially and politically very clear by turning the focus of the reader to the hardships whites would suffer if the bill was passed. The document started by saying that the bill had passed in the Senate and the November’s elections “will determine its fate;” and ended with “the most monstrous provision of this Civil Rights Bill is that *which gives the negro a bribe of five hundred dollars to prosecute, fine, and imprison the white man.*”⁹³ Encouraging whites to get out and vote because the white man’s finances and freedoms were in jeopardy, the anonymous author(s) also wrote, in part: “We appeal to the white race, to the men and women of the white race, to repel with every influence at their command the attempt of the Radical party to degrade them to the level of the negro.”⁹⁴ Although the discussion was specifically about the “negro” as a race, the author(s) use of language revealed another fear, class: “Shall the negro be the ONLY CLASS of people who are to have special laws for their benefit?”⁹⁵ This question would be debated in the courts and on the streets for decades to come.

There was another interesting point about this document. *Save Us from the Degradation* was one of the few documents I found that mentioned cemeteries. In their ranting about “negroes” being “equals (public education)...in the same rooms and beds (hotels)...by the side of (public amusement)...[and] in the same room with (hospitals)”

⁹³ “Save Us From the Degradation: The Civil Rights Bill,” [Pennsylvania?]: [publisher not identified], 1866, accessed June 24, 2018, <https://babel.hathitrust.org/cgi/pt?id=emu.010002634756;q1=civil%20rights%20act%20of%201866;https://hdl.handle.net/2027/emu.010002634756>.

⁹⁴ “Save Us From the Degradation: The Civil Rights Bill.”

⁹⁵ “Save Us From the Degradation: The Civil Rights Bill.”

whites, the author(s) mentioned that “It [the Civil Rights Act of 1866] forces the managers of cemeteries to bury the negroes side by side with the whites.”⁹⁶ From this, it is estimated that the northern states also had their share of segregated cemeteries, since the document asks the question: “Will the white fathers, mothers, sisters, and brothers in Pennsylvania favor this odious law?”⁹⁷

Back in Texas during this time there were indications that “violence in the countryside arose from racial animosity and wounded pride.”⁹⁸ Rivas wrote that the Texas legislature refused to adopt the Fourteenth Amendment to the United States Constitution, “rejecting the idea that black men fit the standards of citizenship,” asserting instead that “capitulation to federal demands would demonstrate a ‘poverty of manly spirit.’”⁹⁹ The racial, legal, extralegal, and political environment led to the view that the state was “one of the most violent states in the country in the latter 1860s,” according to Rivas.¹⁰⁰ Nevertheless, both the Fourteenth Amendment and the Civil Rights Act of 1866 were passed into federal law.

Before the passage of the 1866 Act, African Americans were emancipated under the Thirteenth Amendment, but states with Black Codes argued that African Americans were not U.S. citizens since they were not recognized as such under the Supreme Court’s 1857 Dred Scott decision. When the Fourteen Amendment was ratified as federal law in 1868, Congress essentially blocked the Supreme Court’s 1857 Dred Scott decision,

⁹⁶ “Save Us From the Degradation: The Civil Rights Bill.”

⁹⁷ “Save Us From the Degradation: The Civil Rights Bill.”

⁹⁸ Brennan Gardner Rivas, “An Unequal Right to Bear Arms: State Weapons Laws and White Supremacy in Texas, 1836-1900,” (Southwestern Historical Quarterly, Texas State Historical Association, Vol. CXXI, No. 3 (January 2018)), 284-303.

⁹⁹ Rivas, “An Unequal Right to Bear Arms.”

¹⁰⁰ Rivas, “An Unequal Right to Bear Arms.”

thereby impeding the Court's earlier decision that essentially protected the states' de jure and de facto segregation policies. The "Court's interpretation" of the Fourteenth Amendment changed (through time) as it "continue[d] both to mirror and to shape changes in American society," according to Michael Kent Curtis.¹⁰¹ This meant that many Black Codes were repealed during Reconstruction and then modified later into Jim Crow laws.

Five years after the Civil War, the legal battle was still being fought over the rights and privileges of African Americans. The Fifteenth Amendment was passed in 1870 forbidding any state from depriving a citizen of his right to vote due to his color, race, or condition.¹⁰² That same year, the First Ku Klux Klan Act, also known as the Civil Rights Act of 1870, passed in Congress.¹⁰³ This Act would be the first of three Acts passed by Congress during Reconstruction, which were collectively known by several different names: the Ku Klux Klan Acts, the Civil Rights Acts, the Force Acts, and the Enforcement Acts. The first Act, was geared toward protecting African Americans right to register to vote by prohibiting discrimination in voter registration. In 1871, one year later, Congress passed the other two Acts: the Second Ku Klux Klan Act, or the Civil Rights Act of 1871, which placed elections under federal control; and the Third Ku Klux Klan Act, which essentially provided a mechanism for enforcement of the Fourteenth Amendment protecting the rights of all citizens.¹⁰⁴ Although the three Ku Klux Klan Acts

¹⁰¹ Michael Kent Curtis, "Fourteenth Amendment," *Oxford Companion to American Law* (Online: Oxford University Press, 2005), 318-321.

¹⁰² Fifteenth Amendment: P.L. 40-14; 15 Stat. 346.

¹⁰³ First Ku Klux Klan Act: 16 Stat. 140-146.

¹⁰⁴ Second Ku Klux Klan Act: 16 Stat. 433-440; Third Ku Klux Klan Act: 17 Stat. 13-15.

were geared specifically toward curtailing the influence of the KKK, the federal Amendments and Acts were in response to states with an overwhelming majority of KKK members and sympathizers pursuing their own agenda with regard to the movements and advancements of the African American population.

When Congress passed an Act or the Supreme Court passed down a decision that altered how state's handled their white population's isolation for African Americans, states reacted to the government's legal actions and society's extralegal actions by countermanding, to the best of their ability, how they did things on the home front. As a result, state, county, and local leaders handled the *Negro problem* "extra-legally," but so as to avoid federal legal ramifications and challenges to their authority and interpretation of the Ku Klux Klan Act of 1871. Christopher Waldrep wrote that the federal government's amendments and acts were "proof" to southern whites that "blacks could be 'disciplined' only outside the law," with de facto segregation.¹⁰⁵

The third Ku Klux Klan Act, at the request of President Ulysses S. Grant, dealt specifically with de facto violence perpetrated by whites against African Americans.¹⁰⁶ The Act penalized private individuals, not states, in its protection of African American citizens' constitutional rights when state and local courts and authorities could not, or refused to, protect the rights of African Americans. Moreover, the Act provided an opportunity for individuals to be compensated when state and local authorities and policymakers were found guilty of violating an individual's federally protected rights.

¹⁰⁵ Waldrep, "Black Codes," 67.

¹⁰⁶ "Ku Klux Klan Act of 1871," *West's Encyclopedia of American Law*, 2nd ed. (Gale Group: Online, accessed June 24, 2018), <https://legal-dictionary.thefreedictionary.com/Civil+Rights+Act+of+1871>.

The 1871 Act, like the earlier Ku Klux Klan Acts, was in response to and directly addressed state and local laws, codes, regulations, and ordinances that policymakers created in response to the freedoms Congress and the federal government gave to free and formerly enslaved African Americans. However, in 1883, a case went before the Supreme Court which challenged the authority of Congress to make a law that “improperly expanded federal jurisdiction to areas where [state] criminal law” took precedence.¹⁰⁷ By penalizing private citizens, the Third Ku Klux Klan Act of 1871 overstepped the authority of states and granted that authority to the federal government.

Specifically, *Supreme Court of the United States case 106 U.S. 629 (1883) United States v. Harris* “question[ed] the power of Congress to pass the law” in the first place.¹⁰⁸

The Supreme Court wrote: “It was never supposed that the section under consideration conferred on congress the power to enact a law which would punish a private citizen for an invasion of the rights of his fellow-citizen.”¹⁰⁹ The judges were “unable to find any constitutional authority” for Congress to make such a law, “The decisions of this court above referenced to leave no constitutional ground for the act to stand on.”¹¹⁰ In other words, Congress enacted a law that the Supreme Court decided they could not make, so the third Ku Klux Klan Act (1871) was struck down. Essentially, the battle over race that was the Civil War bled over to become a battle over race in the halls of government and

¹⁰⁷ “Ku Klux Klan Act of 1871,” *West's Encyclopedia of American Law*, 2nd ed.

¹⁰⁸ *United States v. Harris*, 106 U.S. 629. 1883, *Courtlistener.com*, accessed June 25, 2018, <https://www.courtlistener.com/opinion/90728/united-states-v-harris/>; “U.S. v. Harris,” *FindLaw*, (Thomson Reuters, 2018, accessed June 25, 2018), <https://caselaw.findlaw.com/us-supreme-court/106/629.html>.

¹⁰⁹ “United States v. Harris, 106 U.S. 629. 1883,” *Courtlistener.com*.

¹¹⁰ “U.S. v. Harris,” *FindLaw*.

the legal system. Mayhem remained in control in government, in the legal system, on the streets, and in the countryside – in the south and in the north.

Consequently, according to Paul Finkelman, for twenty-three years from 1873 to 1896, state, county, and municipal bureaucrats “seemed to constantly look for, and find, ways to segregate, oppress, and humiliate blacks,” while the U. S. Supreme Court increasingly “gave its blessing to segregation.”¹¹¹ Several cases of discrimination came before the Court, but the Court undermined the most basic among them. According to John E. Semonche, “the first federal public accommodations act,” the Civil Rights Act of 1875, effectively hindering U.S. Congress’s efforts to integrate African American movement in public.¹¹²

Moreover, in the 1896 *Plessy v. Ferguson* decision, the Supreme Court determined that “Jim Crow laws did not violate the equal protection clause” of the Fourteenth Amendment¹¹³ The decision resulted in the U.S. Congress becoming “completely indifferent to the widespread racial discrimination” from 1896 through the first half of the 20th century.¹¹⁴ The 1896 *Plessy v. Ferguson* decision also marked the birth of the *separate, but equal* doctrine that permitted the white population to further segregate African Americans from whites as long as there were equivalent systems and accommodations in place for both. As lawmakers continued to put more effort into state and local laws, codes, and regulations in support of segregation, “custom and official

¹¹¹ Finkelman, "Segregation," 730.

¹¹² John E. Semonche, “Civil Rights and Civil Liberties,” *Oxford Companion to American Law* (NY: Oxford University Press, 2002), 110-114.

¹¹³ *Plessy v. Ferguson*, 163 U.S. 537 (1896); Semonche, “Civil Rights and Civil Liberties,” 110-114.

¹¹⁴ Semonche, “Civil Rights and Civil Liberties,” 110-114.

discretion filled in the gaps and permitted such discrimination to continue.”¹¹⁵ This was the height of both de jure segregation on federal, state, county, and local levels of government, and de facto segregation on a social level. The segregation of dead African Americans into separate cemeteries is an example of both de jure segregation and de facto segregation. In many cases, if de jure segregation did not legally keep African Americans from being buried in white cemeteries, de facto segregation did.

Cemetery Exclusionary Clauses

In the 1800s, towns and cities developed to eventually grow around many city cemeteries, which became more crowded as well. Health concerns over cemeteries occupying the same space directly in the path of the hustle and bustle of city life initiated a reaction from city leaders who quickly passed ordinances that closed city cemeteries and made it illegal to bury human remains in city limits (without express permission). One example was Chicago’s city council which “officially barred burial within the city limits by 1866.”¹¹⁶ Exemplifying the fear of disease, a city ordinance was passed on June 7, 1910, in the town of San Marcos, Texas, which stated: “(Sec.2. Rule 9) Burials of bodies dead of Asiatic cholera, plague, smallpox, or typhus fever shall take place as early as possible, and in no instance later than eighteen hours after death.”¹¹⁷

In many cases, cemeteries in cities were closed so that the interred bodies inside city limits could be exhumed and reinterred in the new country-setting cemeteries. The city council of San Marcos had that under control as well: “(Sec.2. Rule 11) A sexton or other person desirous of disinterring or removing the body of a human being from one

¹¹⁵ Semonche, “Civil Rights and Civil Liberties,” 110-114.

¹¹⁶ Rosenow, *Death and Dying in the Working Class, 1865-1920*.

¹¹⁷ City of San Marcos, “City Ordinance, June 7, 1910,” Sec. 2. Rule 9. Page 379.

cemetery to another cemetery or to another part of the same cemetery ... shall first obtain a written permit from the local health authority.”¹¹⁸ The rule further stated that “such permit shall state specifically where such body is to be buried or entombed and the waiver of its removal.”¹¹⁹

The land once occupied by cemeteries became prime real estate once the bodies were relocated. Given that more space was needed for development, it made sense to move city cemeteries out of the way of progress. This meant that cemeteries in towns and cities across the U.S. experienced the phenomenon of exhuming bodies and reintering them in more accommodating settings in other cemeteries. In other words, cities moved the dead out of the way for progress and financial gain, but health concerns were the reason given at the time for exhuming and reintering early settlers.

The public was first introduced to the commercial rural cemetery (1831-1870s) with its “picturesque, natural garden [with] three-dimensional markers; monuments; [and] sculpture.”¹²⁰ Advertising it as a healthier alternative, both physically and mentally, reverends and judges eased the community into accepting this new and improved (and more costly) development in caring for the dead. Dedication speeches by white community leaders encouraged family members and loved ones to look at the place of burial, death, and the deceased in a particular way. In the early 1800s, cemeteries were perceived as places with a certain power over humans that introduced “civilizing

¹¹⁸ City of San Marcos, “City Ordinance, June 7, 1910,” Sec. 2. Rule 11. Pg. 380.

¹¹⁹ City of San Marcos, “City Ordinance, June 7, 1910,” Sec. 2. Rule 11. Pg. 380.

¹²⁰ Sloane, *The Last Great Necessity*, 4-5.

elements of order and stability” to society since different religions, creeds, and classes were usually buried together in this one place.¹²¹

Country-setting cemeteries sold peace of mind. They were also potentially profitable investment opportunities, but eager developers had to invent “methods of hiding the profitable nature of their investment” due to “concerns about the public’s perception.”¹²² Making too much money from the pain associated with death could easily be seen as repugnant. Still, new middle-class wealth led to more elaborate cemeteries with gardens, walkways, fountains, and benches competing with rural cemeteries.

The lawn-park cemetery (1855-1920s), with its “pastoral, parklike, three dimensional monuments; sculpture; [and] close-to-the-ground markers” came shortly after, and overlapped with, the rural cemetery phase.¹²³ Sloane wrote that these commercial cemeteries “invited lot-holders to bury their dead and leave the care and beautification of the burial place to management.”¹²⁴ As plot owners, the sense that they and their loved one’s final resting place would be taken care of when they were gone was merely one benefit of burial in the newest style of commercial cemetery. This show of death was structured with intention, purpose, and function, and the community bought into the venture together – marking the beginning of the perpetual-care cemetery. Pages and pages of strictly regulated rules completed the proposition of perpetual care for the dead by structuring the cemeteries with legalities. Later, state and federal laws would be

¹²¹ Brophy, “The Road to the Gettysburg Address,” 861.

¹²² Sloane, *The Last Great Necessity*, 130-131.

¹²³ Sloane, *The Last Great Necessity*, 4-5.

¹²⁴ Sloane, *The Last Great Necessity*, 157.

set in place to regulate this type of cemetery since money was exchanged up-front for future care/maintenance.

The older rural cemeteries were in competition with newer lawn-park cemeteries, and later, memorial park cemeteries (1917-present) that were landscaped, well-groomed, and maintained, with “two-or-three dimensional; flush-to-the-ground markers; [and] central-section sculptures.”¹²⁵ The burial plots nearest to architectural features, such as statues, were one of the final ways to show-off economic status, Sloane wrote, “the highest priced plots sold first.”¹²⁶ Money’s influence was still visible in the improved cemeteries, but it was refined, a more elegant show of death.

According to Sloane, Hubert Eaton captured the ideas the new cemeteries represented by combining those ideas with the “integral components of rural cemeteries.”¹²⁷ Eaton was the creator of the new memorial park cemetery style that continued “evoking traditional values of patriotism and faith,” but without the gloominess that accompanied rural cemeteries.¹²⁸ His cemetery was a rejuvenated reinterpretation of death that “celebrated and honored [traditional values] in a manner that stripped them of the melancholy of antebellum America.”¹²⁹ These reinterpreted cemeteries “suggest[ed] a new vision, a renewed belief” that promoted “non-Caucasian racial exclusion.”¹³⁰ Sloane wrote that “most American memorial parks included racial-exclusion clauses in their deeds,” and emphasized the point by noting how “Americans flocked to racially

¹²⁵ Sloane, *The Last Great Necessity*, 4-5.

¹²⁶ Sloane, *The Last Great Necessity*, 187.

¹²⁷ Sloane, *The Last Great Necessity*, 164.

¹²⁸ Sloane, *The Last Great Necessity*, 164.

¹²⁹ Sloane, *The Last Great Necessity*, 164.

¹³⁰ Sloane, *The Last Great Necessity*, 164.

segregated memorial parks [cemeteries] filled with academic sculpture and explicitly expressed values.”¹³¹ Many public burial sites had segregated sections within the cemetery from the time they were established in the mid-late 1800s, but these new and improved cemeteries were exclusively white. The difference this time was that commercial cemeteries legitimized Jim Crow segregation in death.

For certain members of the community, the advantage of commercial cemeteries was the introduction of cemetery bylaws that included exclusionary clauses. The exclusivity that entangled class and wealth (and cemeteries) in earlier times proved to be the close cousin of the exclusion that harnessed race through time. Exclusivity meant that even when African Americans could afford burial in the cemetery of their choosing, they were excluded due to color; exclusionary meant the same. Exclusionary clauses were legally binding rules cemetery plot owners were obliged to follow in order to purchase or be buried in a particular cemetery. The clauses were known by many names and were placed in multiple documents, such as city ordinances. Moreover, the legally binding rules became commonplace throughout the United States during the period of Jim Crow segregation, and even after the Civil Rights movement.

Sloane found one such exclusionary clause stating: “No interment of any body or the ashes of any body other than that of a human body of a Caucasian race shall be permitted.”¹³² Lawrence N. Ravick noted another court case in Michigan in 1953 which held that “contracts restricting burial privileges to members of the Caucasian race” in the

¹³¹ Sloane, *The Last Great Necessity*, 162, 164.

¹³² Sloane did not name the cemetery or where the lawsuit was. Sloane, *The Last Great Necessity*, 187.

case of private cemeteries could include all non-white purchasers of burial plots.¹³³ The reason for the decision was because the cemetery was private, and “the mere exemption of a cemetery from taxation by the state does not fix its character as a quasi-public one.”¹³⁴ Publicly-held cemeteries were treated differently under the law than were privately-owned cemeteries, which were guided by real property laws and held more freedoms in its restrictive contracts.

Light Townsend Cummins and Mary L. Scheer’s collection of edited works in *Texan Identities: Moving Beyond Myth, Memory, and Fallacy in Texas History* helped to explain how deeply the core values of traditional racism were through time. One author, Gene B. Preuss, illustrated a story of a Mexican American cemetery caretaker in western Texas.¹³⁵ Preuss wrote that the caretaker was permitted to purchase burial plots in the white cemetery in town for \$500.00.¹³⁶ Contented to know that his father and brother were the first Mexican Americans buried there, the caretaker said that he donated a map, presumably of the cemetery, to the local museum that his predecessor had written in big letters: “No Niggers! No Meskins!”¹³⁷ When the “town fathers” heard that the caretaker had purchased plots in the cemetery, they offered to buy back the plots for \$5000.00!

¹³³ Lawrence N. Ravick, "Constitutional Law: Equal Protection: Racial Restrictive Covenant in Deed of Cemetery Lot as Defense to Damage Action." *Michigan Law Review* 52, no. 6, 1954: 907-09. doi:10.2307/1285524.

¹³⁴ Ravick, "Constitutional Law."

¹³⁵ Not to be confused with West, Texas, a town between Dallas and Austin.

¹³⁶ Preuss did not say when the caretaker purchased the plots. Gene B. Preuss, “Delgado v. Bastrop: Civil Rights and Identity in Texas History,” in *Texan Identities: Moving Beyond Myth, Memory, and Fallacy in Texas History*, ed. Light Townsend Cummins and Mary L. Scheer, (Denton, TX: University of North Texas Press, 2016), 218.

¹³⁷ Preuss, “Delgado v. Bastrop,” 218.

Intrigued, Preuss asked when this happened, the caretaker said, “It happened in 2000!”¹³⁸

In other words, whenever and wherever legally possible and enforceable by laws, ordinances, and social customs, racial segregation was in effect even after death and through time. Exclusivity was not about money or even class necessarily – exclusivity was about color – and exclusionary clauses provided the evidence.

Similar to Sloane and Preuss, Kitty Rogers found that legal exclusionary clauses were prevalent throughout the United States beginning shortly after the Civil War up to the 1970s.¹³⁹ Rogers’ research “estimated 90% of all public cemeteries rules and regulations nationwide contained some sort of racially restrictive covenant, the reason given was that ‘people, like animals, prefer to be with their own kind.’”¹⁴⁰ Of course, *their own kind* racially was the point, not their class, financial status, or even their profession. Similar to the practice of *keeping them in their place* discussed earlier, the racial caste system that followed African Americans in life was the racially restrictive covenant that followed African Americans into death.

One case Rogers discussed, Mount Moriah Cemetery Association v. Pennsylvania, was grounded not in any fear whites had of African Americans, but in fear of white rebellion and retaliation.¹⁴¹ In court records from 1867, the defense position was that if burials of African Americans in the white cemeteries were forced on the public, “so great [would be] the opposition on the part of the large majority of our many

¹³⁸ Preuss, “Delgado v. Bastrop,” 218.

¹³⁹ Kitty Rogers, “Integrating the City of the Dead: The Integration of Cemeteries and the Evolution of Property Law, 1900-1969” (*Alabama Law Review* 56, no. 4 (2005)), 1153-1166, 1156, <https://www.law.ua.edu/lawreview/archives/volume-56/>.

¹⁴⁰ Rogers, “Integrating the City of the Dead,” 1156.

¹⁴¹ Rogers, “Integrating the City of the Dead,” 1156-57.

thousand lot-holders that it would probably lead to acts of violence and breaches of the peace.”¹⁴² The defense further pleaded that mayhem would surely follow: “large numbers of the dead already interred therein would be removed.”¹⁴³ Burying one dead African American in a particular cemetery was more frightening to the white community than exhuming all of the dead white corpses and carrying them through the streets on their way to a white cemetery. On its own, this court case illustrated how the fear of violence from white people overshadowed society’s fear of disease, and the fear of financial ruin trumped both.

Rogers saw the “culture of segregation” as overwhelming the court system to the point that “courts began to render judgments in favor of the cemeteries, cemetery associations, and their racially restrictive covenants.”¹⁴⁴ The courts did this by determining “cemeteries were not places of public accommodation and thus did not fall within the civil rights provisions designed to prevent discrimination.”¹⁴⁵ Laws pertaining to public accommodation from 1913 to 1955, in Rogers’ opinion, “did not necessarily compel courts to interpret those statutes as covering cemeteries and burial plot purchases.”¹⁴⁶ What mattered in the issue of racially restrictive covenants within cemeteries, unlike real property, was how the judge and jury interpreted the law, not what was right or wrong, moral or immoral, but what was interpreted as legal or illegal.

Eighty-one years later, on January 15, 1948, a similar case was argued before the U.S. Supreme Court. According to Justia US Supreme Court Center, *Shelley v. Kraemer*

¹⁴² Rogers, “Integrating the City of the Dead,” 1157.

¹⁴³ Rogers, “Integrating the City of the Dead,” 1157.

¹⁴⁴ Rogers, “Integrating the City of the Dead,” 1158.

¹⁴⁵ Rogers, “Integrating the City of the Dead,” 1158.

¹⁴⁶ Rogers, “Integrating the City of the Dead,” 1161.

was “groundbreaking at the time because it expanded the scope of what conduct can be considered state action under [the Equal Protection Clause of] the Fourteenth Amendment.”¹⁴⁷ Earlier, in 1947, the Missouri Supreme Court found that the Fourteenth Amendment “does not void” racially restrictive covenants “despite their overtly racist nature, because they were devised by private entities rather than the government.”¹⁴⁸ The Fourteenth Amendment was enacted to protect African Americans from federal, state, and local governments overstepping their authority and from the politics of the time, which were highly racial. On May 3, 1948, the Court’s decision came down, with Chief Justice Frederick Moore Vinson giving the Opinion of the Court.

In part, the Court’s Opinion was that the case raised “questions relating to the validity of court enforcement of private agreements, generally described as restrictive covenants, which have as their purpose the exclusion of persons of designated race or color from ownership or occupancy of real property.”¹⁴⁹ In the matter before the Court, the Opinion stated that “individuals are free to voluntarily abide by the terms of a racially restrictive covenant” as long as “state action [or a] government entity like a court” was not called upon to “enforce a policy that was devised by private parties.”¹⁵⁰ Once the government was called upon to step in to settle a dispute, the dispute became a matter for the courts, and the courts were directed by the Equal Protection Clause of the Fourteenth Amendment.

¹⁴⁷ Justia: US Supreme Court, *Shelley v. Kraemer*, 334 U.S. 1 (1948), accessed June 5, 2018. <https://supreme.justia.com/cases/federal/us/334/1/#annotation>.

¹⁴⁸ Justia: US Supreme Court, *Shelley v. Kraemer*, 334 U.S. 1 (1948).

¹⁴⁹ Justia: US Supreme Court, *Shelley v. Kraemer*, 334 U.S. 1 (1948).

¹⁵⁰ Justia: US Supreme Court, *Shelley v. Kraemer*, 334 U.S. 1 (1948).

The *Shelley v. Kraemer* case made racially restrictive covenants, and exclusionary clauses, rules, regulations, and ordinances by private entities illegal to enforce by “state action [or a] government entity like a court” under the Fourteenth Amendment *if and when* these private matters concerning real property came before the court.¹⁵¹ This meant that de facto segregation of cemeteries could continue unabated as long as African Americans did not challenge the racially restrictive covenants. While many federal, state, and local government’s “unambiguously banned discrimination in private residential housing” as a result of *Shelley v. Kraemer*, and the desegregation of cemeteries should have started at that same time, the Court’s decision did not put an end to some communities insisting on racially segregated cemeteries and it did not stop some local cemeteries from writing racially restrictive covenants.¹⁵²

In Alabama, racially restrictive covenants were in full effect as late as 1969.¹⁵³ When Bill Terry, Jr. was killed in action in Vietnam, his wife and mother wanted to bury him in Birmingham’s Elmwood Cemetery, as were his wishes. The cemetery manager refused to sell a lot to the soldier’s wife and mother on the grounds that rules and regulations adopted by the cemetery association in 1954 directed that “only human beings of the *white and/or Caucasian race*” could own and use the lots in the cemetery [their emphasis].¹⁵⁴ After being forced to bury the soldier in another cemetery, Terry’s family filed a lawsuit against Elmwood Cemetery. Based on the 1866 Civil Rights Act, the court

¹⁵¹ Justia: US Supreme Court, *Shelley v. Kraemer*, 334 U.S. 1 (1948).

¹⁵² In many cases, discrimination in cemetery plot ownership was viewed as an extension of discrimination in private residential housing. Justia: US Supreme Court, *Shelley v. Kraemer*, 334 U.S. 1 (1948).

¹⁵³ Rogers, “Integrating the City of the Dead,” 1153.

¹⁵⁴ Rogers, “Integrating the City of the Dead,” 1153.

determined that the cemetery discriminated against the family's purchase of a burial lot "solely because they are Negroes." On January 3, 1970, the soldier, Bill Terry, Jr., was exhumed and reinterred in the Elmwood Cemetery as "twelve hundred marchers" watched.¹⁵⁵

In this particular case, Rogers was careful to remind readers that soldiers like Bill Terry, Jr. were killed while defending the freedoms guaranteed by the Constitution, and how, upon the return of their remains to the United States they were "initially denied the guarantees...[by] de jour and then de facto segregation."¹⁵⁶ The bottom line was that as late as 1969, African Americans were still dying and still needed to be buried and still had to fight for the right to be buried where they wanted to be buried. In between time, Congress and the legal system boiled down how the segregation of cemeteries was to be interpreted through the law. To solve the immediate problem of burial, African Americans "confront[ed] segregation in death by purchasing their own land for cemeteries [as] one way the African American community dealt with exclusionary clauses," according to Michael K. Rosenow.¹⁵⁷ This was the African American experience in the legal system of white reality.

¹⁵⁵ Terry, Jr. now rests where he wanted to be buried, next to many of Alabama's governors and senators. Rogers, "Integrating the City of the Dead," 1153-1155.

¹⁵⁶ Since court cases are still popping up about segregated cemeteries, it could be debatable whether Rogers' segregated cemeteries happy ending narrative was entirely valid: "the courts forced those Americans who were hesitant at best and fiercely racist at worst to embrace the freedoms promised to every citizen of our great nation." It could be argued that the fiercest racist tolerated the situation until a more favorable solution could be found. Rogers, "Integrating the City of the Dead," 1166.

¹⁵⁷ Rosenow, *Death and Dying in the Working Class, 1865-1920*.

Revived: Second-Wave Ku Klux Klan

For a brief period shortly after the Civil War federal institutions integrated African Americans into society and positions within government. That did not last for long, though. Just when it seemed the United States was moving forward in a positive way toward addressing racial equalities, the federal government changed with the election of a new president. In 1913, under Woodrow Wilson's tenure, segregation of federal buildings became widespread, and de jure and de facto segregation became more pervasive throughout the country, not only in the south. African American soldiers returning home from WWI found earlier progress wiped away. Not even African American veterans of the Great War were given a pass under Jim Crow. How could society move forward when the president supported the old system's new system of de jure and de facto segregation? "The president himself declared, 'I do approve of the segregation that is being attempted in several of the departments,'" wrote Paul Finkelman.¹⁵⁸

Although advancements in educational institutions continued to various degrees, the administration's support of segregation basically halted much forward momentum toward racial equality. This was especially the case after the release of Thomas Dixon, Jr. and Arthur I. Keller's best-selling novel and play, *The Clansman*, depicting chivalrous hooded and robed white men on white horses hunting down fictitious African American sexual predators.¹⁵⁹ The movie version, *The Birth of a Nation*, was a silent film produced

¹⁵⁸ Finkelman, "Segregation," 730.

¹⁵⁹ Thomas Dixon, Jr. and Arthur I. Keller, *The Clansman: An Historical Romance of the Ku Klux Klan*, (New York: Doubleday, Page & Co., 1905).

by director D.W. Griffith.¹⁶⁰ In 1915, *The Birth of a Nation* was the first movie screened inside Woodrow Wilson's White House.¹⁶¹ The movie was credited with fueling the flame that reignited the hibernating second phase (or wave) of the KKK.

More recently, historians have interpreted the KKK movement as advancing its position in phases through time, with each phase having different meanings in different communities. Because the organization kept the same title through the different time periods, each phase of the KKK has often been lumped together, which was a disservice to the historical narrative of the KKK. The three ideologies that bound the KKK together through time were Protestantism, racial supremacy, and patriarchy, but ultimately, each phase promoted a separate, yet connected, agenda – connected in that the KKK always consisted of white men and women fiercely defending and protecting the supremacy of white males and the Protestant faith. One other common denominator affected all three phases: many members of the KKK were not afraid to use intimidation, coercion, or violence as a means to meet their end goals.¹⁶²

After the Civil War, during the 1860s and 1870s, the first wave KKK was primarily concerned with the African American population, with the effects regionally located in the south. In 1973, Barr wrote about the discrimination, subjugation, and violence African Americans faced in Texas in *Black Texans*. According to Barr, from

¹⁶⁰ D. W. Griffith, *The Birth of a Nation*, (U.S.: David W. Griffith Corp., February 8, 1915).

¹⁶¹ *Birth of a Movement*. Produced by Henry Louis Gates, Jr. Directed by Susan Gray and Bestor Cram. Northern Light Productions: PBS: Independent Lens, February 6, 2017, <http://www.pbs.org/independentlens/films/birth-of-a-movement/#>.

¹⁶² The third phase of the KKK was during the 1960s Civil Rights Movement. It should be understood that current scholarship supports the idea that most KKK members were non-violent, even though there were extremists within the movement.

1865 to 1868 “468 freedmen met violent deaths – 90 per cent at the hands of white men;” and before the century ended “between three hundred and five hundred Negroes met death by lynching.”¹⁶³ This statistic led to Texas’ ranking “third in the nation” for lynchings in the first decade of the 1900s.¹⁶⁴

The 1910s and 1920s saw a resurgence of the KKK in a second wave that established its position and agenda in many more states. According to Leonard J. Moore, the KKK grew to include “perhaps as many as five million Americans” during the 1920s and “represented a huge segment of American society...one of the largest social movements of any kind in modern American history.”¹⁶⁵ While the re-envisioned KKK of the 1920s still used intimidation, coercion, and violence whenever necessary to silence perceived enemies, the organization was most effective in the political arena where it developed into something of a fraternal organization. In the political arena, African Americans were not the only enemy of the KKK.

Between 1922 and 1925 the Midwestern state of Indiana was “the epicenter of the national Klan movement,” according to Leonard J. Moore’s research for *Citizen Klansmen: The Ku Klux Klan in Indiana, 1921-1928*.¹⁶⁶ Moore wrote that some counties in Indiana had membership as high as forty to fifty percent of the county’s white population, it was “hardly a fringe group...it was many times larger than any of the

¹⁶³ Barr, *Black Texans*, 43, 84.

¹⁶⁴ Barr, *Black Texans*, 136.

¹⁶⁵ Moore’s book was pivotal because it challenged many historian’s interpretations about the KKK through time, and, as he stated in the preface: “offers a new explanation for the order’s enormous popularity.” Leonard J. Moore, *Citizen Klansmen: The Ku Klux Klan in Indiana, 1921-1928* (North Carolina Press: Chapel Hill, 1991) xii.

¹⁶⁶ Moore, *Citizen Klansmen*, 7.

veterans' organizations that flourished at the same time, and even larger than the Methodist church, the state's leading Protestant denomination."¹⁶⁷

In his research, Eric S. Jacobson wrote that "in 1922 alone, 1,200,000 Americans became Klansmen, with 20 percent of the national growth occurring in Texas."¹⁶⁸ To put that in perspective, Jacobson's estimated 1,200,000 new KKK members nationwide in 1922 meant that more KKK members were recruited in the U.S. in just one year than there were African Americans in the entire state of Texas at the time.¹⁶⁹ Jacobson went on to say that at its height in 1922, KKK membership in Texas was "200,000."¹⁷⁰

These numbers, however, are misleading, because they do not include white supremacy sympathizers. Many KKK members and sympathizers during the first two phases of the Ku Klux Klan movement were veterans of the Civil War, or their wives, and their descendants, all of whom would have seen or heard about the physical effects the war had on their elders, heard stories about the Civil War and the African American population, and learned certain "appropriate" social behaviors from their elders. Moreover, the numbers do not account for the effects the entire African American population lived under in such an oppressive environment.

The relevance of this chapter goes toward illustrating how legal and government institutions and social culture created a precedence for how free African Americans were treated in life, and then supported and promoted the precedence with further traditional

¹⁶⁷ Moore, *Citizen Klansmen*, 7.

¹⁶⁸ Eric S. Jacobson, "Silent Observer or Silent Partner: Methodism and the Texas Ku Klux Klan, 1921-1925," (*Methodist History*, Vol. 31, no. 1 (January 1993): 104-108), 108, accessed November 14, 2016, <http://archives.gcah.org/xmlui/handle/10516/5873>.

¹⁶⁹ Texas would not see its African American population top the one-million mark until the 1960 census when the white to African American ratio was seven to one.

¹⁷⁰ Jacobson, "Silent Observer or Silent Partner."

and legal actions. The precedence was then replicated in death and afterwards as evidenced in African American segregated cemeteries. In modified forms through time, racism continues to stalk African Americans as it did when most African Americans were enslaved and all African Americans were segregated under Jim Crow. The examples in the next two chapters illustrate how multiple African American burial sites are either threatened or threatening, and in some cases, destroyed, by a society that refuses to admit that such racism still exists.

One final positive note about the current legal code should be added before the examples of the treatment of African American burial sites is evaluated in the next two chapters. The newest edition of the *Texas Funeral Service Commission Law Book*, revised October 6, 2017, includes updated state legislation relating to public access of burial sites and protection of human remains. Directing institutions guiding the treatment of human remains include: Occupations Code, several Health and Safety Codes, and Texas Administrative Code. The section dedicated to the ingress and egress of cemeteries, and both public and private burial grounds, is covered under “Texas Administrative Code[:] Title 22, Part 10[:] Texas Funeral Service Commission[:] Chapter 205. Cemeteries and Crematories” under Section 2. This change in Texas law now grants reasonable access to burial sites that descendants and others were kept from visiting for decades.¹⁷¹ There is also a new code protecting against the disinterment of human remains covered under “Texas Administrative Code[:] Title 25, Part 1[:] Health

¹⁷¹ Texas Funeral Service Commission, *Texas Funeral Service Commission Law Book*, revised October 6, 2017, (Texas Funeral Service Commission Publications: 2017); Texas Administrative Code, “Rules,”
”[https://texreg.sos.state.tx.us/public/readtac\\$ext.ViewTAC?tac_view=4&ti=22&pt=10&ch=205&rl=Y](https://texreg.sos.state.tx.us/public/readtac$ext.ViewTAC?tac_view=4&ti=22&pt=10&ch=205&rl=Y).”

Services[:] Chapter 181. Vital Statistics” under Section 6.¹⁷² While the new legal codes guarantee more rights to the descendants and visitors of burial sites, both public and private, and for the care of exhumed human remains, this does not necessarily mean that the legal requirements will be honored or enforced.

“There is nothing covered that shall not be revealed.” – Matthew 10:26

¹⁷² Texas Funeral Service Commission, *Texas Funeral Service Commission Law Book*, 8.

III. DIFFERENCES IN AFRICAN AMERICAN BURIAL SITES

For all those who were lost
For all those who were stolen
For all those who were left behind
For all those who were not forgotten.
- African Burial Ground, Wall of Remembrance,
New York City¹⁷³

As this thesis argues, institutional and social racism followed African Americans from slavery into *freedom*; and from life into and after death.¹⁷⁴ Since African American burial sites were essentially missing from early scholarship about cemeteries, this chapter argues for a formalized process by which to classify and define African American burial sites in the U.S. in a manner similar to David Charles Sloane's division of burial sites for the white population in a table titled *Characteristics of American Cemeteries*.¹⁷⁵ *Histopolis* estimates there are over 130,000 known and unknown burial sites in the U.S. and Puerto Rico.¹⁷⁶ In Texas, the Texas Historical Commission estimates there are 50,000 marked and unmarked burial sites.¹⁷⁷ With no definite way to calculate how many African American burial sites there are in the U.S. or Texas, suffice it to say that the

¹⁷³ U.S. Department of the Interior: National Park Service, *African Burial Ground National Monument New York: Entrance to the Ancestral Libation Chamber*, New York, N.Y., accessed April 18, 2018, <https://www.nps.gov/afbg/index.htm>.

¹⁷⁴ The Oxford English Dictionary defines "freedom" as: "The state or fact of being free from servitude, constraint, inhibition, etc.; liberty." Using OED to define freedom: African Americans did not have the opportunity to be free because evidence was found in segregated cemeteries that showed the African American experience as constrained and inhibited in life, in death, and afterwards. "Freedom, n," (*Oxford English Dictionary*, online, accessed April 27, 2018).

¹⁷⁵ Sloane, *The Last Great Necessity*, 4-5.

¹⁷⁶ Histopolis is a website that collects data from the US. Census, U.S. Geological Survey, and the Bureau of Land Management records. Histopolis: Collaborative Genealogy & History, accessed March 23, 2018, <http://www.histopolis.com/>.

¹⁷⁷ Texas Historical Commission, *Cemetery Preservation*, accessed November 7, 2017, <http://www.thc.texas.gov/preserve/projects-and-programs/cemetery-preservation>.

number is significantly more than academia, or even local histories, has written into the historical record.

When the public discussed African American burial sites, I recognized that the terminology was too often ambiguous. The boundaries between, and timelines defining, burial grounds for enslaved African Americans from African American segregated cemeteries was blurred. I was concerned about how to classify my research after looking at the ways in which the land and ownership of the interred remains were contested in numerous recently uncovered historic African American burial sites throughout the U.S. In this section, I defined African American burial grounds *and* African American segregated cemeteries collectively as burial sites. I was not researching historic burial sites established for the white population; nor was my research about burial sites for free or enslaved African American from the time of the Colonies through slavery. I was specifically researching African American segregated burial sites after the Civil War ended in 1865 when African Americans were allegedly free – for the explicit purpose of learning whether racism stalked African Americans through time, in life, in death, and even after death.

At once, I found the public misused the keywords: “slavery” or “slave” to describe any historic African American burial site threatened by development or destruction. While associating every historic African American burial sites with slavery was beneficial to advocates looking to preserve these historic sites, advocating in such a way marginalized the life’s struggles of free African Americans who were socially coerced into using segregated cemeteries during the late-1800s to the mid-1900s. When advocates used the terms slave or slavery, the burial sites they advocated preserving were

perceived as *more historic or significant* than African American segregated cemeteries. The terms slave or slavery brought wider attention more quickly to the dire situations many of these burial grounds and cemeteries faced, but frequently the burial sites in question were not enslaved African American burial sites. Moreover, identifying every historic African American burial site under the umbrella of slavery erased the culpability of later racist-leaning generations for their part in the continuation of racism in the form of segregation. As the legal and social action transforming slavery's unadulterated racism into something more appealing to a wider audience – the entire country – segregation was the weapon of choice. The weapon was used in state laws, county and city ordinances and resolutions, and expressed in cemetery clauses.

The history of the African American experience was so fragmented by nature, time, neglect, modernity, and racism that in many cases burial sites were one of the few remaining visible signs that an African American presence lived in a community historically. When historic burial sites were discovered, descendants (and cemetery enthusiasts) saw the struggle to preserve their ancestors' identity as not only a duty to their ancestors, but also as a responsibility to their descendants. In this way, the advocates' actions affected both the historical past and the chronological future-past because time and history are fluid, not stagnant. Each discovered, uncovered, and reclaimed piece of fragmented history sewn back into the quilt of time brought descendants closer to their ancestors, their history, and subsequently, their descendants as they created their history. It also brought cemetery enthusiasts, many of them white, closer to an empathetic understanding of the challenges that faced African Americans through time and continue to face with courage and fortitude. Before mending the effects

of a torn and tattered past, the advocates understood and were able to help others understand that their histories were not missing and were not irreparable. Their histories were there, under the debris of modernity, and their collective history was worth preserving if and when they themselves faced head on and embraced the grief that went along with the marginalization, subjugation, and capitalist exploitation – with loud voices and publicity.

For those reasons, I categorized African American burial sites to fit into the historical and social timeline of the African American experience, characterizing each burial site under one of two categories, each with a sub-category: 1) *African American Burial Grounds (Pre-1865)* and *Public Segregated Burial Grounds (Pre-1865)*; and 2) *African American Segregated Cemeteries (Post-1865)* and *Public Segregated Cemeteries (Post-1865)*.¹⁷⁸ Examining one pivotal moment in time – the end of the Civil War – substantiated racism’s perpetual march through time. Looking at the timeline of African American burial sites in this way exposed when and how institutional and social racism effectively transformed slavery in half the country (the Deep South) in one time period into segregation throughout the entire country in another time period.

The classification system I introduce here, and propose implementing, adds a category missing from Sloane’s *Characteristics of American Cemeteries*, complete with the details Sloane used to define each category: *name, time period, location, monumental style, monument material, type of manager, primary distinction, paradigm, and examples*.¹⁷⁹ African American burial grounds were so numerous in the U.S. that Sloane

¹⁷⁸ I borrowed Sloane’s template: *Characteristics of American Cemeteries*. Sloane, *The Last Great Necessity*, 4-5.

¹⁷⁹ Sloane, *The Last Great Necessity*, 4-5.

could have developed a category for African American burial sites similar to the categories he developed to define and describe the burial sites of the predominantly white communities. Obviously African American burial sites existed, and yet, Sloane made no effort to reference African American burial sites as a category, and only intimated to the existence of these burial sites – in the shadows of his larger narrative about white burial sites. As one of the earliest scholarly works on burial sites in the U.S., Sloane's scholarship assisted in excluding African American burial sites as irrelevant. The introduction of a category designed specifically for each type of African American burial site gives those interred a voice, and should also help to eliminate the preponderance to see every African American burial site as associated with the initial offense of slavery.

The uncomfortable truth that a system was not set in place earlier to classify African American burial sites does not diminish the value of such research for scholars, genealogists, cemetery enthusiasts, and family members searching for remnants of their collective history and their particular histories. If anything, the previous void in scholarship gives credence to the argument that additional research from a historical perspective is required before a more comprehensive picture of the United States from the mid-1800s to the late-1900s becomes as vibrant as it should be. For this historian, it became essential to first understand what distinguished free and enslaved African American burial grounds from African American segregated cemeteries, and from integrated, yet segregated public cemeteries. Time, social status, ownership of both the lands and the remains, and agency distinguished the differences, which also happened to be the reasons much of this history was/is either lost or is losing the battle; other African

American communities and their burial sites, however, would not and could not be completely erased. Below are a few of their histories from Texas.¹⁸⁰

African American Burial Grounds (Pre-1865)

Freedman's Cemetery – Dallas, Texas

During the 1990s, research of African American burial sites gained considerable attention in academic and public circles when the Freedman's Cemetery in Dallas, Texas, was uncovered by excavation crews preparing for a highway expansion in 1990.

According to Lisa Belkin, an archaeologist for the Texas State Highway and Transportation Department, Jerry Henderson, found a sign on the property identifying the burial site as "Freedman's Memorial Park."¹⁸¹ In charge of the excavation, Henderson "speculated" that the cemetery was in use "between 1861 and 1925."¹⁸² In 1993, the Texas Historic Marker at the site cited the "cemetery" as "established in 1869."¹⁸³ In 2006, the cemetery was "developed in the 1850s near Freedman's town."¹⁸⁴ From the difference in dates, it appeared that the land was probably first used as an impromptu

¹⁸⁰ Narratives of individual burial sites are included in this chapter to describe how restoration efforts are *saving* history by preserving the visual landscape, and how the efforts became an issue (and a part of the history) of conflict, controversy, and compromise between the processes of (institutional) capitalism and those who would rather preserve the forgotten narratives and the physical presence of each cemetery.

¹⁸¹ Lisa Belkin, "Unearthing of Freed-Slave Cemetery May Put Dallas Road Project on Hold," *New York Times*, August 13, 1990, February 2, 2018, <https://www.nytimes.com/1990/08/13/us/unearthing-of-freed-slave-cemetery-may-put-dallas-road-project-on-hold.html>.

¹⁸² Wright and Hughes III, *Lay Down Body*, 12.

¹⁸³ Texas Historical Commission, "Details for Freedman's Cemetery," (*Texas Historic Sites Atlas*), <https://atlas.thc.state.tx.us/Details/5113006715/>.

¹⁸⁴ Find a Grave, "Freedmans Cemetery Memorial," (*Findagrave.com*), <https://www.findagrave.com/cemetery/2175657/freedmans-cemetery-memorial>.

burial ground before it was officially established as a cemetery.¹⁸⁵ In 1869, one-time owners of enslaved African Americans sold a one-acre plot to freedmen, according to Belkin.¹⁸⁶ The sign Henderson found was probably a later cosmetic addition to the burial site's façade since it still existed intact in the 1990s; and Sloane identified the memorial park phase of burial sites as beginning in 1917.

If the cemetery was closed in 1925, as estimated by Henderson, it was but a few short years before the state swooped in to take control of the land for the first highway expansion project in the 1940s. This expansion was the first of two highway expansions that directly affected the burial site. The first expansion "paved over nearly an acre of the cemetery."¹⁸⁷ This helps to explain why there were discrepancies from different sources about the cemetery's size, from one to four acres.¹⁸⁸ Roberta Hughes Wright and Wilbur B. Hughes III wrote that when construction came through it "virtually wiped out, [and] partially desecrated" the cemetery.¹⁸⁹

When the burial site's population was excavated the second time highway expansion moved through, archaeologists' exhumed "1,157 individuals, equal to a small town," according to James M. Davidson, who called it "one of the largest historic

¹⁸⁵ Further research is necessary to determine if this or other cemeteries were actually burial grounds before officially becoming established as cemeteries, however, since two out of three sources placed the cemetery's existence beginning before the Civil War, this classified it with the category for African American burial grounds (pre-1865).

¹⁸⁶ Lisa Belkin, "Unearthing of Freed-Slave Cemetery May Put Dallas Road Project on Hold."

¹⁸⁷ James M. Davidson, "The Oldest Cemetery in Dallas Rediscovered: The Lost Location of Dallas's Slave Burials," *Cemeteries of Texas*, Gloria B. Mayfield. <http://www.cemeteries-of-tx.com/Etx/Dallas/cemetery/Freedman.htm>.

¹⁸⁸ Davidson, "The Oldest Cemetery in Dallas Rediscovered."

¹⁸⁹ Wright and Hughes III, *Lay Down Body*, 12.

cemeteries” in the United States (at the time).¹⁹⁰ Henderson, the archaeologist, addressed the earlier 1940s desecration and attempted erasure of African American history in the 1940s as best she could: “Let’s face it: The people who were buried here were wronged. And it’s up to us to see that their final resting place is restored and their memories preserved.”¹⁹¹ The remains were reinterred a short distance away in what was described as a “reconfigured Freedman’s Cemetery,” complete with a memorial.¹⁹² One question remains to illustrate the need for more precise historical research: Is there evidence that the cemetery was originally *developed in the 1850s* as a burial site for enslaved African Americans and then officially *established in 1869* as a segregated cemetery for free African Americans?

Public Segregated Cemeteries (Pre-1865)

First Street Cemetery – Waco, Texas

Further down the road from Freedman’s Cemetery in Dallas sat the First Street Cemetery in Waco, Texas. In what appeared to be one calamity after another, the details about this cemetery’s history illustrate how the power of racism attached itself to the dead. The muddled traditional and historical narratives of the First Street Cemetery exemplify Trouillot’s *cycles of silence* theory in practice travelling through time. All cemeteries are now on the radar of those in positions of power since the cemetery received state attention from legislators. Some state laws were changed and others were created. Responding to my email, archaeologist, Nesta Anderson, Program Manager for the site in beginning in 2008, wrote, “I gave tours to several state legislators, [and] the

¹⁹⁰ Davidson, “The Oldest Cemetery in Dallas Rediscovered.”

¹⁹¹ Wright and Hughes III, *Lay Down Body*, 12.

¹⁹² Wright and Hughes III, *Lay Down Body*, 12.

THC [Texas Historical Commission] worked closely with them to assist them with the legislation.”¹⁹³ Anderson continued, “The language that was passed was not just about recording cemeteries, but about who could exhume burials under the law.”¹⁹⁴ Passing this law was important because it protected the dead and how the dead were treated – even decades after their descendants died or stopped visiting their gravesite, and were not around to protect them. As Cooper’s pamphlet illustrated, this was not the case in earlier times when there were few laws, rules, regulations, or ordinances protecting the dead, and if legal restrictions were on record, they were not being followed.

An undated brochure most likely from the late 1900s was produced by the Cooper Foundation, a benevolent trust organization established in 1943. The pamphlet said that the First Street Cemetery “consists of three separately purchased” cemeteries, two on the same date: April 16, 1852.¹⁹⁵ The map sketches show the First Street Cemetery and the Masonic Cemetery were the first two cemeteries purchased; they were closest to the Brazos River.¹⁹⁶ Two acres were purchased for a Masonic cemetery, the Fraternal Bosque Lodge No. 92, and five acres were purchased by the City of Waco for public burial. A third cemetery was added “fifteen years later” when the Independent Order of Odd Fellows Lodge of Waco (I.O.O.F.) purchased two more acres, according to Cooper’s pamphlet. At this point, it is important to note that there were three separately

¹⁹³ Nesta Anderson, email message to author, June 6, 2018.

¹⁹⁴ Nesta Anderson, email message to author, June 6, 2018.

¹⁹⁵ It is unclear when the Cooper Foundation first produced and last distributed the pamphlet, but it was before the controversy over the exhumation of remains began in 2007. Cooper Foundation, “First Street Cemetery,” Confidential Source: No. One, (n.d.); Cooper Foundation, “About Us,”

<http://cooperfdn.org/index.php?cID=126>.<http://cooperfdn.org/index.php?cID=126>.

¹⁹⁶ Cooper Foundation. “First Street Cemetery.”

purchased cemeteries.¹⁹⁷ One was a public cemetery and two were private cemeteries.

Collectively, the three cemeteries were known as “the City Cemetery,” the pamphlet stated. As written in Cooper’s pamphlet, the cemetery was a total of nine acres (so far).

A fourth cemetery, another private cemetery, was added in 1869 to complete the circle of cemeteries. Hebrew Rest Cemetery sits adjacent to the other three cemeteries on the southeast corner. The land was originally purchased by the Hebrew Benevolent Association, so that the growing Jewish community would have a place to bury their dead “in accordance with the laws and rites of Judaism,” according to Max Cacher, who also wrote that Hebrew Rest was “around 3 acres.”¹⁹⁸ Hebrew Rest is unusual for two reasons: 1) it illustrated that the Jewish community was large enough to support a cemetery in the mid to late-1800s; and 2) it was an individually and privately owned cemetery. According to Coleman Hampton, “each burial plot in the cemetery is privately owned by the family

¹⁹⁷ The Masonic Cemetery in Waco was a private cemetery for white masons. The organization, commonly referred to as mainstream Freemasonry by Prince Hall Freemasons, did not accept African Americans as members during this time. Prince Hall Freemasonry, established in 1784, is comprised primarily of African-descended members. The Masonic Cemetery documented in the Cooper pamphlet was not a Prince Hall Freemasonry cemetery. To the southwest of the Masonic Cemetery, the I.O.O.F. (Independent Order of Odd Fellows) Cemetery (Independent Order of Odd Fellows) was another private fraternal organization that began as exclusively white. The organization operates under the three principles of friendship, love, and truth, which they believe are essential ingredients for a benevolent and prosperous society and country. As a result of this ideology, the I.O.O.F. established a branch for African Americans, the G.U.O.O.F. (Grand United Order of Odd Fellows). Organized in 1843, the branch was not racially restricted to black males, according to Alvin J. Schmidt, but “because of widespread racial prejudice in America fraternal secret societies, whites did not join the G.U.O.O.F. Even today the G.U.O.O.F. has only a handful of white members.” Alvin J. Schmidt, *Fraternal Organizations*. ed. Nicholas Babchuk, (Westport, CT.: Greenwood Press, 1980); Cooper Foundation, “First Street Cemetery.”

¹⁹⁸ This made the entire circle of cemeteries approximately twelve acres large. Max Cacher, “Hebrew Rest – Waco, Texas,” Waymarking.com, May 23, 2011, accessed June 18, 2018, <http://www.waymarking.com/waymarks/WMBHFH>.

or individual who purchased it.”¹⁹⁹ Hampton wrote that the first purchase was on August 13, 1869, with a second purchase in 1893.²⁰⁰ He further noted that Hebrew Benevolent Association changed its name to Hebrew Rest Association in 1931, and remarked that “members of the association have tirelessly maintained the grounds of the cemetery since its founding.”²⁰¹ Max Cacher wrote that Hebrew’s Rest made a third land purchase in 1922, and the cemetery comprised of some “3,500 burials” in Hebrew Rest alone.²⁰²

As early as 1874, an “early Waco newspaper reported hogs in the graveyard,” according to the Cooper pamphlet, and in 1877 the city passed an ordinance “providing two sextons to ‘superintend and control the City Cemetery.’”²⁰³ As time went by, sheep were even brought in the keep the grounds under control, the pamphlet noted, but with each new decade the cemetery returned to “complete disrepair.”²⁰⁴ The pamphlet also noted that “in 1897, the City Council closed the First Street Cemetery, *except for public burials* [emphasis added].”²⁰⁵ Who was included in the public burials and how many additional burials there were was not explained.

¹⁹⁹ Coleman Hampton, “Hebrew Rest Cemetery,” *Waco History*, accessed June 18, 2018, <http://wacohistory.org/items/show/40>.

²⁰⁰ Hampton, “Hebrew Rest Cemetery.”

²⁰¹ Hampton, “Hebrew Rest Cemetery.”

²⁰² Cacher, “Hebrew Rest – Waco, Texas.”

²⁰³ Hiring two sextons to care for the cemetery was an interesting detail. Many public segregated cemeteries during this time hired a white caretaker to tend to the white section and an African American caretaker to tend to the African American section of the cemetery, although it is not clear if this was the case at First Street Cemetery. Cooper Foundation, “First Street Cemetery.”

²⁰⁴ Cooper Foundation, “First Street Cemetery.”

²⁰⁵ Cooper Foundation, “First Street Cemetery.”

Cross referencing the information gathered from all references, what was clear was that the cemetery's "burials were dug in tiers."²⁰⁶ Why this practice was used, however, was challenged, not only at the time, but also in later narratives. Cooper's pamphlet documented that an 1898 fire was responsible for the destruction of cemetery records, "which may have led to the overlapping of graves in some plots."²⁰⁷ Flooding in 1900, 1913, and 1936 "washed away some headstones close to the riverbank."²⁰⁸ The fresh layers of sediment could have also allowed for more burials on top of others. To give an idea of how many tiers were involved, independent archaeologist John Griggs and T. Bradford Willis quoted an 1881 *Waco Examiner* article that said, "some *seven thousand* people now rest" at the cemetery, and that there was an undertaker (in 1881) who could "*identify and locate twenty-five hundred graves* and [could] lend valuable assistance in locating many others [their emphasis]."²⁰⁹ An 1890 newspaper article the author's uncovered claimed that the caskets were tiered "as an economic measure."²¹⁰

Griggs and Willis built a website dedicated to the history of the circle of cemeteries, *FirstStreetCemetery.org*. The document revealed a disturbing trend of destruction and denial with this, or rather, with these cemeteries. Griggs and Willis wrote that "a recently discovered deed...dated September 19, 1882" verified that "4 6/10 acres"

²⁰⁶ Texas Historical Commission, "Details for First Street Cemetery," <https://atlas.thc.state.tx.us/Details/5507018556/>.

²⁰⁷ Cooper Foundation, "First Street Cemetery."

²⁰⁸ Cooper Foundation, "First Street Cemetery."

²⁰⁹ John Griggs and T. Bradford Willis, "FirstStreetCemetery.org: African-American Section: Formally Designated African-American Burial Ground within First Street Cemetery," (Online, accessed May 5, 2018), http://www.firststreetcemetery.org/African-American_Section.html.

²¹⁰ Griggs and Willis, "FirstStreetCemetery.org."

of the cemetery was “formally designated as a burial ground for ‘Colored People.’”²¹¹ When considering the combined circle of cemeteries, consisting of the Masonic Cemetery, the City of Waco Public Cemetery, the I.O.O.F. Cemetery, and Hebrew Rest Cemetery, was estimated to take up twelve acres of land, the acreage Griggs and Willis documented would have been almost half of what was commonly known as the First Street Cemetery. The stories surrounding this section of the cemetery were the center of a major calamity when, decades later, the formally designated and deeded African American burial ground within the First Street Cemetery was “repeatedly characterized” in traditional narratives and by city employees as an “informal burial ground.”²¹² Since the perception was that these particular burial grounds were not special (white), the city evidently assumed that it was acceptable to build on top of human remains. Stories of this calamity only grew stronger through the decades, haunting the city of Waco and its residents – reverberating all the way to the Texas state capital.

Calamity entered the picture in 1968 when the cemetery, or more precisely, the lower section of the cemetery closest to the river, was “de-dedicated by court order [at the city’s request] to make way” for the Texas Ranger Hall of Fame and Museum and a camp ground along the Brazos River.²¹³ Waco began restoring the First Street Cemetery before constructing Fort Fisher as the Colonial Homer Garrison Museum and a company

²¹¹ Griggs and Willis, “FirstStreetCemetery.org.”

²¹² Griggs and Willis, “FirstStreetCemetery.org.”

²¹³ Rick Jervis, “Development Projects Unearth Burial Grounds Across U.S.,” *USA Today*, March 23, 2009, May 3, 2018, https://usatoday30.usatoday.com/news/nation/2009-03-23-rangermuseum_N.htm.

headquarters for the Texas Rangers.²¹⁴ Cooper's pamphlet noted the cemetery restoration portion required "the careful movement of some grave sites within the original cemetery grounds."²¹⁵ Cooper's pamphlet also noted that a 1968 city ordinance "approved the relocation of the graves in order to give the cemetery an 'orderly, reverent and dignified atmosphere.'"²¹⁶

An important detail left out of the traditional narrative was that only certain selected sections of the cemetery and headstones were restored and preserved in 1968, other less valuable headstones were supposed to have been moved to other sections of the cemetery. Cooper's pamphlet shared with its readers that the cemetery contained "over 100 footstones and markers document[ing] Waco's full-fledged support of the Confederacy during the Civil War."²¹⁷ From this information, it is presumed that the Confederate markers were spared the calamity, since they are mentioned in a document created after the calamity first took form in 1968.

In comparison to the Cooper pamphlet and the findings of Griggs and Willis, the Texas Historical Commission's Texas Historic Sites *Atlas* identified George W. Edwards as donating the land in 1852 for the First Street Cemetery, "the oldest public cemetery" in the town of Waco, Texas.²¹⁸ The marker noted how many of the headstones and wooden markers deteriorated over time or were carried away by the occasional flooding waters.

²¹⁴ Thomas W. Cutrer, "Handbook of Texas Online: Fort Fisher," (Texas State Historical Association, June 12, 2010, accessed May 18, 2018), <https://tshaonline.org/handbook/online/articles/qcf04>.

²¹⁵ Cooper Foundation, "First Street Cemetery."

²¹⁶ Cooper Foundation, "First Street Cemetery."

²¹⁷ Cooper Foundation, "First Street Cemetery."

²¹⁸ From here forward the Texas Historical Commission's Texas Historic Sites *Atlas* will be referred to as the *Atlas*. Texas Historical Commission, "Details for First Street Cemetery."

As if to explain why there was a controversy, the Historic Texas Cemetery Marker placed at the site in 2015 (after the controversy) noted that a perimeter “establish[ing] a set boundary was never erected and accurate burial records were not kept.”²¹⁹ This apparent explanation, and the multiple differing accounts, however, exposed a quandary of questions that became a Catch-22: 1) Was the land for the public cemetery purchased (Cooper’s pamphlet) or was it donated (HTC); 2) Were burial records originally kept for the cemetery, which were then destroyed in a fire (Cooper’s pamphlet); or were records never kept (HTC); and 3) Why did the historical marker overlook or erase evidence that a section of the cemetery was once a *formally designated burial ground for ‘Colored People’* (Griggs and Willis)? Through the decades, and for generations of concerned families, Pandora’s Box kept spilling over with more questions.

In 2007, thirty-nine years after the Texas Ranger Hall of Fame and Museum and a camp ground along the Brazos River was first built, an expansion project for the Texas Ranger Hall of Fame and Museum started, “Waco hired Lampasas-based American Archaeology Group to survey the 8,000-square-foot building footprint. The group’s survey concluded that the site did not contain any burials.”²²⁰ When construction crews broke ground, however, they “uncovered human remains, lots of them.”²²¹ The city was under the impression that the uncovered remains were moved to another section of the

²¹⁹ Texas Historical Commission, “Details for First Street Cemetery,”

²²⁰ Laurel Chesky, “Over Their Dead Bodies: Rangers Desecrate Waco Cemetery,” (*The Austin Chronicle*, online, January 30, 2009, April 7, 2018), <https://www.austinchronicle.com/news/2009-01-30/733246/>.

²²¹ Chesky, “Over Their Dead Bodies.”

same cemetery in 1968, but the 1968 exhumation and reinterment never happened. According to Laurel Chesky, “only the remaining grave markers were moved.”²²²

Construction was temporarily halted along the utility trench line so that archaeologists could exhume the skeletal remains.²²³ To be precise, between 2007 and 2008, while construction continued close by, almost two hundred bodies were being exhumed, according to *USA Today* reporter, Rick Jervis.²²⁴ Numbers vary on the body count depending on source, but by Chesky’s account there were approximately two-hundred bodies, archaeologists positively identified “39 African Americans, 23 Asians-descended, and four Europeans.”²²⁵ To be clear, only the property where the trench line went through was disturbed among “an entire field of human remains.”²²⁶ There were possibly thousands of burials elsewhere on the property.

At this point, no clear evidence was found that the city or the developers intentionally desecrated the buried remains, but, needless to say, the Lampasas-based archaeology group was replaced.²²⁷ Thus far, two questions spilled out of Pandora’s Box: Did the city check to see if there were any remains within the constructed building’s footprint? If the city knew there were probably remains under the building, why did the city build on that spot? An article written for the Waco Tribune-Herald by J.B. Smith, and dated February 21, 2010, answered one of the questions: “In an agreement with the

²²² Chesky, “Over Their Dead Bodies.”

²²³ J.B. Smith, “Council to OK Study of Human Remains Found Buried Near Texas Ranger Museum” (*Waco Tribune-Herald*, online, March 20, 2012, accessed May 4, 2018).

²²⁴ Jervis, “Development Projects Unearth Burial Grounds Across U.S.”

²²⁵ Chesky, “Over Their Dead Bodies.”

²²⁶ Jervis, “Development Projects Unearth Burial Grounds Across U.S.”

²²⁷ There were legal ramifications associated with this that are not discussed here.

Texas Historical Commission and National Park Service, the city cannot disturb the soil more than 6 inches deep in the graveyard area.”²²⁸

In 2008, another archaeologist, Nesta Anderson, Program Manager for the replacement contractor, Pape-Dawson Engineers, stepped in to take over the on-site archaeology. In an email to me, she wrote, “we screened piles of backdirt left on site to recover human remains, personal effects, and coffin hardware from those piles.”²²⁹ When asked what surprised her most about this site, she wrote: “I think we were surprised that many coffins were elaborately decorated. The assumption being handed around was that the people interred in this section of First Street were paupers, but we have a lot of evidence to the contrary.”²³⁰

In 2009, Griggs told a reporter that the recovered remains were collected and stored in “cardboard boxes.”²³¹ However, in 2013, six years from the time the remains were uncovered, J.B. Smith wrote, “all that stands in the way of returning them [the remains] to the ground is paperwork.”²³² In the meantime, also in 2013, the City Council awarded another contract valued at \$196,000 for landscaping and a wall to be built around the main section of the First Street Cemetery, which was the section where the predominantly white early settlers and Confederate veterans were buried.²³³ In 2015, a

²²⁸ J.B. Smith, “City of Waco Cites Engineering Study Claiming Ranger Museum Isn’t on Landfill,” (*Waco Tribune-Herald*, online, February 21, 2010, accessed June 29, 2017).

²²⁹ Email correspondence with Nesta Anderson, sent May 18, 2018, received June 6, 2018.

²³⁰ Email correspondence with Nesta Anderson, sent May 18, 2018, received June 6, 2018.

²³¹ Chesky, “Over Their Dead Bodies.”

²³² J.B. Smith, “Dead Await Reburial at Ranger Museum,” (*Waco Tribune-Herald*, online, April 7, 2013, accessed May 3, 2018).

²³³ Smith, “Dead Await Reburial at Ranger Museum.”

Texas Historical Marker placed at the site wanted the readers to know that the cemetery held the remains of “Waco’s early and diverse community,” including “veterans, Masons, Odd Fellows, Woodmen of the World, Knights and Daughters of Tabor and Court of Calanthe.”²³⁴

The other burials, originally interred in the “informal burial ground for ‘Colored People,’” remained missing from the narrative, stored in boxes somewhere.²³⁵ As for the physical remains and possessions of those intentionally disturbed in the name of progress and capitalism, the two-hundred bodies removed to make way for the museum’s expansion were still being housed until a suitable location could be found for them. In the meanwhile, though, they and their “grave goods” were taken away to be studied.²³⁶

J.B. Smith’s March 2018 article for the Waco Tribune-Herald put a dollar figure to the most recent calamity: “in recent months, the city of Waco has spent about \$30,000 creating a stone-walled enclosure at Rosemound Cemetery for reburying the remains.”²³⁷ With this cost, the cost of the landscaping and wall at the First Street Cemetery, and other expenditures, the total expense attributed to the 1968 exhumation and reinterment fiasco and the 2007 intentional disturbance ran around \$2,000,000 – that cost did not include the price tag of the original restoration project that purportedly never happened in 1968.²³⁸

²³⁴ Texas Historical Commission, “Texas Historic Sites *Atlas*: Details for First Street Cemetery.”

²³⁵ Griggs and Willis, “FirstStreetCemetery.org.”

²³⁶ J.B. Smith, “May Ceremony to Mark Reburial for Disturbed First Street Cemetery Remains,” (Waco Tribune-Herald, online, March 29, 2018, accessed May 4, 2018), http://www.wacotrib.com/news/city_of_waco/may-ceremony-to-mark-reburial-for-disturbed-first-street-cemetery/article_6628a90e-164e-5b1d-82e8-88c5569aefe5.html.

²³⁷ Smith, “May Ceremony to Mark Reburial for Disturbed First Street Cemetery Remains.”

²³⁸ Smith, “May Ceremony to Mark Reburial for Disturbed First Street Cemetery Remains.”

The continual missteps by the people and institutions in positions of power who were handling the First Street Cemetery's *informal burial ground for Colored People* illustrates how deeply ingrained racism, subjugation, and segregation was as late as 1968, and how decades later, beginning in 2007, repercussions were felt at an unnecessary and painful level, and on a staggering monetary scale – all paid for by later generations whose responsibility it was to clean up the mess left behind.

In March 2018, J.B. Smith wrote that the disturbed remains “are gradually being shipped in cedar boxes for reburial in Waco.”²³⁹



Figure 2. Cedar Boxes with Remains from First Street Cemetery.
The disturbed remains of early Waco residents waiting to be reinterred.²⁴⁰

On May 17, 2018, a memorial ceremony took place at Rosemound Cemetery, the site where the remains from the trench line were reinterred. There was an opening prayer from Reverend Willie R. Stanley, who had ancestors buried in the cemetery, the small

²³⁹ Smith, “May Ceremony to Mark Reburial for Disturbed First Street Cemetery Remains.”

²⁴⁰ “Figure 2: Cedar Boxes with Remains from First Street Cemetery.” Confidential Source No. Two. Copy with author, May 17, 2018.

gathering sang God Bless America and Amazing Grace, and a closing prayer was given by Reverend Dr. Leslie King. A sailor bugled Taps to end the ceremony.



Figure 3. Rosemound Cemetery. Waco, Texas. (Left) Rosemound Cemetery Historical Marker dedicated to those interred at the First Street Cemetery whose remains were disturbed. (Right) The boundary enclosing the dedication site. What looks to be a recent interment is located to the right of the Central pillar above the left bench.

John Wilson, the chairman for the committee that was set-up to handle matters regarding the cemetery calamity, spoke first and told the gathering: “The sad thing is that this should have never happened, but now we can all work together to set things right.”²⁴¹ In a moving tribute, another guest speaker, and the archaeologist I was in correspondence with after meeting her at the memorial, Nesta Anderson, shared with the audience: “This makes me feel great relief, because this is never our first choice to move bodies, this was

²⁴¹ Kristin Hoppa, “Bringing Closure: Ceremony Marks Reburial of Remains Disturbed During Museum Expansion” (*Waco Tribune-Herald*, May 17, 2018, accessed May 18, 2018).

our last option. This was the city's last option, so knowing they are in a perpetual care cemetery that will always be maintained brings a lot of peace."²⁴²

The research that Anderson and others were involved in determined that "most of the now reinterred remains are of black people, though remains of white and Hispanic people are also in the group."²⁴³ Anderson confirmed that the grave goods found with the interred when they were first exhumed were returned with them when they were reinterred. In some way, Pandora's Box was closed with the closing of the memorial ceremony at Rosemound Cemetery, but in other ways, other questions still reverberate.²⁴⁴ State and federal agencies have gotten involved, which offers some hope that this calamity will not be repeated again in a few decades, at least not in this town.

There should be one final note regarding this property, "a true Texas treasure," as one brochure emphasized, the Ranger Hall of Fame and Museum boasts it "houses over 14,000 irreplaceable artifacts" and has been "visited by more than 4 million persons."²⁴⁵ I wonder how many of those visitors know or care to know the historical narrative in the same way they learned the traditional narrative while walking through the museum?

²⁴² Hoppa, "Bringing Closure."

²⁴³ Hoppa, "Bringing Closure."

²⁴⁴ I attended the ceremony on May 17, 2018. As the ceremony commenced, in a somber moment, the breeze caught the U.S. flag, knocking it over. While the Boy Scouts scrambled to pick-up the flag to put it back in place, I felt that the flag on the ground was symbolic of both what had happened that caused the memorial to be necessary, and at the same time, the condition race relations were in at the present time in the United States.

At this point, it is not too cynical to question the authenticity of the city's claims that the remains were placed in cedar boxes and reinterred at Rosemound Cemetery. A photo was produced showing ten cedar boxes and there was a section within the memorial site that was disturbed as if something was placed in the ground, but as of this writing I cannot substantiate whether a reverend or anyone was present to rededicate the remains when they were reinterred, if they, indeed, were reinterred.

²⁴⁵ City of Waco, "Texas Ranger Hall of Fame and Museum," Brochure.

Moreover, I wonder how many know or care to know that “a section of Waco’s recently constructed Riverwalk [next to the museum] passes through the formally designated African-American burial ground?”²⁴⁶

African American Segregated Cemeteries (Post-1865)

Love Cemetery – Marshall, Texas

In 1904, Della Love Walker deeded the land for a cemetery in Marshall, Texas to the Love Colored Cemetery Association. Before that, the land was owned by Walker’s father.²⁴⁷ He was one of the few free African American landowners in Texas during slavery. Walker’s daughter, Della, deeded the cemetery to the association decades after the Civil War, which technically places the cemetery in the African American segregated cemeteries (post-1865) category in my analysis. However, in 2006, evidence was found on site dating burials back “well before the Civil War.”²⁴⁸ The cemetery was yet another example of what appeared to be land that was probably first used as an impromptu burial ground before it was officially established as a cemetery. The cemetery was closed in the 1960s.

More recently, the land surrounding the cemetery was parceled off. Two fences enclosed the 1.6 acre cemetery like a bull’s-eye. The land enclosed by the outer fence was owned by a timber company. The land enclosed by the inner fence was owned by a hunting resort. Each owner had a lock on each gate. Although it was illegal to do anything with the cemetery property, no law at the time prohibited landowners from

²⁴⁶ Griggs and Willis, “FirstStreetCemetery.org.”

²⁴⁷ No reference identified Love’s father by name. Further research is required.

²⁴⁸ Lee Hancock, “Group Fighting to Save Love Cemetery in East Texas,” (*The Dallas Morning News: Dallasnews.com*. December 9, 2007), http://chinagallard.com/saved_web_pages_PR/120907dnmetcemetery.2c3e65f.html.

enclosing their property, even when it contained a cemetery. The cemetery was isolated, and without a road leading to it, the cemetery was further segregated to isolation, according to China Galland.²⁴⁹ Moreover, many of these kinds of rural cemeteries are located on large ranches. As a result, direct descendants were not permitted to visit their ancestors without trespassing on private property or risk being hit by falling timber or a stray bullet. Even though the descendants said they had a deed to the cemetery property, they were not free to visit the graves.²⁵⁰

This was not the first time descendants were kept from visiting the burial sites of their ancestors. Their admittance or lack thereof had been an issue going back and forth for decades. By the late 1960s, descendants were worn down, facing the reality of losing control of their ancestors' remains had taken a toll. "I don't know how many times we have started over," one descendant said when she finally "regained access in the late '90s after being locked out for more than three decades."²⁵¹ From the 1960s to the 1990s, she and her brother feared they were being forced to "break promises to the dead and to the future;" that the cemetery would eventually "fade from memory."²⁵² According to Lee Hancock, elder descendants remarked that the elder and the younger descendants "inherited the same sadness, an ache 'you never get over.'"²⁵³ The fear was that younger descendants would never truly know their ancestors once the middle generations who

²⁴⁹ China Galland, *Resurrecting Love: Transforming Conflict by Building Communities*, <https://resurrectinglove.org/>.

²⁵⁰ Further research is required to track down the deed.

²⁵¹ Hancock, "Group Fighting to Save Love Cemetery in East Texas."

²⁵² Hancock, "Group Fighting to Save Love Cemetery in East Texas."

²⁵³ Hancock, "Group Fighting to Save Love Cemetery in East Texas."

knew the stories died: “If you lose this, you lose your identity. In a sense, if we don’t keep this [cemetery], we don’t know where we’re from.”²⁵⁴

This cemetery exposed how and why it was not only important to document the history of these burial sites; it was just as important to document the most recent conflict and compromise surrounding these burial sites (as the conflict happened) as a vital piece of the African American experience in history. When the history of this cemetery is brought together with its more recent controversial history, the narrative illustrates how African Americans and their descendants are kept in a perpetual state of historical limbo through time. The visual impact of their familial history is fenced-off from them. It was also important to document the narrative as it happened or shortly thereafter because historical narratives have a way of changing through time, as discussed earlier.

Thanks to the descendants, cemetery enthusiasts, academics, and the surrounding communities, a small-town rural cemetery just outside of Marshall, in east Texas, is now also a part of the preservation system, Texas Historic Sites *Atlas*, set-up through the Texas Historical Commission. As an extension of segregation, subjugation, and erasure from the narratives of Texas history, Love Cemetery was not only an example of the pain and suffering African Americans long-endured, but possibly more so an extraordinary story of the unrelenting endurance of an African American community determined not to lose another piece of its heritage to nature, the encroachment of civilization, or the marginalizing intentions of landowners. Many traditional narratives may overlook the embarrassing or uncomfortable truth of the more recent history from the 1960s-1990s that shows how history modified repeats itself or marginalizes the conflict and compromise

²⁵⁴ Hancock, “Group Fighting to Save Love Cemetery in East Texas.”

by focusing on the incredible history dating back to before the Civil War, but both narratives were valuable, together they made the history comprehensive.²⁵⁵

Shelton's Bear Creek Cemetery – Irving, Texas

In 1879, the Shelton family donated land to the Bear Creek community for use as a cemetery. From the late 1800s through the early 1900s the Bear Creek Cemetery was the final resting place for between seventy to two hundred African Americans. Many were residents who had relocated to the African American Bear Creek community after emancipation; some were free African Americans, some were freed African Americans, and a few were poor whites. Together they built a thriving community with a church, school, Masonic Lodge, and a cemetery.²⁵⁶ Established from the latest identified burial date on a headstone, the cemetery was in use until 1934.

More recently, however, the territory that was once the outskirts was no longer the outskirts and the land that was once a flourishing hub of activity for the African American community was no longer a respite. A busy highway was built adjacent to the cemetery. Foliage had grown out of control and trash from the highway was piled up. Decades after it had been closed to burial, access to the cemetery was restricted, according to the Texas Historic Sites *Atlas*; and the cemetery was inaccessible “without going through private property.”²⁵⁷ Even though the cemetery was surrounded on all

²⁵⁵ China Galland, *Love Cemetery: Unburying the Secret History of Slaves* (New York: HarperOne, 2008), 9.

²⁵⁶ City of Irving, “The Bear Creek Masonic Lodge.”

²⁵⁷ Texas Historical Commission, “Details for Shelton's Bear Creek Cemetery,” *Texas Historic Sites Atlas*; Jackie Hardy, “A Call for Action to Honor the Dead Buried in Shelton's Bear Creek Cemetery,” (*North Dallas Gazette*: Online, November 15, 2016, accessed February 9, 2018).

sides between Dallas and Fort Worth, it appeared abandoned in the middle of the two cities. Isolated, the cemetery was an easy target for vandalism.

More than sixty years after the cemetery's closure, cemetery enthusiast Anthony Bond, and other volunteers, including the Irving Parks and Recreation Department, helped clean-up the natural overgrowth and debris they perceived as desecrating the sacred grounds.²⁵⁸ During one of the more recent clean-ups, Makini Shaku observed an “odd dynamic” about the collection of people who came together to clean the cemetery grounds.²⁵⁹ As she saw it, there was a general “disconnect from those who have ancestral ties to the cemetery” relative to the awareness of those who “really appreciate the history [but] are not from Bear Creek.”²⁶⁰

Frances James, “the cemetery lady,” was one of those people who had no ties to the community or the cemetery, but felt a commitment to preserving its history.²⁶¹ She and Anthony Bond were responsible for the research that led to the Texas Historical Commission registering the cemetery as a Historic Site on its *Atlas* in 2000 and as a Historic Cemetery in 2004.²⁶² Shortly after the cemetery's dedication in 2000, however,

²⁵⁸ “Volunteers Clean Historic Irving Slave Cemetery” (*CBSDFW*, October 25, 2011, accessed February 9, 2018), <http://dfw.cbslocal.com/2011/10/25/volunteers-clean-historic-irving-slave-cemetery/>.

²⁵⁹ Hardy, “A Call for Action to Honor the Dead Buried in Shelton's Bear Creek Cemetery”

²⁶⁰ Hardy, “A Call for Action to Honor the Dead Buried in Shelton's Bear Creek Cemetery.”

²⁶¹ Mark Shepherd, “Hidden History: Slave Cemetery in Middle of the Metroplex,” (*KDAF*: CW33, February 16, 2015, accessed February 9, 2018), <https://cw33.com/2015/02/16/hidden-history-slave-cemetery-in-the-middle-of-the-metroplex/>.

²⁶² Texas Historical Commission, “Details for Shelton's Bear Creek Cemetery.”

the cemetery was vandalized and the historical marker was broken into two pieces.²⁶³ The vandalism combined with Shaku's contemplative moment spoke deeply about how the effects of multiple lifetimes of dealing with racism and the repercussions of racism had worn down a community's endurance to the point that even connecting with a community's ancestral past seemed futile. The damaged and broken pieces of the historical marker were a metaphor for the damaged and broken dreams of a community on the outskirts of acceptance by the community-at-large. Moreover, the vandalism was just more evidence that the racism that the interred African Americans suffered in life followed the interred African Americans into the grave and then out of the grave and into the future, which was now the past. The problem with isolation and vandalism would not be the end of this narrative, however.

Recently, a senior living apartment complex, Chateau on Wildbriar Lake, was built around the cemetery. Stepping up to resolve the issue of erasure that followed these interred African Americans into death and afterwards, the owner of the complex, Diane Wheeler, and manager, Donyse Jadowski, announced that the complex would permit visitors to park in the parking lot adjacent to the cemetery. They also promised to watch out for the cemetery.²⁶⁴ These small gestures on the part of the owner and manager went a long way toward healing wounds decades old.

²⁶³ Anthony Emanuel Bond. Facebook private message to author, February 24, 2018.

²⁶⁴ Hardy, "A Call for Action to Honor the Dead Buried in Shelton's Bear Creek Cemetery."

As unexpected as the owners volunteering the use of their parking lot was, FedEx, the shipping company, agreed (most recently) to adopt the cemetery.²⁶⁵ A representative from FedEx, administrator, Zelda Celestine, said that FedEx had agreed to perform quarterly clean-up days with other volunteers.²⁶⁶ While the details are being negotiated as this is written, the promises and efforts from this most recent effort forward are an improvement over the neglect and isolation of the past, and open the conversation to all kinds of possibilities: the Bear Creek community's cemetery could be used as an example for other historic Texas burial sites to follow. In an effort to preserve the community's history and keep the narratives of the founders of the African American settlement at Bear Creek alive, a heritage center was developed less than two miles from the cemetery. The center told the story of the African American experience in Texas from emancipation through the 1960s Civil Rights Movement.²⁶⁷

Like Love Cemetery, the descendants of Shelton's Bear Creek Cemetery and cemetery enthusiasts fought against the effects of nature, time, neglect, modernity, and racism. This time, however, there were other visual and visible signs that a flourishing community of African Americans once lived near the cemetery. This cemetery was not the last fragment of their ancestor's identity and history within the larger community.

²⁶⁵ Anthony Emanuel Bond. Facebook private message to author, February 24, 2018; Ken Kalthoff, "Savior to the Rescue in Black History Month for Irving Slave Cemetery: Shipping Company FedEx Promises Quarterly Clean-Up Visits," (NBCDFW.com, February 19, 2018, accessed February 24, 2018), <https://www.nbcdfw.com/news/local/Savior-to-the-Rescue-in-Black-History-Month-for-Irving-Slave-Cemetery-474519583.html>.

²⁶⁶ Anthony Emanuel Bond. Facebook private message to author, February 24, 2018; Kalthoff, "Savior to the Rescue in Black History Month for Irving Slave Cemetery."

²⁶⁷ City of Irving, "Jackie Townsell Bear Creek Heritage Center," <http://www.cityofirving.org/496/Jackie-Townsell-Bear-Creek-Heritage-Cent>.

Instead, this cemetery, with the restored buildings and grounds, helped to weave a more complete historical narrative of the Bear Creek African American community. Children, school teachers, and others will now be able to connect all the fractured pieces together in a whole narrative. The cemetery was vital to the historical narrative of Bear Creek because it completed the quilt of time – within this time period, this was what happened.

Public Segregated Cemeteries (Post-1865)

Greenwood Cemetery – Waco, Texas

Another public segregated cemetery in business in Waco since the late 1800s, Greenwood Cemetery, was less dramatic, but still an important indication of the continuation of racism into and after death. In 2016, the city decided to take out a fence that had segregated the African American population from the white population.²⁶⁸ Jennifer Young wrote that the cemetery was “racially segregated since it opened [and] operated by two sets of caretakers, white and black, until the city took over the cemetery about 10 years ago.”²⁶⁹ This brings up a question about First Street Cemetery in the same city. Were the two sextons hired for the First Street Cemetery also an African American sexton and a white sexton? In 2018, Jasmin Caldwell reported that the city “plan[ned] to spend \$300,000 on upgrades to the city’s second oldest cemetery” over the summer.²⁷⁰ As evidenced by the Ranger Museum’s debacle, “planning to spend” and actually putting

²⁶⁸ Lubbock (Texas) City Cemetery did not end the segregation of its cemetery until 1969, according to Barr. Barr, “Black Texans,” 186.

²⁶⁹ Jennifer Young, “The Persistent Racism of America’s Cemeteries,” (Atlas Obscura, online, September 07, 2016, accessed September 23, 2016), <https://www.atlasobscura.com/articles/the-persistent-racism-of-americas-cemeteries>.

²⁷⁰ Jasmin Caldwell, “Waco Plans to Spend 300K on Improvements to African-American Cemetery,” (kcentv.com, web, April 2, 2018, accessed May 3, 2018), <https://www.kcentv.com/article/news/local/waco-plans-to-spend-300k-on-improvements-to-african-american-cemetery/500-534215423>.

action to words within a reasonable timeframe are two different matters entirely. Interim City Councilman, Noah Jackson Jr. worked “nearly 13 years” to have something done about the garbage and vandalism at the cemetery before he became interim councilman, but the plan was set in place only after Jackson became interim councilman.²⁷¹ Many African American cemetery advocates are forced to confront and deal with this wait-and-see attitude while the wheels of government and the legal system procrastinate.

The examples of African American burial sites illustrated above described how the erasure of lost histories were uncovered and recovered before it was too late. Through the reclamation efforts of dedicated scholars, cemetery enthusiasts, the community, and most often, by the descendants of the African Americans interred on the grounds, the descendants’ struggles became part of the historical narrative. This example demonstrates how it was a very real possibility that these local African American histories would be erased completely from historical narratives. If the descendants had not fought for the right to see their loved ones’ final resting places, and if they did not have the support of cemetery enthusiasts, scholars, and members of the community, these burial sites, like so many other African American burial sites, would have become *lost histories*. In effect, racism, subjugation, and erasure would have eventually won the battle started centuries ago.

²⁷¹ Caldwell, “Waco Plans to Spend 300K on Improvements to African-American Cemetery.”

IV. A VIEW OF AFRICAN AMERICAN BURIAL SITES IN HAYS COUNTY

Only by coming to terms with our history can we free ourselves
to create a more just world.” – Drew Gilpin Faust²⁷²

The examples in this chapter are candid because the writing of complete historical narratives is a serious matter. For decades the narration of history has been modified and then recycled to support and further commercial and institutional ideologies. The use of historical narratives in this way has not advanced society’s understanding of history or the lessons one can learn from that history. Instead, the imbalanced use of historical events and narratives as traditional narratives continued to repeat. While commercial and city, county, and state historical institutions guarded what they saw as their reality, other segments of society suffered. This chapter concentrates on exposing where, how, and why the dissemination of traditional narratives as fact continued to write over historical events and narratives.

The reality with which many African Americans lived and died, not emphasized by traditional narratives, was quite different, as the examples below will demonstrate. The first part of the thesis offered explanations and examples of behaviors and attitudes that were held in the mid-1800s through the 1900s, and how those behaviors and attitudes travelled through time affecting living and dead African Americans in the U.S. The purpose of this chapter is to explore, on a local level, the other side of the story that was too often overlooked, modified, or erased from traditional narratives. To be clear, the point of this chapter is not to judge past grievances of previous generations. The purpose

²⁷² Jennifer Schuessler, “Confronting Academia’s Ties to Slavery,” (*New York Times*, March 5, 2017, accessed March 18, 2018), <https://www.nytimes.com/2017/03/05/arts/confronting-academias-ties-to-slavery.html>.

of this chapter and the next (and the thesis) is to clarify and correct a few local historical narratives by looking at mistakes that were and are made as a result of traditional narratives taking precedence over historical narratives.

Kyle Family Pioneer Cemetery – Kyle, Texas

The Kyle Family Pioneer Cemetery was once known as the Kyle Slave Cemetery (1990s) and the Old Slave Cemetery before that.²⁷³ On December 4, 2007, Ollie Giles went before the Hays County Commissioners' Court requesting the cemetery's name be changed from "Slave Cemetery" to "Kyle Family Pioneer Cemetery;" the motion to authorize the name change was passed.²⁷⁴ According to the Hays County Historical Commission's webpage description for Kyle Family Pioneer Cemetery, the reason given for the legal name change was because "the site has no surviving tombstones indicating slavery-era deaths [...] ... the earliest date is an 1873 death of 12-year-old William Davis" recorded on a headstone.²⁷⁵ In other words, since the cemetery showed no visible signs over one hundred forty years later that enslaved African Americans were buried there, the cemetery's name was changed. But, that's not the end of the story, or even the complete story. The more complete story was a jumbled combination of tradition mixed with one fact, Ollie Giles did, in fact, ask to have the name changed.

In the early 1990s, many local African Americans with the Kyle surname "claiming kinship" attended a reunion at the dedication of the Claiborne Kyle Log

²⁷³ Ann Elam Hearn and Dorothy Wimberley Kerbow, *Hays County, Texas Cemetery Inscriptions: A Hay County Historical Commission Project*, ed. 2, (Hays County Historical Commission, online, 1994), <http://www.hayshistoricalcommission.com/cemeteries.html>.

²⁷⁴ "Hays County Commissioners' Court Minutes: December 4, 2007," Volume T, Page 697, May 12, 2018, <http://www.co.hays.tx.us/court-minutes.aspx>.

²⁷⁵ Hearn and Kerbow, "Kyle Family Pioneer Cemetery."

House.²⁷⁶ “Family lore has it” that Claiborne Kyle had an enslaved African American woman as a “mistress.”²⁷⁷ More recently, this type of relationship between master and slave is understood differently, but if the family rumor is true, and if there were offspring from whatever relationship they had, this would account for many local African American Kyles’ claiming a blood relationship to the white Kyle descendants.²⁷⁸ Such a relationship would also explain Giles’s request that the name be changed to include Kyle’s other family. According to the “1850 U.S. Federal Census – Slave Schedules” for Hays County, found on “Ancestry.com,” Claiborne Kyle owned twenty-eight enslaved African Americans, with eight identified as mulatto; the 1860 census reported that Claiborne Kyle owned twenty-nine enslaved African Americans, with ten identified as mulatto.²⁷⁹ Because Claiborne Kyle had several mulattos in his possession, it could very well be possible that the mulatto children were the offspring of Claiborne Kyle and an African American woman or women.

The only entrance to the Kyle Family Pioneer Cemetery was by going through Kyle Cemetery, which was separated by a fence Giles was quoted as saying she crawled under to find the abandoned cemetery.²⁸⁰ In 1994, the abandoned cemetery adjacent to the Kyle Cemetery was given a makeover and new façade by “Kyle family slave

²⁷⁶ Hearn and Kerbow, “Kyle Family Pioneer Cemetery.”

²⁷⁷ [Marie J. Bassett] “Kyle Family Pioneer Cemetery, Formerly known as Old Slave Cemetery,” (*Hays County Historical Commission*), <http://www.hayshistoricalcommission.com/cemeteries.html>.

²⁷⁸ [Bassett] “Kyle Family Pioneer Cemetery.”

²⁷⁹ Ancestry.com, *All 1850 U.S. Federal Census – Slave Schedules Results: Hays County*, January 16, 2018; Everette Swinney, “1860 Federal Census Hays County,” Texas, February 2005, accessed July 23, 2014, <http://usgw census.org/cenfiles/tx/hays/1860/slave/>.

²⁸⁰ [Bassett] “Kyle Family Pioneer Cemetery.”

descendants, college students [from Southwest Texas State University, now Texas State University] and the San Marcos chapter of the NAACP.”²⁸¹ Kincannon Studios, then known as ARCHAIC, did the archaeological work and built an entryway into the slave cemetery. ARCHAIC’s Planning and Design Division wrote, “When hired, we were told of a dozen or so stones that were in various states of deterioration.”²⁸² When the team started work, however, they found “extreme monument decay and understory growth [ground cover] ... uncovered nearly [two] hundred marked grave sites, and projected that several hundred more existed as unmarked.” A document written by the Hays County Historical Commission challenged the high number interred: “Given that Skyview Cemetery became the *preferred* African-American burial ground, and no burials appear to have taken place in the old Slave Cemetery after 1938, this seems to be an overestimate [emphasis added]”²⁸³

The “1850 U.S. Federal Census – Slave Schedules” for Hays County contained 170 enumerated and aged enslaved African Americans under the surnames of their owners because they were considered property.²⁸⁴ Another page also found on “Ancestry.com” recorded 101 enslaved African Americans.²⁸⁵ In the midst of frontier hardships, the population had grown in 1858 to “1,997, including 762 slaves,” according

²⁸¹ Hearn and Kerbow, “Kyle Family Pioneer Cemetery.”

²⁸² Kincannon Studios, “Environments: Kyle Slave,” (*Kincannonstudios.com*, accessed May 12, 2018),

<http://kincannonstudios.com/environments/landscapes/cemeteries/kyle-slave/>.

²⁸³ [Bassett] “Kyle Family Pioneer Cemetery, formerly known as Old Slave Cemetery.”

²⁸⁴ Water damage affected several pages, so the number could be higher. “*All 1850 U.S. Federal Census – Slave Schedules Results: Hays County.*” *Ancestry.com*.

²⁸⁵ “*All 1850 U.S. Federal Census – Slave Schedules Results: Hays County.*” *Ancestry.com*.

to Texas Genealogy Trails.²⁸⁶ Two years later, the 1860 Hays County census, transcribed by Everett Swinney, recorded 880 enslaved African Americans residing in the county.²⁸⁷ The high number of enslaved African Americans in the county and surrounding region meant that there was a reasonably good possibility that a few hundred African Americans, both enslaved and free or freed, could have been buried in the slave cemetery before Skyview Cemetery became the *preferred* cemetery for African American burials.

Kyle's Chamber of Commerce and Visitor's Bureau webpage "Historical Sites" cited "Sky View Cemetery" as having "over 170 marked graves," with the earliest marked grave dating back to 1895.²⁸⁸ These dates were well after the Civil War, so unless Skyview was used extensively as an impromptu burial site for enslaved African Americans before it was sold to the "Trustees of the Kyle Cemetery for colored people" in a 1899 deed, enslaved African Americans were more likely buried in the nearest spot used for enslaved African American burials.²⁸⁹

Consequently, the Kyle Family Pioneer Cemetery, a.k.a. the Kyle Slave Cemetery, a.k.a. the Old Slave Cemetery, could have been an impromptu burial site before it became known as a cemetery for enslaved African Americans and held hundreds without showing any signs decades later that such a high number were interred.

²⁸⁶ Texas Genealogy Trails, *Historical Review of South-East Texas Illustrated, Volume I, Lewis Publishing Company, Chicago (1910)(transcribed by Nina Kramer)* (online, accessed March 18, 2018), <http://genealogytrails.com/tex/hillcountry/hays/history.html>.

²⁸⁷ Swinney, "1860 Federal Census Hays County, Texas."

²⁸⁸ From here forward Kyle Chamber of Commerce and Visitor's Bureau will be referred to as the Chamber or Kyle's Chamber. Kyle Area Chamber of Commerce and Visitor's Bureau, TX, "Historical Sites: Sky View Cemetery," 2014, accessed May 12, 2018, <http://www.kylechamber.org/pages/HistoricalSites>.

²⁸⁹ Hays County Clerk, "Hays County Deed Records," "Skyview Cemetery," Volume 38, Pg. 485.

Moreover, since residents in adjacent counties had enslaved African American populations, they, too, may have brought their dead to the nearest burial ground for African Americans, which may have been this slave cemetery.

There was one more example found which illustrated how African American burial sites were incompletely represented, which minimizes history and leads to erasure. The Kyle Family Pioneer Cemetery has two designations on the Texas Historic Sites *Atlas*, but “Kyle’s Historical Markers” webpage did not identify the cemetery with any historical markers; in fact, the Kyle Family Pioneer Cemetery was not found anywhere on the city’s webpage.²⁹⁰ The page, however, included Skyview Cemetery in its listing of historical markers. Why the city neglected to include Kyle Family Pioneer Cemetery on the webpage was a mystery. The City of Kyle and the Chamber’s erasure of the Kyle Family Pioneer Cemetery from the traditional narrative illustrated how African Americans were (and are) erased from local narratives in favor of preserving local traditional narratives. Moreover, the Commission’s challenge of the African Americans “claiming kinship” and the erasure of the history of the Kyle Family Pioneer Cemetery, by any name it was known, brought up the point this chapter emphasizes. Traditional narratives highlight the narrator’s personal perspective of the past onto the history of the past without much regard for historical evidence pointing to the contrary.

²⁹⁰ This brought up another issue: the *Atlas* identified the title for Cemetery Atlas Number 7209004503 (Cemetery I.D. Number HY-C045), designated in 2015, correctly as “Kyle Family Pioneer Cemetery,” but the title for Historical Marker Atlas Number 5507018617 (Marker Number 18617), was designated in 2017, and identified as “Kyle Pioneer Family Cemetery. Texas Historical Commission: Texas Historic Sites *Atlas*, <https://atlas.thc.state.tx.us/Details/7209004503>; <https://atlas.thc.state.tx.us/Details/5507018617>; <https://www.cityofkyle.com/community/kyles-historical-markers>.

To understand how African American burial sites relate and differ one from another and from white burial sites, African American burial sites need to be identified with a classification system. San Marcos, Hays County, and Texas were not isolated incidences of tampering with the history of African Americans. City, county, and state institutions across the U.S. continually altered, tampered with, and/or erased from historical narratives any evidence that racism played a major role in the African American experience with slavery and the African American experience with segregation in their communities. These elements of racism stalked African Americans through time, and by looking specifically at African American burial sites in detail and through time, it was clearly evident that those with the power to alter the narrative were erasing from the narrative any signs that racism existed by altering its appearance.

Kyle Cemetery – Kyle, Texas

The Kyle Cemetery sits adjacent to the Kyle Family Pioneer Cemetery. In 1877, a Hays County deed recorded Polk R. Kyle selling “five acres to be used exclusively for a burial ground for white persons” to the City of Kyle, ten years after the death of his father, Claiborne Kyle.²⁹¹ The slave cemetery next to the Kyle Cemetery was not part of the 1877 deed. The 1877 deed brought up several interesting points about the traditional narrative of Kyle addressed here. According to the Chamber’s “Historical Sites” webpage, Kyle Cemetery is “thought” to be the earliest “all-inclusive community cemetery in Hays County.”²⁹² What the Chamber thought was all-inclusive was a

²⁹¹ Hays County Clerk, “Hays County Deed Records,” “Kyle Cemetery,” Volume K, Pg. 592.

²⁹² Kyle Area Chamber of Commerce and Visitor’s Bureau, “Historical Sites: Kyle Cemetery,” May 12, 2018, <http://www.kylechamber.org/pages/HistoricalSites>.

perspective that was not supported by the 1877 deed since the 1877 deed clearly indicated that the Kyle Cemetery was exclusively for whites.

The 1877 deed further contradicted the traditional narratives put forward by the Kyle's Chamber of Commerce and Visitor's Bureau, Hays County's Historical Commission, the Texas Historical Commission, and the Texas State Historical Association's "Handbook of Texas."²⁹³ The traditional narrative claimed Claiborne Kyle "donated fifteen acres of land for a 'community burial ground'" that became Kyle Cemetery.²⁹⁴ The local, county, and state agencies, however, cannot corroborate the traditional narrative with a deed; and no deed was found.²⁹⁵ Such a donation by Claiborne Kyle would be considered a generous and charitable act, but where was the deed, and exactly where was this fifteen-acre cemetery? When the traditional narrative is brought in line with historical facts, the historical narrative is opposite what the traditional narratives presented. In 1877, Kyle Cemetery became a legally-designated racially-exclusive white cemetery.

²⁹³ Although the THC and TSHA are not legal entities of the official government of the state of Texas.

²⁹⁴ Each of the sites in this footnote say that: Kyle Area Chamber of Commerce and Visitor's Bureau, "Kyle Cemetery;" Hays County Historical Commission, "Cemeteries and Locations" (Online: accessed September 17, 2016), <http://www.hayshistoricalcommission.com/cemeteries-locations.html>.; Texas Historical Commission, "Texas Historic Sites *Atlas*, Kyle Cemetery," accessed May 24, 2018, <https://atlas.thc.state.tx.us/>.; Barbara Donalson Althaus, "Claiborne Kyle" (Texas State Historical Association: Online, June 15, 2010), accessed May 28, 2018, <https://tshaonline.org/handbook/online/articles/fky02>.

²⁹⁵ Hay and Travis County Clerk's offices were researched. Kyle Area Chamber of Commerce and Visitor's Bureau, "Kyle Cemetery;" Hays County Historical Commission, "Cemeteries and Locations;" Texas Historical Commission, "Texas Historic Sites *Atlas*, "Kyle Cemetery."

Furthermore, the Chamber's traditional narrative neglected to include a segment on its "Historical Markers" webpage about the controversial Kyle Family Pioneer Cemetery. Instead, "Sky View Cemetery" (situated directly below Kyle Cemetery's description on the webpage) was highlighted as the burial site for "Kyle's African American citizens."²⁹⁶ In 1899, Skyview Cemetery was deeded as a cemetery.²⁹⁷ This meant that Skyview was not the oldest or the earliest African American cemetery in Kyle. Moreover, Skyview was not used as a burial site for enslaved African Americans as far as the records show. The Chamber's traditional narrative erases two major elements of the historical narrative. First, the traditional narrative erased enslaved African Americans from the region, and second, the traditional narrative erased segregation from the region. By redirecting the reader's attention away from the controversial Kyle Family Pioneer Cemetery, a.k.a. the Slave Cemetery, and toward the post-slavery Skyview Cemetery over eight hundred enslaved African Americans were effectively written out of the history of Kyle and Hays County; and, second, those African American Kyle's who claimed blood relation to Claiborne Kyle disappeared with their ancestors. The traditional exclusion of slavery in Kyle and Hays County narratives did not mean that the Civil War narrative was missing. To the contrary, by highlighting a historical marker titled "Beef for the Confederacy," both the Chamber and the City of Kyle webpages emphasized

²⁹⁶ This statement was technically true since African Americans did not gain citizenship until decades after the Civil War, but the implication erased enslavement from the narrative. City of Kyle, "Kyle's Historical Markers," (Online: May 12, 2018), <https://www.cityofkyle.com/community/kyles-historical-markers>.; Kyle Area Chamber of Commerce and Visitor's Bureau, "Kyle Cemetery [and] Sky View Cemetery," (Online: May 12, 2018), <http://www.kylechamber.org/pages/HistoricalSites>

²⁹⁷ Hays County Deed Records, "Skyview Cemetery," Volume 38, Pg. 485.

Kyle's "major patriotic service" between 1861 and 1865 to feed the Confederacy.²⁹⁸

From this, it was not difficult to see where loyalties lie.

But what of Claiborne Kyle, the owner of dozens of enslaved African Americans, who was rumored to have had an enslaved African American mistress and was recorded as having multiple mulatto slave children in his possession? The African American Kyle's claiming kinship are central to the controversy surrounding these early Kyle burial sites. A compromise was one step closer to full disclosure when one narrator included the other Kyle family's side of the story. Including the conflict in the traditional narrative may have been as close to a resolution as the narrator was willing to go. Whatever compromise was negotiated in partial disclosure, the narrator ended by saying that "the only way to prove these statements true would be by DNA testing."²⁹⁹

Although DNA testing would benefit the Kyle's claiming kinship if they were found to be likely matches, it is doubtful the testing would change the perception society has of the African-descended kin. Through time, potential descendants of Claiborne Kyle were still seen in public as African American just as their ancestors were seen by the public as enslaved African Americans – unless evidence is uncovered to prove that Claiborne Kyle manumitted the victim of his indiscretions or the surviving off-spring of his indiscretions. Either way, they will still be seen as African American (or mixed-raced) in a society that segregates according to color. Finally, it should be noted that the two cemeteries, Kyle Family Pioneer Cemetery and Kyle Cemetery, are and always will be connected, yet separated, by the line that runs between them. The invisible, yet visible,

²⁹⁸ Kyle Area Chamber of Commerce and Visitor's Bureau, "Beef for the Confederacy," May 12, 2018, <http://www.kylechamber.org/pages/HistoricalSites>.

²⁹⁹ [Bassett] "Kyle Family Pioneer Cemetery."

color line illustrates how the process of time, or the imaginings of the past and the present and the future came into, and will continue to come into, conflict with reality until the whole uncomfortable truth is written into the narrative.

A few questions remain unanswered: Since the Kyle Family Pioneer Cemetery sits adjacent to the Kyle Cemetery and “was, and still is, on private land,” could it be that Claiborne Kyle donated the land the old slave cemetery currently sits on so that African American remains would not be scattered here and there across the region?³⁰⁰ If there was in fact a donation, was the donation so that the area’s local enslaved African American population, and his “mistress” and their offspring, would have a community and family burial site?

Real Estate – Virtual and Real - Matters

One example of how institutions treated cemeteries differently is found on the government website for the City of San Marcos, Texas.³⁰¹ The site dedicated one page to each of the three oldest and larger cemeteries in the city: San Marcos Cemetery (predominantly white), San Pedro Cemetery (predominantly Mexican American), and San Marcos-Blanco Cemetery (predominantly African American). The information on the two pages dedicated to the history of San Pedro Cemetery and San Marco-Blanco Cemetery was mixed-up together. A majority of the contents about the history of the San Pedro Cemetery was on the page dedicated to San Marcos-Blanco Cemetery and the entire history of the San Marcos-Blanco Cemetery was on the page dedicated to the San Pedro Cemetery. Just as valuable as real estate, virtual space and location on a website is

³⁰⁰ Kyle Area Chamber of Commerce and Visitor’s Bureau, “Kyle Cemetery;” [Bassett] “Kyle Family Pioneer Cemetery.”

³⁰¹ City of San Marcos, accessed January 16, 2018, <http://www.sanmarcostx.gov/>.

a statement, an explicit prioritization of values. In this case, although each cemetery is given a singular space on the website, the value of the non-white cemeteries lost worth due to each dedicated page being a jumbled mess. Moreover, while the indifference found on the webpage is possibly clerical error and can be easily corrected, the current negligence with regard to race does not end there.

The dedicated page for the history of the San Marcos Cemetery was missing important details about the history of the predominantly white cemetery. Erased from the website's page was the fact that part of the land the San Marcos Cemetery sits on was originally owned by Freedman Peter Roberts (1868), who, in 1876, sold the land.³⁰² While not mentioning an African American first owned the land where the founding fathers and many of the Confederate soldiers from the area were later buried may seem like a minor issue, the information was relevant enough historically to be put on the San Marcos Cemetery Historical Marker placed in the cemetery in 1993.³⁰³ The way the government website countered the fact was to word it as: "several early San Marcos settlers were buried in the northwestern part of the cemetery in unmarked graves" before the land was purchased by the white settlers.³⁰⁴

The Historical Marker, yet again, told a different story: "Local tradition suggests that slaves of the area's earliest settlers were buried here prior to the first recorded

³⁰² Texas Historical Commission, Texas Historical Commission, "Texas Historic Site *Atlas*: Details for San Marcos Cemetery: Historical Marker: Atlas Number 5209010320." <https://atlas.thc.state.tx.us/>.

³⁰³ Texas Historical Commission, "Texas Historic Site *Atlas*: Details for San Marcos Cemetery: Historical Marker: Atlas Number 5209010320."

³⁰⁴ City of San Marcos, "City Cemetery," January 16, 2018, <http://www.sanmarcostx.gov/885/City-Cemetery>.

burial.”³⁰⁵ Other stories about the founders of San Marcos also identified “several slaves of early San Marcos settlers [as] buried in the area which is now in the north-western part of the cemetery.”³⁰⁶ The physical location is in the back section of the cemetery behind the maintenance building, and is marked as “Section U – Slaves Graves.”³⁰⁷ When the Boy Scouts documented the interred for a community project they also marked the northwestern part of the cemetery as the slave section. Furthermore, the dedication page on the city’s website informed readers that “the *first recorded* burial at the cemetery’s present site was a white Confederate veteran Major C. Rogers in May of 1876 [emphasis added].”³⁰⁸ The way the different narrators played on words they used in these traditional narratives was evident once a more complete historical narrative was uncovered – *several early San Marcos settlers vis-à-vis several slaves of early settlers vis-à-vis first recorded burial*. The narrator’s drive to imply ownership or importance of something through being *the first* was unmistakable in every traditional narrative. Speaking of *firsts*, in an article from the *Daily Record* advertising the release of the two-volume collection of Hays County’s cemeteries, the paper wrote that one of the author’s, Jo Ann Hearn, said, “these records include all cemeteries, even Hispanic and black ones for the first time.”³⁰⁹

³⁰⁵ Texas Historical Commission, “Texas Historic Site *Atlas*: Details for San Marcos Cemetery: Historical Marker: Atlas Number 5209010320.”

³⁰⁶ Hearn and Kerbow, *Hays County, Texas Cemetery Inscriptions: A Hay County Historical Commission Project*.

³⁰⁷ Hearn and Kerbow, *Hays County, Texas Cemetery Inscriptions: A Hay County Historical Commission Project*.

³⁰⁸ City of San Marcos, “City Cemetery.”

³⁰⁹ San Marcos Daily Record, “Opinion: For the Record,” (Online, June 6, 1990, accessed November 11, 2017).

“The Old Grave Yard” – San Marcos, Texas

Established as the county seat for Hays County in 1848, the small community of San Marcos buried its earliest settlers in town. It is unclear exactly when burials ceased at the burial site in town, but an April 18, 1888 City of San Marcos Resolution recorded a request for permission to bury “Professor Lyon” in the “old grave yard.”³¹⁰ The resolution stipulated that no other burials were to be permitted other than the “immediate members of the Lindsey family as provided in the original city ordinance prohibiting burials in said yard.”³¹¹

Sometime after 1888, but before 1918, a “tiny Red Cross building” was built on the graveyard’s property, most likely during World War I.³¹² It is unclear if the building was placed on top of the interred, to the side of the interred, or if some or all of the old graveyard’s interred population was moved prior to the construction. From 1918 to 1966 the public library was housed in the old Red Cross building.³¹³ As the town and the library’s holdings grew, the library became a department of the City of San Marcos, according to “Our Story,” sometime during or after 1964. The City decided to repurpose the property the Red Cross building and the graveyard were on to make room for a new

³¹⁰ City of San Marcos Resolutions, 1888 V. 2, P.9, April 18, 1888.

³¹¹ Prohibiting was underlined in the original document. On March 16, 2018, City Clerk, Jamie Lee Case, sent an email with a scan of the April 18, 1888 resolution and stipulation. She wrote, “That ordinance must be within the volume 1 which we do not have. I honestly don’t know if it was even archived at the state level. It’s been missing for as long as anyone her[e] can remember.” Email correspondence with Jamie Lee Case, March 16, 2018. City of San Marcos Resolution: April 18, 1888, V. 2, p. 9.

³¹² San Marcos Public Library, “Facebook Page: Our Story,” (Online, January 31, 2018, accessed May 7, 2018), <https://www.facebook.com/notes/san-marcos-public-library/our-story/1040797032689722/>.

³¹³ San Marcos Public Library, “Facebook Page: Our Story.”

library.³¹⁴ The library opened in 1966., but before the library was built, “several of the bodies interred in the original cemetery were moved to the new location and *others* were moved to cemeteries in the surrounding area [emphasis added]”³¹⁵ One of the early settlers exhumed from the Old Grave Yard and reinterred in the new cemetery was the wife of Amariah Wilson, Sr., Rachel Brown Wilson, who died in 1864.³¹⁶

The town of San Marcos was a stagecoach stop on the Camino Real and Chisholm Trail between San Antonio and Austin. When the town outgrew the small cemetery, San Marcos followed larger cities’ lawn-park and memorial park cemetery trends. In 1876, the San Marcos Cemetery Association formed to purchase land on the outskirts of town for “\$300 in silver coin” from Judy and Shadrach Dixon.³¹⁷ They named it the San Marcos Cemetery. Three-hundred dollars was the exact amount Stovall wrote that Dock Roberts was paid in 1908 for an additional three-acre section of land he owned, a section of this piece of property was Section U mentioned earlier, and most recently identified as the “Gray Roberts” section.³¹⁸ According to Stovall, Dock’s father, Peter Roberts, purchased “58½ acres” of land on January 23, 1868 in Galveston from H.N. Duple, with

³¹⁴ City of San Marcos, “City Cemetery.”

³¹⁵ Hays County Historical Commission, “Hays County Cemetery Inscriptions: Section I: History of San Marcos Cemetery: Plat of San Marcos Cemetery: San Marco Cemetery Inscriptions,” (online), <http://www.hayshistoricalcommission.com/san-marcos-cemetery-inscriptions.html>.

³¹⁶ “Amariah Wilson (1799 - 1889),” (WikiTree: Where Genealogists Collaborate: online, accessed May 13, 2018), <https://www.wikitree.com/wiki/Wilson-23837>.

³¹⁷ Francis Stovall, “Historic Markers: The San Marcos Cemetery: Ranch Road 12, San Marcos, Texas” (San Marcos Historical Commission: San Marcos Public Library Historical Files, July 3), 1992.

³¹⁸ Stovall, “Historic Markers: The San Marcos Cemetery: Ranch Road 12, San Marcos, Texas,” City of San Marcos, “Cemetery Maps.”

the deed executed by W.O. Hutchison.³¹⁹ Stovall wrote that Dock was “identified in the deed records as “colored.””³²⁰

Where, when, and why *other* bodies were moved from the Old Grave Yard to other cemeteries and not as a collective unit to the new San Marcos Cemetery remains a mystery. Moreover, were all the bodies moved? A photo taken before the exhumation and reinterment, sometime between 1918 and 1966, and posted on the San Marcos Public Library, Facebook Page, “Our Story,” showed the properties and sidewalks around the building level in grade with the Red Cross building, but most recently the property where the old library once sat shows a marked elevation.³²¹

San Marcos-Blanco Cemetery – San Marcos, Texas

The San Marcos-Blanco Cemetery was the primary cemetery in this study. Similar to the other segregated cemeteries noted in this thesis, the San Marcos-Blanco Cemetery was unique – suspended in time – in the racialized Jim Crow period in which it was created. Upon entering the San Marcos-Blanco Cemetery, the theory that death was the greatest of all equalizers proved to be a fallacy. A strong sense of detachment with modernity and the living was virtually palpable. Visibly absent were the many elemental signs of life exhibited through the ancestor-descendant-community relationships in the other cemeteries in town. Dead and dying trees peppered the property in desperate need of attention. Several burial plots showed pronounced depressions in the ground, as did

³¹⁹ Stovall identified the deed record’s location as Hays County Deed Records Book E, p. 363. Stovall, “Historic Markers: The San Marcos Cemetery: Ranch Road 12, San Marcos, Texas.”

³²⁰ Stovall, “Historic Markers: The San Marcos Cemetery: Ranch Road 12, San Marcos, Texas,” July 3, 1992.

³²¹ San Marcos Public Library, “Facebook Page: Our Story.”

other areas of the cemetery where there were no visible headstones. Overgrowth conceals many of the headstones. Still other headstones have obviously been damaged by any number of culprits: lawnmower blades, falling tree branches, vandalism, or simply time.³²² Either protecting the dead from further vandalism or yet another sign of the stinging pain endured while those interred were living, huge mounds of fire ants scattered the grounds like landmines, a constant reminder to the living of the possible dangers lurking with every step.

In 1893, five men purchased 10.62 acres of land from white landowners for the expressed purpose of creating a cemetery for the African American community.³²³ The five African American men, identified individually and as the San Marcos and Blanco Cemetery Association trustees, paid two-hundred dollars cash up-front to Major W.O. Hutchison, and his wife, for the property.³²⁴ Winton Porterfield wrote that the five men were the “first blacks in the county to own property.”³²⁵ The landowner, Major Hutchinson, was a Confederate soldier with the 32nd Texas Cavalry during the Civil War.³²⁶ Hutchinson was also a lawyer who owned large tracts of land in Hays County; another tract of land he sold to the city of San Marcos became part of the new San Marcos Cemetery. The large amount of land he owned suggested that Hutchinson probably rented enslaved African Americans from other slave owners, since neither he

³²² Willie Wells headstone showed signs of what appeared to be a bullet hole.

³²³ Hays County Clerk’s Office, “Deed of Trust Record,” Vol. 42, p 151-153, June 16, 1893.

³²⁴ Hays County Clerk’s Office, “Deed of Trust Record,” Vol. 42, p 151-153, June 16, 1893.

³²⁵ Winton Porterfield, “Juneteenth Festival a Chance to Reflect on History and Have Fun,” *San Marcos (TX) Daily Record*, June 18, 1993, November 7, 2017.

³²⁶ As the war came to a close, Hutchinson was “promoted to Lt. Col.” Stovall, “Historic Markers: The San Marcos Cemetery: Ranch Road 12, San Marcos, Texas.”

nor his wife were identified as owners of enslaved African Americans in the 1850 or 1860 slave census for Hays County.³²⁷

By 1901, the cemetery was known as the San Marcos-Blanco Association Cemetery. Sometime after 1901 and before 1981, “the cemetery [was] a pauper’s burial ground.”³²⁸ Evidently the city started burying indigents in the cemetery instead of in the new rural cemetery, San Marcos City Cemetery. In addition, at least one animal was buried in the cemetery. Residents remembered “quite a to-do about ‘Sago,’” a German Shepherd, and his “blue-painted coffin” buried in the cemetery.³²⁹ During the same time, after 1901 and before 1981, the cemetery was known as the “San Marcos Colored Cemetery” or simply the “Colored Cemetery.”³³⁰ In a 1991 newspaper article about the cemetery’s “secrets,” local African American community activist Ollie Giles (b. 1933) said that calling the cemetery “Colored Cemetery” was “a natural name to call it. We had our cemetery and the Mexicans had theirs and the whites had their own.”³³¹

The timeline meant that for eighty years the cemetery was not known by the name it was given by its African American founders. Well after emancipation, and past the Jim Crow atrocities and civil rights abuses of the 1890s to the 1960s, the San Marcos-Blanco Association Cemetery was referred to as the *Colored Cemetery* or *colored cemetery*,

³²⁷ Further research is required to see if he may have owned slaves in Travis or one of the other surrounding counties. Swinney, “1860 Federal Census Hays County.”

³²⁸ Ollie Giles and Janet A. (Mica) Clark, “The San Marcos-Blanco Cemetery: Post Road: San Marcos, Hays County, Texas,” San Marcos Historical Commission: San Marcos Public Library, (year unknown).

³²⁹ Further research is required to see if Sago has an existing headstone. Linda Keese, “Oddball Bloom Draws Attention,” *San Marcos (TX) Daily Record*, November 3, 1996.

³³⁰ Diana Finlay, “Historic Cemetery Needs Attention” (*San Marcos (TX) Daily Record*, online, July 21, 1991).

³³¹ Diana Finlay. “Historic Cemetery Needs Attention.”

depending on the source. The name the cemetery was given by its founders was taken from the African American community and immediately replaced with the racialized language of segregation – *colored cemetery*. That was – until Ollie Giles and Katherine Hardeman went down to the Hays County Commissioner’s Court on October 26, 1981 to have the cemetery’s name legally changed to the “San Marcos Community Cemetery.”³³²

Legally claiming an identity for the African American cemetery, and by extension for the community, independent of that imposed upon the community said more about the two women than it did about the cemetery itself. For decades, centuries even, whites imposed predetermined profiled identities onto African Americans that were racialized through the language of subtle references – *colored cemetery* was one of those references. To make a statement about language, the two African American women used the cemetery in the same way the whites had used the cemetery to reinforce subjugation through the use of language. As Giles stated, though, “times had changed and we felt like it [the cemetery] shouldn’t be called ‘colored’ anymore.”³³³ Effectively, the two women enacted a covert, yet overt, movement that empowered the African American community with agency. By legally addressing the “natural name” used to describe and define the cemetery for more than eighty years, the two women essentially challenged the entire community to change its perception of the African American cemetery, and by association and extension, the identity and agency of African Americans living in San

³³² *San Marcos (TX) Daily Record*, “History: Old Cemetery Keeps Its Secrets to Itself,” (Author Unknown: February 15, 1987; Hays County Commissioner’s Court, “Change Name of San Marcos Colored Cemetery (San Marcos Community Cemetery),” Vol. L, Pg. 632, #6357, October 26, 1981.

³³³ Diana Finlay. “Historic Cemetery Needs Attention.”

Marcos.³³⁴ Moreover, as a symbol of collective identity, the legal name change drew attention to the importance of community to the African American population. In 1996, the cemetery association made one more name change. This time, Ollie Giles was again among those in favor of changing the name to something similar to its original, the “San Marcos-Blanco Cemetery.”³³⁵

Between 2007 and 2010, Giles insisted that the races “all got along” in San Marcos, but clearly, as evidenced, there were issues through the years.³³⁶ One oral history story Giles shared described her grandmother owning a laundry business out of her home. One of her grandmother’s customers was a prominent white man in town who, Giles said, would come into the house to pick up his laundry. After a quick “hello,” the man continued full-stride straight through the house to Giles’s grandmother’s kitchen where he would “sit down at the table” and help himself to her “hoecakes and molasses.”³³⁷ “Mama,” Giles’s name for her grandmother, did the man’s laundry, but “when he would come through [to pick up his laundry] Mama *knew* to have his hoecakes ready.”³³⁸ During the Jim Crow era, Giles’s grandmother’s “get along” acquiescence was the most

³³⁴ Diana Finlay. “Historic Cemetery Needs Attention.”

³³⁵ Hays County Historical Commission, “Cemeteries;” Hays County Commissioner’s Court, “Authorizing Changing the Name of the ‘San Marcos Community Cemetery’ to the ‘San Marcos-Blanco Cemetery’ as Reflected in the Original Deed.” Vol. P, Pg. 768, #14645, January 8, 1996.

³³⁶ Hays County Historical Commission, “Voices of Hays County - Ollie Giles,” (Oral History Video Interview Online, 2007-2010, accessed August 6, 2017), <http://www.hayshistoricalcommission.com/giles.html>.

³³⁷ Hoecakes are fried biscuits. Hays County Historical Commission, “Voices of Hays County - Ollie Giles.”

³³⁸ Italics indicate her emphasis in speech during the oral interview. Hays County Historical Commission, “Voices of Hays County - Ollie Giles,” Oral History Video Interview, 2007-2010, accessed August 6, 2017, <http://www.hayshistoricalcommission.com/giles.html>.

productive way to stay employed. Subsequently, what may have seemed like getting along or “natural” to a young African American child was likely her “Mama” coerced compliance with the whims of a prominent older white male customer in the same way that the African American community had conformed to white people calling the cemetery “Colored Cemetery;” – it told a deeper, more secret story – not only about the cemetery, but also about segregation, identity, and the community, and about naming names. The examples below showed how individual deaths were documented during this the time.

No.	REMAINS OF	ORDERED BY	Age	Cause of Death	Date of Death	Date of Burial
18	D. J. Bomer	neighbor Bomer			Jan 15	15
19	Negro	Negro			15	15
20	W. B. Bomer	W. B. Bomer				
21	Mexican	Wago County			16	16
22	"	W. B. Bomer			16	16
23	"	W. B. Bomer			16	17
24	Mrs. A. Bomer	W. B. Bomer			16	17
25	Mrs. Bomer	W. B. Bomer			16	17
26	Mrs. Bomer	W. B. Bomer			16	19
27	Mrs. Bomer	W. B. Bomer			18	18
28	Mexican	Wago County			20	20
29	Negro	W. B. Bomer			19	21
30	W. B. Bomer	W. B. Bomer			21	22
31	Negro	W. B. Bomer			22	22
32	Mexican	W. B. Bomer			23	24
33	Mexican	W. B. Bomer			23	24
34	"	W. B. Bomer			24	25

November 1915	
1 Mexican	W. B. Bomer
2 Negro	W. B. Bomer
3 Mexican	W. B. Bomer
4 Mexican	W. B. Bomer

Figure 4. Historical Pennington Funeral Home Ledgers, 1915-1917.³³⁹
 Pennington Funeral Home Ledgers Collection University Archives, Texas State University.

³³⁹ Pennington Funeral Home. “Historical Pennington Funeral Home Ledgers, 1915-1917,” *Pennington Funeral Home Ledgers Collection*. University Archives, Texas State University.

10		P.K. Williamson			May	12	May	13
11	Negro	Rose Davis			"	13	"	14
12	Mexican	C.P. Cartledge			"	15	"	16
13	Jesse Byers	George Byers			"	18	"	17
14	Mexican	Mutual Merc. Co			"	20	"	21
15		J.H. Williams			"	20	"	21
16		Oscar Bell			"	23	"	24
17	J.J. Denman	J.J. Denman Est.			"	26	"	28
18	Mrs Kramer	Carl Kramer			"	30	"	31
June 1921								
1	Negro	Walter Watkins			June	1	June	2
2	Sam Harwell	J.F. Harwell					"	3
3	Murry Lawrence	Mrs Nettie Lawrence					"	3
4	Mexican	Ewell Jackson			"	3	"	4
5	Refugio Ovalle	Maud Jewell			"	3	"	4
6		Mrs Nannie Rogers			"	5	"	6

Figure 5. Historical Pennington Funeral Home Ledgers, 1920-1922.³⁴⁰
Pennington Funeral Home Ledgers Collection University Archives, Texas State University.

Through the years the racialized language of naming names or not naming names continued to weasel its way into the traditional narratives. Presenting past times in a more favorable light than evidence proved, the Hays County Historical Commission presented a less offensive take on the segregated cemetery in its narrative about the cemetery's history. Instead of the historical commission admitting the town's racist past and moving forward through it, the website's description of the cemetery stated that from 1893 to 1981 the cemetery was "simply referred to as the 'Black's Cemetery' by the Anglos, and 'Our Cemetery' by the Afro-American citizens."³⁴¹ However, I found no primary sources

³⁴⁰ Pennington Funeral Home. "Historical Pennington Funeral Home Ledgers, 1915-1917," *Pennington Funeral Home Ledgers Collection*. University Archives, Texas State University.

³⁴¹ Although there was no date of publication found on the website, the latest year referenced on the page was 2008 when it noted that the San Marcos Community Cemetery had been renamed the San Marcos-Blanco Cemetery. Hays County Historical Commission, "Cemeteries and Locations."

to support the county historical commission site's claim that the African American cemetery was called "Black's Cemetery" – in that time.

Instead, the historical commission was responsible for hiding a misnomer in plain sight at least two decades after the legal name change of the cemetery. The cemetery was not known as the "Black's Cemetery" during the time in question. Giles and Hardeman did not go down to the courthouse to change the name from the "Black's Cemetery;" they went to the courthouse to change the name specifically to get the community-at-large to stop calling the cemetery the *Colored Cemetery*, and by transference, to stop calling African Americans *colored*. Intentional or not, the commission used language to erase from the historical record the actual language used in the region at that time. *What* the white community called the segregated African American cemetery in that time was in direct correlation to *what* living African Americans were called every day at that time. Language meant something, words meant something, especially when discussing identity in the context of race and segregation. Frankly, the historical commission used its authority to deny and erase facts from the historical record. Two fouls were committed – one denying that the offense occurred, and the other, attempting to erase any evidence that the offense occurred. These were offenses against not only the African American community, but also against the historical record.

Giles Register

The name *Ollie Giles* is synonymous with the San Marcos-Blanco Cemetery, and rightfully so. In 1990, Ollie Giles compiled the only known master burial register for the San Marcos-Blanco Cemetery. Giles added the register to an internet site for cemeteries

in 2002, along with a brief commentary she wrote about the cemetery.³⁴² *Giles Register* for the cemetery documented a total of two-hundred seventy headstones with names and whatever else she could read from the headstones. The natural landscape made Giles's efforts especially difficult, but she did it in an effort to preserve local African American history. At fifty-seven years old she painstakingly walked the entire 10.62 acre cemetery multiple times determined to document each headstone. Some headstones were captured by the quicksand of time and lost to the record; human error also contributed to some headstones being overlooked. However, given that African Americans were historically usually denied their given or chosen names in any records, including early undertaker and funeral records, it was remarkable that a record was created.



Figure 6. Aerial View of San Marcos-Blanco Cemetery.³⁴³
Post Road (bottom edge), west (bottom) to east (top).

³⁴² Giles list was used as a reference point for this research. Ollie Giles register from 1990 is hereafter referred to as: *Giles Register*. The record was found on an internet website documenting cemeteries. Ollie Giles, "San Marcos – Blanco Cemetery: Hays County, Texas" (Interment.net: Cemetery Records Online, San Marcos – Blanco Cemetery: Hays County, Texas: 2002, accessed October 29, 2016). <http://www.interment.net/data/us/tx/hays/sanmarcos/blanco.htm>.

³⁴³ Google Maps, "Aerial View of San Marcos-Blanco Cemetery," Map. Google, 2016, <https://www.google.com/maps>.

Oversights were bound to happen. Giles walked through terrain with limestone rocks under foot while dodging landmines of fire ants, overgrown grasslands, and other natural debris. Searching for all the different kinds of headstones was a difficult task. As a result, *Giles Register* is missing a few veterans. Of the two-hundred and seventy headstones in *Giles Register*, thirty-two were veteran-identified.³⁴⁴ Four veterans were not recognized as veterans in *Giles Register*; several veterans were missing from *Giles Register*; and five newer-arrival veterans were interred since *Giles Register* was compiled in 1990. Most of *Giles Register*'s missing veterans had marble or granite military headstones, which were very difficult to locate, especially without a map. With the assistance of FindAGrave.com, I located one of the missing veterans. WWII veteran Ed Harris's marker was missing because it was a flat military headstone covered over by natural growth. In addition, upon his wife's death in 2005, the couple's taller headstone was erected with both of their names on it, but it did not note his military service.

Shortly after Persian Gulf War in early 1991, Giles wrote a newspaper article for the *Daily Record* (February 9, 1992) during Black History Month.³⁴⁵ Much of the article was devoted to the history of famous African Americans and soldiers from the Revolutionary War and the Civil War, and the well-known Buffalo soldiers. Missing were the millions of African American soldiers and veterans who served in the military, and thousands who died during World War I, World War II, Korea, Vietnam, or the most

³⁴⁴ Ollie Giles, "San Marcos – Blanco Cemetery: Hays County, Texas" (Internment.net: Cemetery Records Online, San Marcos-Blanco Cemetery: Hays County, Texas: 2002, accessed October 29, 2016), <http://www.interment.net/data/us/tx/hays/sanmarcos/blanco.htm>.

³⁴⁵ Ollie Giles, "Black History Month Offers a Chance to Learn More About American History," (*San Marcos (TX) Daily Record*, February 9, 1992).

recent (at that time) Persian Gulf War, commonly known as the First Gulf War or Operation Desert Shield. Discounting society's historical narrative of African Americans as slaves and farmers, calling the views "stereotypical," Giles lost an opportunity to mention the incredible military accomplishments of a multitude of African Americans during the years when Jim Crow was in full force during the 20th century. Another piece Giles wrote over twenty years later was a *Letter to the Editor* in response to homage being paid to white soldiers. In this piece, Giles proclaimed that "African American men served in every war there was," and "tribute" should be paid "to all the fallen war heroes, not just a few in certain areas of the cemetery."³⁴⁶



Figure 7. San Marcos-Blanco Cemetery Grounds.
Two examples of how difficult it was to find flat military headstones.

The Texas Historical Commission Site Marker

In 1953, the Texas legislature established the Texas State Historical Survey Committee. Among its many mandates, the committee was to identify historic sites throughout the state. In 1973, the legislature changed the agency's name to the Texas Historical Commission, and granted it a leadership role with "protective powers" and

³⁴⁶ Ollie Giles, "Let Us Pay Tribute to *All* Fallen Heroes," (*San Marcos (TX) Daily Record*, May 15, 2011, accessed November 7, 2017).

“broader educational responsibilities.” It was the Texas Historical Commission’s mission to “protect and preserve the state’s historic and prehistoric resources for the use, education, enjoyment, and economic benefit of present and future generations.”³⁴⁷ In doing so, one of the objectives of the commission was to designate and help with the preservation of historical sites. The commission established a Cemetery Preservation Program in 1996 with limited funding. Then in 1997 the program received full funding. In 1998 the first Historic Texas Cemetery was recorded. Since then the commission designated 1,706 of the estimated 50,000 cemeteries in on its *Texas: Historic Texas Cemetery* page; the website was created in 2017. There are historic cemeteries in each of the 254 counties in the state.³⁴⁸ The commission also created the Texas Historic Sites *Atlas*, an online searchable database with interactive tools, to educate the public on the importance of historic courthouses, museums, and cemeteries. Ideally, history buffs and interested travelers read the *Texas Historical Commission* markers on-site to learn about the historical significance of particular sites and what people interred in the cemetery represented to the community – in their time. The unrecognized caveat is that historical markers also represent the social standards of the time period when the marker is erected.

³⁴⁷ Texas Historical Commission, “About Us: Enriching Lives Through History,” February 9, 2017, accessed November 29, 2017, <http://www.thc.texas.gov/about>.

³⁴⁸ Texas Historical Commission, “Cemetery Preservation,” <http://www.thc.texas.gov/preserve/projects-and-programs/cemetery-preservation>.



Figure 8. THC Historical Marker Threatened by Live Oak Tree. Before (above) and after (below) photos of an old tree threatening to knock down the Texas Historical Commission's Marker in the San Marcos-Blanco Cemetery. In 2017, Hurricane Harvey hit Texas with strong winds causing the tree to tilt. Before and after cut photos.



In April 1996, as chairperson for the San Marcos-Blanco Cemetery Association, Ollie Giles filed an application to have a Texas Historical Commission Site Marker for the San Marcos-Blanco Cemetery.³⁴⁹ In a little over a year, on Thursday, June 19, 1997,

³⁴⁹ This was before the commission established a *Historic Texas Cemetery* program. The San Marcos-Blanco Cemetery is not listed as a Historic Texas Cemetery.

in remembrance and celebration of *Juneteenth* – Emancipation Day in Texas – the Texas Historical Commission Site Marker was dedicated.³⁵⁰ At the unveiling, Giles had this to say: “For all that our ancestors gave and didn’t get, we have not just the right, but the responsibility to fight for our piece of the American dream... We need to keep their memories up. We cannot forget our loved ones out here. We must not forget our loved ones.”³⁵¹ The narrative on the historical marker was written by Giles, and reads:

“In 1893 five trustees of the newly formed San Marcos and Blanco Cemetery Association purchased 10.62 acres of land from W. O. and Leonora Hutchison. The trustees were Henry Richardson, Luckey McQueen, Wyatt Newman, James Langdon and Miles Bowes. The land purchased was intended for use as a cemetery by the African American citizens of the communities of Nance's Mill and Mountain City, together known as the Blanco community. The graveyard site was located midway between the two communities. The earliest recorded burial was that of Emma Hamilton in August 1886, indicating the land was in use as a graveyard prior to the land purchase. The site was called the San Marcos Colored Cemetery. More than 300 graves are marked with headstones and exist along with numerous unmarked graves. *Among those buried here are teachers, farmers and ministers.* The site has also been used as a paupers' burial ground and was *sometimes referred to as the paupers' plot.* In 1981 the name was officially changed to the San Marcos Community Cemetery and in 1996 the original name was restored to the San Marcos-Blanco Cemetery. The site is still active and is maintained by the cemetery association. (1997) [emphasis added].”³⁵²

Missing Veterans

Since Giles’s uncle, Arntie Hollins, was a veteran and he was buried in the cemetery, and Giles earlier and later articles and papers included African American

³⁵⁰ Texas Historical Commission, “Texas Historic Site *Atlas*: Details for San Marcos-Blanco Cemetery: Historical Marker: Atlas Number 5209010318.”

³⁵¹ Bridgett Moffatt, “Historical Marker Helps Put Pieces Together at Blanco Cemetery,” *San Marcos (TX) Daily Record*, June 20, 1997, accessed November 7, 2017.

³⁵² Ollie Giles, “San Marcos – Blanco Cemetery: Hays County, Texas.”

soldiers and veterans, it was baffling why the soldiers and veterans were missing from the historical marker narrative highlighting a vibrant community of *teachers*, *farmers*, and *ministers*, and countless *paupers*. African American soldiers and veterans were one of the most prestigious groups erased from traditional narratives. Their erasure from the narrative on the historical marker was a disservice to their efforts, and reminiscent of early African Americans erasure from America's national, state, and local traditional narratives. African American soldiers fought in all previous U.S. wars, including the Civil War; in fact, the first soldier from Hays County to die in Korea was one of the soldiers interred in the cemetery. The City of San Marcos posthumously named the street Arthur Love, Jr. grew up on Love Street after he died in Korea. For that reason, Chapter IV includes a list of the African American soldiers and veterans interred in the San Marcos-Blanco Cemetery. Research is ongoing to be sure no soldier or veteran is left out.

Confederate War Heroes

The transparent value placed on Confederate veterans in Hays County, and other counties throughout Texas, was unmistakable when taking into account the wealth of documents, records, memorials, and writings about Confederate soldiers in Texas. On par with traditional narratives, even the burials of Confederate soldiers were deemed more important than the more recent African American soldier's deaths from the four wars since the Civil War. An example of this was found in the San Marcos Public Library. Tula Townsend Wyatt, or Mrs. William A Wyatt, Sr. as she was known in that time, was the Chairman of the Hays County Historical Survey Committee and Cemetery Records Committee of the Hays County Historical & Genealogical Society, Inc, and was "named

the head of [the] county historical group in 1963.³⁵³ She donated a book to the library, “Confederate Veterans Buried in Hays County,” she had compiled “since 1926.”³⁵⁴ The compilation contained the names of more than three-hundred Confederate soldiers buried in Hays County, with over one-hundred-fifty interred in the San Marcos (City) Cemetery.³⁵⁵ The length of time Wyatt devoted to documenting each Confederate soldier revealed the extent to which Confederate soldiers impacted Hays County, and pointed to the respect afforded to Confederate soldiers by community leaders over sixty years after the Civil War ended.

As a member of the Daughters of the American Revolution and the Daughters of the Republic of Texas, Wyatt’s interests in the bloodline of descent from royalty, heritage, and tradition ran deep.³⁵⁶ Her obituary noted that she graduated from Southwest Texas Normal School (now Texas State University), in 1919, and “served for many years as chairman of the Hays County Historical Commission.”³⁵⁷ The obituary also noted that Wyatt was “State President of the American Legion, 1938-1939, and National Executive

³⁵³ San Marcos Public Library, “Obituaries Clipped from Local Newspapers, Dating From the 20th Century-UW: Tula Townsend Wyatt,” accessed June 22, 2018, <http://rescarta.sanmarcostx.gov>.

³⁵⁴ Mrs. William A. Wyatt Sr. (Tula Townsend Wyatt), “Confederate Veterans Buried in Hays County,” (San Marcos Public Library: Hays County Historical Survey Committee and Cemetery Records Committee of the Hays County Historical & Genealogical Society, date unknown).

³⁵⁵ Mrs. William A. Wyatt Sr. (Tula Townsend Wyatt), “Confederate Veterans Buried in Hays County.”

³⁵⁶ Wyatt’s headstone has the two organizations’ emblems on it. Her husband, William, has a Freemason emblem engraved into the couple’s headstone. *Find a Grave*, database and images (<https://www.findagrave.com> : accessed June 22, 2018), memorial page for Tula *Townsend* Wyatt (18 Jan 1895–11 Jun 1990), Find A Grave Memorial no. 78864277, citing San Marcos Cemetery, San Marcos, Hays County, Texas, USA ; Maintained by Jan Townsend Taylor (contributor 47189865), added 2011.

³⁵⁷ San Marcos Public Library, “Obituaries Clipped from Local Newspapers, Dating From the 20th Century-UW: Tula Townsend Wyatt.”

Women in 1940-1941.”³⁵⁸ At the time of this writing, I did not find documentation that Wyatt was a member of the UDC, but the organization grew quite large in the U.S. at the same time the second-wave KKK took hold.

The United Daughters of the Confederacy were the “self-appointed guardians of Southern and Confederate history” whose members worked to ensure that school books “conform[ed] to the tenets of the Lost Cause: secession was preempted by a constitutional dispute; Confederate soldiers fought admirably and honorably against insurmountable odds; and the South fought for self-government, not slavery.”³⁵⁹ The *Confederate history*, as Janney noted the UDC’s historian Mildred Rutherford saying, “firmly believed that African Americans needed to behave as faithful ‘servants’ if the New South were ever to approximate the Old (and supposedly racially harmonious) South the Daughters sought to venerate.”³⁶⁰ According to Caroline E. Janney, in the first six years of existence, the UDC grew to “20,000 members, and by the end of World War I (1914-1918) nearly 100,000 women were enlisted” in the Lost Cause “memorial army.”³⁶¹ The Texas Division was incorporated by the state in 1905, and “had eighty-four

³⁵⁸ The obituary also noted Wyatt was “a member of the Bicentennial Commission, Colonial Dames, Huguenot Society, Magna Charta Dames, Americans of Royal Descent, Friends of the Library, Spring Lake Garden Club, Aggie Mothers Club, and the Heritage Association of San Marcos.” San Marcos Public Library, “Obituaries Clipped from Local Newspapers, Dating From the 20th Century-UW: Tula Townsend Wyatt.”

³⁵⁹ Caroline, E. Janney, “United Daughters of the Confederacy,” (*Encyclopedia Virginia*, February 2, 2012, accessed June 22, 2018), http://www.EncyclopediaVirginia.org/United_Daughters_of_the_Confederacy.

³⁶⁰ Caroline, E. Janney, “United Daughters of the Confederacy.”

³⁶¹ Caroline, E. Janney, “United Daughters of the Confederacy.”

active chapters and 3,305 members as of August 31, 1994.”³⁶² Currently deemed controversial, many of the Confederate monuments found throughout the United States were originally erected using UDC funding and promotion.³⁶³ One such Confederate memorial remains at the First Street Cemetery, as illustrated below:



Figure 9. Confederate Memorial and the First Street Cemetery Historical Marker. The spatial properties of these two markers visually illustrate how racism followed and continues to follow the African American experience through time.

The Confederate memorial is simple and lays close to the ground, but leaves me with one final question: Why was the historical marker (speaking to the calamity) placed at a lower level than the Confederate memorial? Most historical markers are erected on a pole at reading level, but this marker was only a few inches from the ground. Was this yet another example of the subtle continuation of racism following African Americans through time, or can it only be explained as the continuing conflict, resolution, and compromise found in African American burial sites?

³⁶² Sims, Ester F. "United Daughters of the Confederacy." Texas State Historical Association: *Handbook of Texas Online*, March 8, 2011, accessed June 22, 2018. <http://www.tshaonline.org/handbook/online/articles/vsu01>.

³⁶³ Caroline, E. Janney, "United Daughters of the Confederacy."



Figure 10. Dedications. (Left) UDC Memorial, dedicated in 1976, and (right) First Street Cemetery Historic Texas Cemetery Marker, dedicated in 2011.

Following Trouillot's *cycle of silences* theory, and for all the wrong reasons which supported the traditional narratives of African American men, the most repeated narratives of African American military men in Texas comes from the narratives written about the various riots of a few African American soldiers following WWI. Although it is important to dissect how racism and tradition guided and influenced these events and subsequent traditional narratives, it is beyond the scope of this thesis. What can be said was that the African American soldiers and veterans interred in the San Marcos-Blanco Cemetery had conformed to society's expectations of them during wartime; so why were these men denied their rightful heritage and their claim to fame within the communities they came from and returned to? African American soldiers and veterans, for the most part, were invisible, except for when it came to narrating the flash point when the last straw was broken and African American soldiers rebelled against the institutional and social systems of oppression. Who could possibly imagine growing up in all the muck

and mire of segregation, discrimination, and yes, terrorism, to become an American soldier in the United States military during WW I or any of the wars after WWI? The members of the elite group of *firsts* who were interred in the San Marcos-Blanco Cemetery did just that, and should be commended, respected, and granted, with at least as much gratitude, the same prestige and privilege, and the same heritage, given to the white Confederate soldiers.

For that reason, Chapter V contains the military history of each soldier or veteran interred in the African American segregated San Marcos-Blanco Cemetery in San Marcos, Texas. A few explanations are in order before beginning with the final chapter. This section of the thesis is live, meaning that whenever new information is found or becomes available it is added. There are multiple reasons information is missing, but the prime factor is that there are restrictions and processes the military has set in place. This is to safeguard the personal information, such as social security numbers, about the more recently deceased before it is released to the public. Soldiers and veterans from World War I have the most publicly available information. Although many WWI veterans were middle-aged, they registered to serve during World War II. Their personal reason for doing so is not known. I did not include personal information such as birth or death certificates. Headstone photographs are taken in a natural setting and are copyrighted.

There are two significant illustrations particularly telling of the segregation in the military during World War I. First, on the official registration cards, there is a blackened out (or sometimes a cut out) section in the lower left (and sometimes right) corner, which designated the applicant as an African American. Sometimes the location has a “C” for colored. There is also a place to designate race two-thirds down the page on the right side

of the form. The Registrar's Report, which is located with the Registration Card, gives a physical description of the applicant as well. A second illustration is found on the official discharge card. In the upper right corner there is often a section for *colored* to be marked.

CHAPTER V. NAMING NAMES – ALL AMERICAN HEROES



Figure 11. Civil Rights Protest at Old Slave Market in St. Augustine. Chief of Police Stuart photographed on May 30, 1964 with unidentified protestors at a St. Augustine tourist attraction. St. Augustine, Florida is known as the oldest city in the United States. Less than two months after the march, Congress passed the Civil Rights Act of 1964. AP/Wide World Photos (Harold Valentine).³⁶⁴

³⁶⁴ Harold Valentine, “6405300259: Civil Rights Florida 1964,” (AP/Wide World Photos: May 30, 1964).

WORLD WAR I – ALL AMERICAN HEROES

Jim Bradie

George William Byas

Eugene Cliett Cheatham

Richard D. Cheatham

Roger Burns Cheatham

Freeman Crunk

Willie Ellis

William Farmer

Warner Green

James Greenwood

Sam Harris

Floyd Waymon Hutson

Robert W. Kirk

Virgil Miller

Ernest Sanders

Herbert Smith

Ivory Smith

Belvin Taylor

Willie Wells



Bradie, Jim		2,241,658	Colored
(Surname)		(Christian name)	(Army serial number) (Race: White or colored)
Residence: San Marcos		Hays	TEXAS
(Street and house number)		(Town or city)	(County) (State)
Inducted at San Marcos Tex		Apr 3/18	-
Born in San Marcos Tex		27 11/12 Yrs.	-
Organizations: 165 Dep Brig to Disch.			-
Grades: Pvt			-
Engagements:			-
Wounds or other injuries received in action: None.			
Served overseas: None			
Hon. disch. Aug 8/19 on demobilization			
Was reported 0 per cent disabled on date of discharge, in view of occupation.			
Remarks:			

Form No. 784-14, A. G. O. *Insert "B. A.", "N. G.", "R. E. C.", "N. A.", as case may be, followed by place and date of enlistment. *Give place of birth and date of birth, or age on enlistment. †Give dates of departure from and arrival in the United States. § Give date.

Original JUN 8 1953

PR-1

age of bud 27 yrs 11 mos

APPLICATION FOR HEADSTONE OR MARKER
(Please enter full and correct information)

CHECK TYPE REQUIRED (See Instructions attached) <input type="checkbox"/> UPRIGHT MARBLE HEADSTONE <input type="checkbox"/> FLAT MARBLE MARKER <input checked="" type="checkbox"/> FLAT GRANITE MARKER <input type="checkbox"/> BRONZE MARKER		ENLISTMENT DATE 3-Apr-1918 DISCHARGE DATE 8-Aug-1919	SERIAL NO. 2241658 PENSION No. xc 7-251-983	EMBLEM (Check one) <input checked="" type="checkbox"/> CHRISTIAN <input type="checkbox"/> MEXICAN <input type="checkbox"/> NONE
NAME (Last, First, Middle Initial) Bradie, James Mady		STATE Texas	RANK Pvt.	COMPANY D
DATE OF BIRTH (Month, Day, Year) 11-May-1892		U. S. REGIMENT, STATE ORGANIZATION, AND DIVISION 24th Infantry		
DATE OF DEATH (Month, Day, Year) 8-May-1953		LOCATION (City and State) San Marcos, Texas		
NAME OF CEMETERY San Marcos		NEAREST FREIGHT STATION (City and State) San Marcos, Texas		
SHIP TO (I CERTIFY THE APPLICANT FOR THIS STONE HAS MADE ARRANGEMENTS WITH ME TO TRANSFER THE STONE FROM THE FREIGHT STATION TO THE CEMETERY) Mrs. Sarah Bradie		POST OFFICE ADDRESS OF CONSIGNEE 713 Alabama St. San Marcos, Texas		
DO NOT WRITE HERE FOR VERIFICATION MAY 19 1953 ORDERED COLUMBUS MARBLE CO. COLUMBUS, MISS. NO. WY 2220215 SEP 1 1953		I certify this application is submitted for a stone for the unmarked grave of a veteran. I hereby agree to assume all responsibility for the removal of the stone promptly upon arrival at destination, and properly place it at the decedent's grave at my expense. Mrs Sarah Bradie ADDRESS (Street, City, State) DATE OF APPLICATION 14-May-1953		

DDMB FORM 623
REV. 2 FEB 48

IMPORTANT—Complete Reverse Side

15-11420-5 GPO

Figure 12. Jim Bradie.³⁶⁵

³⁶⁵ Jim Bradie also registered for WWII. “U.S., Headstone Applications for Military Veterans, 1925-1963,” s.v. “Jim Bradie, DOD 05/08/1953,” digital image available at *Ancestry.com*; “U.S., World War I Draft Registration Cards, 1917-1918,” s.v. “Jim Bradie, DOB 05/11/1889” digital image available at *Ancestry.com*; “Certificate of Release or Discharge from Active Duty,” s.v. “Jim Bradie, serial number 2.241.658,” digital image available at the National Archives, U.S. National Archives and Records Administration. “Military Records: World War I Records.” Online: accessed September 17, 2016. <https://www.archives.gov/research/military/ww1>; “U.S., World War II Draft Registration Cards, 1942,” s.v. “Jim Brady, DOB 05/11/1889” digital image available at *Ancestry.com*.

Form 1 **837** REGISTRATION CARD No. **22**

1 Name in full **Jim Bradie** Age in yrs. **27**
(Given name) (Family name)

2 Home address **1001 E. 1st St. San Marcos, Tex.**
(No.) (City) (State) (County)

3 Date of birth **May 11th 1889**
(Month) (Day) (Year)

4 Are you (1) a natural-born citizen, (2) a naturalized citizen, (3) an alien, (4) or have you declared your intention (specify which)? **Natural born**

5 Where were you born? **San Marcos, Texas, USA**
(Town) (State) (Nation)

6 If not a citizen, of what country are you a citizen or subject? ☒

7 What is your present trade, occupation, or office? **City Engineer** **30**

8 By whom employed? **City of San Marcos**

9 Have you a father, mother, wife, child under 12, or a sister or brother under 12, solely dependent on you for support (specify which)? **wife**

10 Married or single (which)? **Married** Race (specify which)? **African**

11 What military service have you had? Rank **none** branch **4**
years **1** Nation or State **USA**

12 Do you claim exemption from draft (specify grounds)? **None**

I affirm that I have verified above answers and that they are true.

Jim Bradie
(Signature or mark)

REGISTRAR'S REPORT **42-1-32-A**

1 Tall, medium, or short (specify which)? **Medium** Slender, medium, or stout (which)? **Medium**

2 Color of eyes? **Blue** Color of hair? **Black** Bald? **No**

3 Has person lost arm, leg, hand, foot, or both eyes, or is he otherwise disabled (specify)? **No**

I certify that my answers are true, that the person registered has read his own answers, that I have witnessed his signature, and that all of his answers of which I have knowledge are true, except as follows:

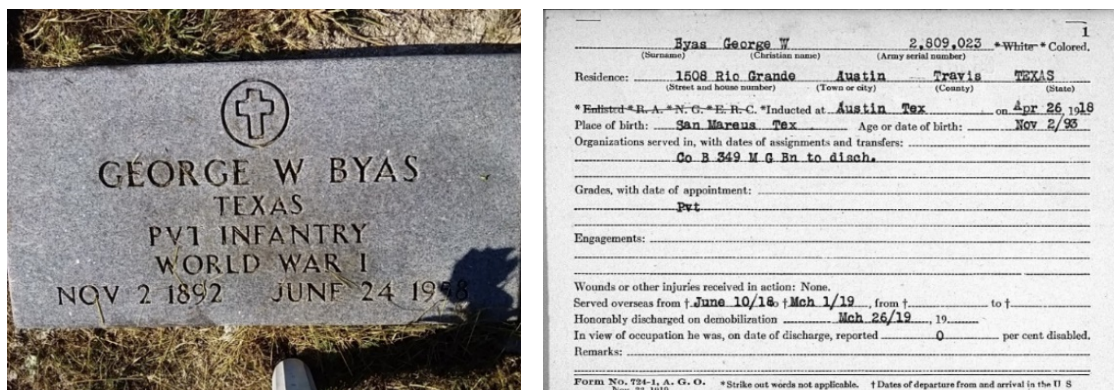
(Signature of registrar)

Precinct **11**

City or County **San Marcos**

State **Texas** **Hays**
(Date of registration)

Figure 12. Jim Bradie (Continued).



1. NAME OF DECEASED—LAST—FIRST—MIDDLE (Print or type)				APPLICATION FOR HEADSTONE OR MARKER	
BYAS, George William				(See attached instructions. Complete and submit original and duplicate)	
2. ENLISTMENT DATE (Month, Day, Year)		3. DISCHARGE DATE (Month, Day, Year)		11. CHECK TYPE REQUIRED	
4-26-18		3-26-19		<input checked="" type="checkbox"/> UPRIGHT MARBLE HEADSTONE <input type="checkbox"/> FLAT MARBLE MARKER <input type="checkbox"/> FLAT GRANITE MARKER <input type="checkbox"/> FLAT BRICK MARKER	
4. SERVICE NO.		5. PERSON OR VA CLAIM NO.		14. SHIP TO (Name and address of person who will transport stone or marker to cemetery)	
2809023		C-17 433 748		Oscar Williams 719 Center St., San Marcos, Texas	
6. STATE		7. GRADE		15. FREIGHT STATION	
Texas		Pvt.		MP RR, San Marcos, Tex.	
8. MEDALS		9. BRANCH OF SERVICE, COMPANY, REGIMENT, AND DIVISION OR SHIP		16. NAME AND LOCATION OF CEMETERY (City and State)	
none		Inf. Bn. 349th Mach. Gunard Bn.		San Marcos Cemetery, San Marcos, Texas	
10. DATE OF BIRTH (Month, Day, Year)		11. DATE OF DEATH (Month, Day, Year)		17. THE APPLICANT FOR THIS STONE OR MARKER HAS MADE ARRANGEMENTS WITH ME TO TRANSPORT SAME TO THE CEMETERY.	
11-2-1892		6-24-58		SIGNATURE <i>George Williams</i> DATE 7-3-58	
DO NOT WRITE HERE		18. NAME AND ADDRESS OF APPLICANT (Print or type)			
RECEIVED JUL 11 1958		Mrs. Gertrude Byas, 719 Center St., San Marcos, Tex.			
VERIFIED		19. This application is submitted for a stone or marker for the unmarked grave of a deceased member or former member of the Armed Forces of the United States, soldiers of Union and Confederate Armies or the Civil War.			
BY WY- 7896545		I hereby agree to accept responsibility for properly placing the stone or marker at the grave at no expense to the Government.			
ORDERED COLUMBIUS MARBLE WORKS COLUMBIUS, MISSISSIPPI AUG 1 1958		SIGNATURE OF APPLICANT <i>Gertrude Byas</i> DATE 7-2-58			
DA FORM 1815 1 JUN 57 EDITION OF 1 AUG 56 IS OBSOLETE.		IMPORTANT—Reverse Side Must Be Completed. 10-11102-11 GPO			

Figure 13. George William Byas.³⁶⁶

³⁶⁶ George William Byas served overseas and also registered for WWII. “U.S., Headstone Applications for Military Veterans, 1925-1963,” s.v. “George W. Byas, DOD 06/24/1958,” digital image available at *Ancestry.com*; “U.S., World War I Draft Registration Cards, 1917-1918,” s.v. “George W. Byas, DOB 11/02/1893” digital image available at *Ancestry.com*; “Certificate of Release or Discharge from Active Duty,” s.v. “George W. Byas, serial number 2.809.023,” digital image available at the National Archives, U.S. National Archives and Records Administration. “Military Records: World War I Records.” Online: accessed September 17, 2016. <https://www.archives.gov/research/military/ww1>; “U.S., World War II Draft Registration Cards, 1942,” s.v. “George W. Byas, DOB 11/02/1893” digital image available at *Ancestry.com*.

Form 1 **REGISTRATION CARD** No. **24**

1 Name in full **George William Byas** Age, in yrs. **24**

2 Home address **1508 Rio Grande Austin Texas**

3 Date of birth **Nov. 2nd 1893**

4 Are you (1) a natural-born citizen, (2) a naturalized citizen, (3) an alien, (4) or have you declared your intention (specify which)? **Natural Born**

5 Where were you born? **San Antonio Texas**

6 If not a citizen, of what country are you a citizen or subject?

7 What is your present trade, occupation, or office? **Chauffeur (auto) 30**

8 By whom employed? **R. M. Thomson**

Where employed? **Austin, Texas**

9 Have you a father, mother, wife, child under 12, or a sister or brother under 12, solely dependent on you for support (specify which)? **mother**

10 Married or single (which)? **Single** Race (specify which)? **negro**

11 What military service have you had? Rank **none** branch _____ years _____ Nation or State _____

12 Do you claim exemption from draft (specify grounds)? **yes**

I affirm that I have verified above answers and that they are true.

Geo Byas
(Signature of registrant)

42-1-3-A

568 REGISTRAR'S REPORT

1 Tall, medium, or short (specify which)? **Medium** Slender, medium, or stout (which)? **Medium**

2 Color of eyes? _____ Color of hair? **Black** Bald? _____

3 Has person lost arm, leg, hand, foot, or both eyes, or is he otherwise disabled (specify)? **no**

I certify that my answers are true, that the person registered has read his own answers, that I have witnessed his signature, and that all of his answers of which I have knowledge are true, except as follows:

J. A. Robbins
(Signature of registrar)

Precinct **9**

City or County **Austin**

State **Texas** **June 5th 1915**
(Date of registration)

Figure 13. George William Byas (Continued).



Cheatham, Eugene C		3,971,990	White • Colored.
(Surname)		(Army serial number)	
Residence: San Marcos, Texas		(State)	
(Street and house number)		(Town or city)	(County)
Inducted at San Marcos, Texas		on July 30, 1918	
Place of birth: San Marcos, Tex		Age or date of birth: 27 3/12 yrs	
Organizations served in, with dates of assignments and transfers: 165 Reg. Brig to Aug 20/18; Co A 341 Serv Bn CMC to disch			
Grades, with date of appointment: 1st Sgt Sept 1/18			
Engagements:			
Wounds or other injuries received in action: None			
Served overseas from Sept 7/18. to July 13/19 from 1 to 1			
Honorable discharge on demobilization July 24/19, 19			
In view of occupation he was, on date of discharge, reported 0 per cent disabled.			
Remarks:			
Form No. 724-1, A. G. O. - results not made available. - 1 Date of departure from and arrival in the U. S.			

Form 1		817	REGISTRATION CARD	No. 55
1	Name in full	Eugene C Cheatham	Age, in yrs. 26	
2	Home address	Central San Marcos, Texas	(No.) (Street) (City) (State)	
3	Date of birth	April 10 1891	(Month) (Day) (Year)	
4	Are you (1) a natural-born citizen, (2) a naturalized citizen, (3) an alien, (4) or have you declared your intention (specify which)? Natural born			
5	Where were you born?	San Marcos, Texas, USA	(Town) (State) (Nation)	
6	If not a citizen, of what country are you a citizen or subject?			
7	What is your present trade, occupation, or office?	Bookkeeper	30	
8	By whom employed?	Vaughan Nesbitt		
9	Where employed?	San Marcos, Tex		
10	Have you a father, mother, wife, child under 12, or a sister or brother under 12, solely dependent on you for support (specify which)?	No		
11	Married or single (which)?	Married	Race (specify which)? African	
12	What military service have you had? Rank	none	branch 746	
13	Do you claim exemption from draft (specify grounds)?	No		
I affirm that I have verified above answers and that they are true.				
Eugene C Cheatham (Signature or mark)				

REGISTRAR'S REPORT		42-1-32-A
1	Tall, medium, or short (specify which)?	Medium
2	Color of eyes? Color of hair? Bald?	Brown Black No
3	Has person lost arm, leg, hand, foot, or both eyes, or is he otherwise disabled (specify)?	
I certify that my answers are true, that the person registered has read his own answers, that I have witnessed his signature, and that all of his answers of which I have knowledge are true, except as follows:		
David L. Edwards (Signature of registrar)		
Precinct	11	
City or County	San Marcos, Texas	
State	Texas	
June 5 1917 (Date of registration)		

Figure 14. Eugene C[liett] Cheatham.³⁶⁷

³⁶⁷ Eugene C. Cheatham served overseas and also registered for WWII. “U.S., Headstone Applications for Military Veterans, 1925-1963,” s.v. “Eugene C. Cheatham, DOD 10/1/1965,” digital image available at *Ancestry.com*; “U.S., World War I Draft Registration Cards, 1917-1918,” s.v. “Eugene C. Cheatham, DOB 04/10/1891” digital image available at *Ancestry.com*; “Certificate of Release or Discharge from Active Duty,” s.v. “Eugene C. Cheatham, serial number 3.971.990,” digital image available at the National Archives, U.S. National Archives and Records Administration. “Military Records: World War I Records.” Online: accessed September 17, 2016. <https://www.archives.gov/research/military/ww1>; “U.S., World War II Draft Registration Cards, 1942,” s.v. “Eugene C. Cheatham, DOB 04/10/1891” digital image available at *Ancestry.com*.



Form 1 807 REGISTRATION CARD		No. 38
1	Name in full <u>Richard D. Cheatham</u>	Age, in yrs <u>24</u>
2	Home address <u>San Marcos, Tex.</u>	
3	Date of birth <u>January 19th 1893</u>	
4	Are you (1) a natural-born citizen, (2) a naturalized citizen, (3) an alien, (4) or have you declared your intention (specify which)? <u>Natural born</u>	
5	Where were you born? <u>San Marcos, Texas, USA</u>	
6	If not a citizen, of what country are you a citizen or subject? <u></u>	
7	What is your present trade, occupation, or office? <u>Manager Real Estate</u>	
8	By whom employed? <u>Ed Taylor</u>	
9	Where employed? <u>San Marcos, Tex.</u>	
10	Have you a father, mother, wife, child under 12, or a sister or brother under 12, solely dependent on you for support (specify which)? <u>Wife & child</u>	
11	Married or single (which)? <u>Married</u> Race (specify which)? <u>African</u>	
12	What military service have you had? Rank <u>none</u> Branch <u>346</u>	
13	Do you claim exemption from draft (specify grounds)? <u>Yes - wife & child</u>	
I affirm that I have verified above answers and that they are true.		
<u>Richard D. Cheatham</u> (Signature or mark)		

REGISTRAR'S REPORT 42-1-32-A	
1	Tall, medium, or short (specify which)? <u>Medium</u> Slender, medium, or stout (which)? <u>Medium</u>
2	Color of eyes? <u>Blue</u> Color of hair? <u>Black</u> Bald? <u>No</u>
3	Has person lost arm, leg, hand, foot, or both eyes, or is he otherwise disabled (specify)? <u>No</u>
I certify that my answers are true, that the person registered has read his own answers, that I have witnessed his signature, and that all of his answers of which I have knowledge are true, except as follows:	
<u>David L. Edwards</u> (Signature of registrar)	
Precinct <u>11</u>	
City or County <u>San Marcos</u>	
State <u>Texas</u>	<u>June 5th 1917</u> (Date of registration)

Figure 15. Richard D. Cheatham.³⁶⁸

³⁶⁸ Richard D. Cheatham also registered for WWII. "U.S., Headstone Applications for Military Veterans, 1925-1963," s.v. "Richard D. Cheatham, DOD 10/25/1971," digital image available at *Ancestry.com*; "U.S., World War I Draft Registration Cards, 1917-1918," s.v. "Richard D. Cheatham, DOB 01/19/1893" digital image available at *Ancestry.com*; "Certificate of Release or Discharge from Active Duty," s.v. "Richard D. Cheatham, serial number 3.972.089," digital image available at the National Archives, U.S. National Archives and Records Administration. "Military Records: World War I Records." Online: accessed September 17, 2016. <https://www.archives.gov/research/military/ww1>; "U.S., World War II Draft Registration Cards, 1942," s.v. "Richard D. Cheatham, DOB 01/19/1893" digital image available at *Ancestry.com*.



Cheatham, Roger B		3,972,010	White	Civilian
(Name)		(U.S. Army number)	(Army serial number)	
Residence: San Marcos, Bays, TEXAS				
(Street and house number) (Town or city) (County) (State)				
Place of birth: San Marcos, Tex. on July 30, 1888				
Age or date of birth: 30 4/12 yrs				
Organizations served in, with dates of assignments and transfers: Co. E 801 Pion Inf. to 21st				
Grades, with date of appointment: Pvt				
Engagements:				
Wounds or other injuries received in action: None.				
Served overseas from Sept. 8/18 to June 5/19 from 1 to 1				
Honorably discharged on demobilization June 18, 1919				
In view of occupation he was, on date of discharge, reported 0 per cent disabled.				
Remarks:				
Form No. 104-1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100				

1. NAME OF DECEASED - LAST-FIRST-MIDDLE (Print or Type)		2. SERVICE NUMBER		3. PENSION OR VA CLAIM NUMBER	
CHEATHAM, ROGER BURNS		3972010		UNKNOWN	
4. ENLISTMENT DATE (Month, day, year)		5. DISCHARGE DATE (Month, day, year)		6. MEDALS	
20 JULY 1918		15 JUNE 1919		None	
7. STATE		8. GRADE, BRANCH OF SERVICE, COMPANY, REGIMENT AND DIVISION		9. DATE OF DEATH (Month, day, year)	
TEXAS		PVT		28 OCTOBER 1923	
10. RELIGIOUS EMBLEM (Check type required)		11. DATE OF DEATH (Month, day, year)		12. RELIGIOUS EMBLEM (Check type required)	
None		28 OCTOBER 1923		None	
13. UPRIGHT MARBLE HEADSTONE		14. FREIGHT STATION		15. SHIP TO (Print or type name and address of person who will transport stone or marker to cemetery)	
None		SAN MARCOS, TEXAS		WEATHERFORD FUNERAL HOME, INC.	
16. SIGNATURE OF APPLICANT (Print or Type)		17. RELATIONSHIP		18. DATE	
ROGER B. CHEATHAM		WIFE		17 AUGUST 1962	
19. SIGNATURE OF APPLICANT		20. SIGNATURE OF APPLICANT		21. SIGNATURE OF APPLICANT	
Roger B. Cheatham		Roger B. Cheatham		Roger B. Cheatham	
22. SIGNATURE OF APPLICANT		23. SIGNATURE OF APPLICANT		24. SIGNATURE OF APPLICANT	
Roger B. Cheatham		Roger B. Cheatham		Roger B. Cheatham	
25. SIGNATURE OF APPLICANT		26. SIGNATURE OF APPLICANT		27. SIGNATURE OF APPLICANT	
Roger B. Cheatham		Roger B. Cheatham		Roger B. Cheatham	
28. SIGNATURE OF APPLICANT		29. SIGNATURE OF APPLICANT		30. SIGNATURE OF APPLICANT	
Roger B. Cheatham		Roger B. Cheatham		Roger B. Cheatham	
31. SIGNATURE OF APPLICANT		32. SIGNATURE OF APPLICANT		33. SIGNATURE OF APPLICANT	
Roger B. Cheatham		Roger B. Cheatham		Roger B. Cheatham	
34. SIGNATURE OF APPLICANT		35. SIGNATURE OF APPLICANT		36. SIGNATURE OF APPLICANT	
Roger B. Cheatham		Roger B. Cheatham		Roger B. Cheatham	
37. SIGNATURE OF APPLICANT		38. SIGNATURE OF APPLICANT		39. SIGNATURE OF APPLICANT	
Roger B. Cheatham		Roger B. Cheatham		Roger B. Cheatham	
40. SIGNATURE OF APPLICANT		41. SIGNATURE OF APPLICANT		42. SIGNATURE OF APPLICANT	
Roger B. Cheatham		Roger B. Cheatham		Roger B. Cheatham	
43. SIGNATURE OF APPLICANT		44. SIGNATURE OF APPLICANT		45. SIGNATURE OF APPLICANT	
Roger B. Cheatham		Roger B. Cheatham		Roger B. Cheatham	
46. SIGNATURE OF APPLICANT		47. SIGNATURE OF APPLICANT		48. SIGNATURE OF APPLICANT	
Roger B. Cheatham		Roger B. Cheatham		Roger B. Cheatham	
49. SIGNATURE OF APPLICANT		50. SIGNATURE OF APPLICANT		51. SIGNATURE OF APPLICANT	
Roger B. Cheatham		Roger B. Cheatham		Roger B. Cheatham	
52. SIGNATURE OF APPLICANT		53. SIGNATURE OF APPLICANT		54. SIGNATURE OF APPLICANT	
Roger B. Cheatham		Roger B. Cheatham		Roger B. Cheatham	
55. SIGNATURE OF APPLICANT		56. SIGNATURE OF APPLICANT		57. SIGNATURE OF APPLICANT	
Roger B. Cheatham		Roger B. Cheatham		Roger B. Cheatham	
58. SIGNATURE OF APPLICANT		59. SIGNATURE OF APPLICANT		60. SIGNATURE OF APPLICANT	
Roger B. Cheatham		Roger B. Cheatham		Roger B. Cheatham	
61. SIGNATURE OF APPLICANT		62. SIGNATURE OF APPLICANT		63. SIGNATURE OF APPLICANT	
Roger B. Cheatham		Roger B. Cheatham		Roger B. Cheatham	
64. SIGNATURE OF APPLICANT		65. SIGNATURE OF APPLICANT		66. SIGNATURE OF APPLICANT	
Roger B. Cheatham		Roger B. Cheatham		Roger B. Cheatham	
67. SIGNATURE OF APPLICANT		68. SIGNATURE OF APPLICANT		69. SIGNATURE OF APPLICANT	
Roger B. Cheatham		Roger B. Cheatham		Roger B. Cheatham	
70. SIGNATURE OF APPLICANT		71. SIGNATURE OF APPLICANT		72. SIGNATURE OF APPLICANT	
Roger B. Cheatham		Roger B. Cheatham		Roger B. Cheatham	
73. SIGNATURE OF APPLICANT		74. SIGNATURE OF APPLICANT		75. SIGNATURE OF APPLICANT	
Roger B. Cheatham		Roger B. Cheatham		Roger B. Cheatham	
76. SIGNATURE OF APPLICANT		77. SIGNATURE OF APPLICANT		78. SIGNATURE OF APPLICANT	
Roger B. Cheatham		Roger B. Cheatham		Roger B. Cheatham	
79. SIGNATURE OF APPLICANT		80. SIGNATURE OF APPLICANT		81. SIGNATURE OF APPLICANT	
Roger B. Cheatham		Roger B. Cheatham		Roger B. Cheatham	
82. SIGNATURE OF APPLICANT		83. SIGNATURE OF APPLICANT		84. SIGNATURE OF APPLICANT	
Roger B. Cheatham		Roger B. Cheatham		Roger B. Cheatham	
85. SIGNATURE OF APPLICANT		86. SIGNATURE OF APPLICANT		87. SIGNATURE OF APPLICANT	
Roger B. Cheatham		Roger B. Cheatham		Roger B. Cheatham	
88. SIGNATURE OF APPLICANT		89. SIGNATURE OF APPLICANT		90. SIGNATURE OF APPLICANT	
Roger B. Cheatham		Roger B. Cheatham		Roger B. Cheatham	
91. SIGNATURE OF APPLICANT		92. SIGNATURE OF APPLICANT		93. SIGNATURE OF APPLICANT	
Roger B. Cheatham		Roger B. Cheatham		Roger B. Cheatham	
94. SIGNATURE OF APPLICANT		95. SIGNATURE OF APPLICANT		96. SIGNATURE OF APPLICANT	
Roger B. Cheatham		Roger B. Cheatham		Roger B. Cheatham	
97. SIGNATURE OF APPLICANT		98. SIGNATURE OF APPLICANT		99. SIGNATURE OF APPLICANT	
Roger B. Cheatham		Roger B. Cheatham		Roger B. Cheatham	
100. SIGNATURE OF APPLICANT		101. SIGNATURE OF APPLICANT		102. SIGNATURE OF APPLICANT	
Roger B. Cheatham		Roger B. Cheatham		Roger B. Cheatham	

Figure 16. Roger Burns Cheatham.³⁶⁹

³⁶⁹ Served overseas. "U.S., Headstone Applications for Military Veterans, 1925-1963," s.v. "Roger Cheatham, DOD 10/28/1923," digital image available at *Ancestry.com*; "U.S., World War I Draft Registration Cards, 1917-1918," s.v. "Roger Cheatham, DOB 03/30/1888" digital image available at *Ancestry.com*; "Certificate of Release or Discharge from Active Duty," s.v. "Roger Cheatham, serial number 3.972.010," digital image available at the National Archives, U.S. National Archives and Records Administration. "Military Records: World War I Records." Online: accessed September 17, 2016. <https://www.archives.gov/research/military/wwi/>; Pennington Funeral Home. "Historical Pennington Funeral Home Ledgers, 1915-1917" (*Pennington Funeral Home Ledgers Collection* University Archives, Texas State University).

Form 1 **6/4** **REGISTRATION CARD** No. **22**

1 Name in full **Roy Burns Cheatham** Age in yrs **29**

2 Home address **Sau Maera Texas**

3 Date of birth **March 30th 1888**

4 Are you: (1) a natural-born citizen, (2) a naturalized citizen, (3) an alien, (4) or have you declared your intention (specify which)? **Natural Born**

5 Where were you born? **Sau Maera Texas USA**

6 If not a citizen, of what country are you a citizen or subject?

7 What is your present trade, occupation, or office? **Laborer 30**

8 By whom employed? **Self**

9 Have you a father, mother, wife, child under 18, or a sister or brother under 18, solely dependent on you for support (specify which)? **wife & 4 children**

10 Married or single (specify which)? **Married** Race (specify whether official)? **709**

11 What military service have you had? Rank _____; branch _____; years _____; Nation or State _____

12 Do you claim exemption from draft (specify grounds)? **yes - Support of Family**

I affirm that I have verified above answers and that they are true.

RBC Cheatham
(Signature or mark)

REGISTRAR'S REPORT **42-1-32-74**

1 Tall, medium, or short (specify which)? **Medium** Slender, medium, or stout (which)? **Medium**

2 Color of eyes **Blue** Color of hair **Black** Build? **70**

3 Has person lost arm, leg, hand, foot, or both eyes, or is he otherwise disabled (specify)? **No**

I certify that my answers are true, that the person registered has read his own answers, that I have witnessed his signature, and that all of his answers of which I have knowledge are true, except as follows:

S. D. Goodson
(Signature of registrar)

Precinct **10**

City or County **Keays**

State **Texas** **June 5-1917**
(Date of registration)

REGISTER OF FUNERALS										REGISTER OF FUNERALS									
No.	DECEASED	Age	Color of Skin	Date of Death	Time of Death	Place of Death	Place of Burial	Time of Burial	Place of Burial	No.	DECEASED	Age	Color of Skin	Date of Death	Time of Death	Place of Death	Place of Burial	Time of Burial	Place of Burial
161	Mrs. Barker	Wood Barker		Oct 15	Oct 12	7:30 P.M.				161	Mrs. Barker	Wood Barker		Oct 15	Oct 12	7:30 P.M.			
162	Mrs. Barker	John Barker		"	"	"	"	"	"	162	Mrs. Barker	John Barker		"	"	"	"	"	"
163	Mrs. Barker	Mrs. Barker		"	"	"	"	"	"	163	Mrs. Barker	Mrs. Barker		"	"	"	"	"	"
164	Mrs. Barker	Sol Barker		"	"	"	"	"	"	164	Mrs. Barker	Sol Barker		"	"	"	"	"	"
165	Mrs. Barker	Mrs. Barker		"	"	"	"	"	"	165	Mrs. Barker	Mrs. Barker		"	"	"	"	"	"
166	Mrs. Barker	Mrs. Barker		"	"	"	"	"	"	166	Mrs. Barker	Mrs. Barker		"	"	"	"	"	"
167	Mrs. Barker	Mrs. Barker		"	"	"	"	"	"	167	Mrs. Barker	Mrs. Barker		"	"	"	"	"	"
168	Mrs. Barker	Mrs. Barker		"	"	"	"	"	"	168	Mrs. Barker	Mrs. Barker		"	"	"	"	"	"
169	Mrs. Barker	Mrs. Barker		"	"	"	"	"	"	169	Mrs. Barker	Mrs. Barker		"	"	"	"	"	"
170	Mrs. Barker	Mrs. Barker		"	"	"	"	"	"	170	Mrs. Barker	Mrs. Barker		"	"	"	"	"	"
171	Mrs. Barker	Mrs. Barker		"	"	"	"	"	"	171	Mrs. Barker	Mrs. Barker		"	"	"	"	"	"
172	Mrs. Barker	Mrs. Barker		"	"	"	"	"	"	172	Mrs. Barker	Mrs. Barker		"	"	"	"	"	"
173	Mrs. Barker	Mrs. Barker		"	"	"	"	"	"	173	Mrs. Barker	Mrs. Barker		"	"	"	"	"	"
174	Mrs. Barker	Mrs. Barker		"	"	"	"	"	"	174	Mrs. Barker	Mrs. Barker		"	"	"	"	"	"
175	Mrs. Barker	Mrs. Barker		"	"	"	"	"	"	175	Mrs. Barker	Mrs. Barker		"	"	"	"	"	"
176	Mrs. Barker	Mrs. Barker		"	"	"	"	"	"	176	Mrs. Barker	Mrs. Barker		"	"	"	"	"	"

Pennington Funeral Home Ledgers Collection University Archives, Texas State University

Figure 16. Roger Burns Cheatham (Continued).

Form 1 **972** REGISTRATION CARD No. **70**

1 Name in full **Freeman Crunk** Age in yrs. **25**
(Given name) (Family name)

2 Home address **San Marcos Texas**
(No.) (Street) (City) (State)

3 Date of birth **Feb 1892**
(Month) (Day) (Year)

4 Are you (1) a natural-born citizen, (2) a naturalized citizen, (3) an alien, (4) or have you declared your intention (specify which)? **Nat Born**

5 Where were you born? **San Marcos Texas U.S.A**
(Town) (State) (Nation)

6 If not a citizen, of what country are you a citizen or subject?

7 What is your present trade, occupation, or office? **Carter**

8 By whom employed? **Mr. Schuchman**
Where employed? **San Marcos Texas**

9 Have you a father, mother, wife, child under 12, or a sister or brother under 12, solely dependent on you for support (specify which)? **Wife & Child**

10 Married or single (which)? **Married** Race (specify which)? **African**

11 What military service have you had? Rank **None**; branch _____; years _____; Nation or State **72**

12 Do you claim exemption from draft (specify grounds)? **No**

I affirm that I have verified above answers and that they are true.

Freeman Crunk
(Signature or mark)

REGISTRAR'S REPORT **42-1-32-A**

1 Tall, medium, or short (specify which)? **Med** Slender, medium, or stout (which)? **Med**

2 Color of eyes? **Blue** Color of hair? **Black** Bald? _____

3 Has person lost arm, leg, hand, foot, or both eyes, or is he otherwise disabled (specify)? **No**

I certify that my answers are true, that the person registered has read his own answers, that I have witnessed his signature, and that all of his answers of which I have knowledge are true, except as follows:

M. R. Goforth
(Signature of registrars)

precinct **12**

City or County **Hayes**

State **Texas** Date of registration **June 5 1917**

Figure 17. Freeman Crunk (Continued).



Sept. 1922 REGISTER OF FUNERALS							
No.	REMAINS OF	ORDERED BY	Age	Cause of Death	Date of Death	Date of Burial	
10	Luz de Villareal	Mrs. Dora N. B.			Sept. 21	Sept. 22	
11	Mexican	Raquel Cruz			" 22	" 23	
12	G. B. Price	Edith Wood			" 26	" 26	
13	Willie Ellis	Ed. Ellis			" 25	" 26	

Courtesy of Pennington Funeral Home, Alkek Library

REGISTRATION CARD									
SERIAL NUMBER	1528				ORDER NUMBER	A 336			
1	Willie Ellis		See Ellis						
2	PERMANENT HOME ADDRESS: R.F.D. #2 San Marcos, Texas								
3	Age in Years	Date of Birth							
	18	Sept 23		1899					
RACE									
4	White	Negro	Oriental	Indian	Caucasian	Other			
5									
U. S. CITIZEN									
6	Native Born	Naturalized	Citizen by Father's Naturalization Before Registrant's Majority		Declarant	None of these			
7									
15 If not a citizen of the U. S., of what nation are you a citizen or subject?									
PRESENT OCCUPATION					EMPLOYER'S NAME				
8	Laborer				Lieutenant Shopkeeper				
18 PLACE OF EMPLOYMENT OR BUSINESS: Comp. Mabry Super. Tex.									
NEAREST RELATIVE									
19	Name: Mary Ellis								
20	Address: R.F.D. #2 San Marcos, Texas								
I AFFIRM THAT I HAVE VERIFIED ABOVE ANSWERS AND THAT THEY ARE TRUE									
P. M. G. O. (Official Seal)									

REGISTRAR'S REPORT									
DESCRIPTION OF REGISTRANT									
HEIGHT			BUILD			COLOR OF EYES		COLOR OF HAIR	
Tall	Medium	Short	Slender	Medium	Stout	21	22	23	24
21	22	23	24	25	26	21	22	23	24
25 Has person lost arm, leg, hand, eye, or is he obviously physically disqualified? (Specify.)									
30 I certify that my answers are true; that the person registered has read or has had read to him his own answers; that I have witnessed his signature or mark, and that all of his answers of which I have knowledge are true, except as follows:									
Date of Registration: Sept. 12, 1918									
Local Board Hays County, San Marcos, Texas									
(STAMP OF LOCAL BOARD)									
(The stamp of the Local Board having jurisdiction of the area in which the registrant has his permanent home shall be placed in this box.)									

Figure 18. Willie Ellis.³⁷¹

³⁷¹ "U.S., World War I Draft Registration Cards, 1917-1918," s.v. "Willie Ellis, DOB 09/23/1899" digital image available at *Ancestry.com*; Pennington Funeral Home, "Historical Pennington Funeral Home Ledgers, 1915-1917," (*Pennington Funeral Home Ledgers Collection*: University Archives, Texas State University).



Form 1 345 REGISTRATION CARD		No. 744
1	Name in full: William Farmer (Given name) (Family name)	Age in yrs: 27
2	Home address: High Texas (No.) (Street) (City) (State)	
3	Date of birth: February 8 1890 (Month) (Day) (Year)	
4	Are you (1) a natural-born citizen, (2) a naturalized citizen, (3) an alien, (4) or have you declared your intention (specify which)? Natural Born Citizen	
5	Where were you born? Temple Texas 178a (Town) (State) (Section)	
6	If not a citizen, of what country are you a citizen or subject? X	
7	What is your present trade, occupation, or office? Laborer 30	
8	By whom employed? High Texas	
9	Have you a father, mother, wife, child under 12, or a sister or brother under 12, solely dependent on you for support (specify which)? Mother	
10	Married or single (which)? Single Race (specify which)? 164	
11	What military service have you had? Rank: X; branch: X; years: X; Native or foreign: X	
12	Do you claim exemption from draft (specify grounds)? No	
I affirm that I have verified above answers and that they are true. his [Signature] William Farmer (Signature or mark)		

REGISTRAR'S REPORT 42-1-32-A	
1	Tall, medium, or short (specify which)? Medium Slender, medium, or stout (which)? Medium
2	Color of eyes? Black Color of hair? Black Bald? No
3	Has person lost arm, leg, hand, foot, or both eyes, or is he otherwise disabled (specify)? No
I certify that my answers are true, that the person registered has read his own answers, that I have witnessed his signature, and that all of his answers of which I have knowledge are true, except as follows:	
[Signature] Desha Brunton (Signature of registrar)	
Precinct	3 High Texas Co 6/5/17
City or County	Texas
State	Texas (Date of registration)

Figure 19. William Farmer.³⁷²

³⁷² William Farmer also registered for WWII. “U.S., World War I Draft Registration Cards, 1917-1918,” s.v. “William Farmer, DOB 02/08/1890” digital image available at *Ancestry.com*; “U.S., World War II Draft Registration Cards, 1942,” s.v. “William Farmer, DOB 02/08/1890” digital image available at *Ancestry.com*.



Green	Warner	2,808,790	1
(Surname)	(Christian name)	(Army serial number)	* White * Colored.
Residence: Staples		Guadalupe	TEXAS
(Street and house number)		(Town or city)	(County) (State)
Inducted at: Guadalupe Co. Tex on Apr 29, 1918			
Place of birth: Staples, Tex		Age or date of birth: Aug 10/1887	
Organizations served in, with dates of assignments and transfers: 165 Dep Brig to disch			
Grades, with date of appointment: Corp Nov 16/18			
Engagements:			
Wounds or other injuries received in action: None.			
Served overseas from 10 to 1918			
Honourably discharged on demobilization: Aug 5, 1918			
In view of occupation he was, on date of discharge, reported 0 per cent disabled.			
Remarks:			
Form No. 724-1, A. G. O. * Strike out words not applicable. † Dates of departure from and arrival in the U. S. Nov. 22, 1918.			

WWI Cpl 13 Co 165 Depot Brigade ORIGINAL

CHECK TYPE REQUIRED (See Instructions attached) <input checked="" type="checkbox"/> UPRIGHT MARBLE HEADSTONE <input type="checkbox"/> FLAT MARBLE MARKER <input type="checkbox"/> FLAT GRANITE MARKER <input type="checkbox"/> BRONZE MARKER		APPLICATION FOR HEADSTONE OR MARKER (Please write out and return in duplicate)	
ENLISTMENT DATE: April 29, 1918 DISCHARGE DATE: Dec 28, 1918 NAME (Last, First, Middle Initial): Green, Warner		SERIAL No. 2808790 PENSION No. 1601 STATE: TEXAS RANK: Corporal COMPANY: 13 Co 4 Battalion U. S. REGIMENT, STATE ORGANIZATION AND DIVISION: 165 Depot Brigade	
DATE OF BIRTH (Month, Day, Year): Aug 10, 1887 DATE OF DEATH (Month, Day, Year): June 13, 1962 NAME OF CEMETERY: San Marcos, Colored Cemetery SHIP TO (I CERTIFY THE APPLICANT FOR THIS STONE HAS MADE ARRANGEMENTS WITH MOTO TRANSPORT THE STONE FROM THE FREIGHT STATION TO THE CEMETERY) (SIGNATURE OF CONSIGNEE): Drake C. Albright		LOCATION (City and State): UNKNOWN (TEXAS) NEAREST FREIGHT STATION (City and State): SAN MARCOS TEXAS (MKT) POST OFFICE ADDRESS OF CONSIGNEE: P.O. BOX 2459 SAN MARCOS	
DO NOT WRITE HERE FOR VERIFICATION: JUL 18 1962 ORDERED: AUG 9 - 1962 SHIPPED: B 3120349		I certify this application is submitted for a stone for the unmarked grave of a veteran. I hereby agree to assume all responsibility for the removal of the stone promptly upon arrival at destination, and properly place it at the decedent's grave at my expense. APPLICANT'S SIGNATURE: Mary Etta Harkum DATE OF APPLICATION: [blank] ADDRESS (Street, City, State): SAN MARCOS TEXAS	

DDMG FORM 623 MAY 8 FEB 65 IMPORTANT—Complete Reverse Side 10-11658-8 GPO

Figure 20. Warner Green.³⁷³

³⁷³ Warner Green also registered for WWII. “U.S., Headstone Applications for Military Veterans, 1925-1963,” s.v. “Warner Green, DOD 06/13/1962,” digital image available at *Ancestry.com*; “U.S., World War I Draft Registration Cards, 1917-1918,” s.v. “Warner Green, DOB 08/10/1887” digital image available at *Ancestry.com*; “Certificate of Release or Discharge from Active Duty,” s.v. “Warner Green, serial number 2.808.790,” digital image available at the National Archives, U.S. National Archives and Records Administration. “Military Records: World War I Records.” Online: accessed September 17, 2016. <https://www.archives.gov/research/military/ww1>; “U.S., World War II Draft Registration Cards, 1942,” s.v. “Warner Green, DOB 08/10/1887” digital image available at *Ancestry.com*.

Form 1 1874 1026 REGISTRATION CARD No. 605

1 Name in full Warner Green Age in yrs 29
(Given name) (Family name)

2 Home address Staples, Tex
(No.) (Street) (City) (State)

3 Date of birth August 10 1887
(Month) (Day) (Year)

4 Are you (1) a natural-born citizen, (2) a naturalized citizen, (3) an alien, (4) or have you declared your intention (specify which)? Natural born

5 Where were you born? Staples, Tex
(Town) (State) (Nation)

6 If not a citizen, of what country are you a citizen or subject?

7 What is your present trade, occupation, or office? Lumber hand 30

8 By whom employed? A. F. White
Where employed? Marlin, Tex

9 Have you a father, mother, wife, child under 12, or a sister or brother under 12, solely dependent on you for support (specify which)? Wife & child

10 Married or single (which)? Married Race (specify which)? African

11 What military service have you had? Rank _____; branch _____
years _____; Nation or State _____

12 Do you claim exemption from draft (specify grounds)? None

I affirm that I have verified above answers and that they are true.
M. Green
(Signature or mark)

REGISTRAR'S REPORT 42-1-30-A

1 Tall, medium, or short (specify which)? Tall Slender, medium, or stout (which)? Medium

2 Color of eyes? Brown Color of hair? Black Bald? No

3 Has person lost arm, leg, hand, foot, or both eyes, or is he otherwise disabled (specify)?

I certify that my answers are true, that the person registered has read his own answers, that I have witnessed his signature, and that all of his answers of which I have knowledge are true, except as follows:

W. A. Scott
(Signature of registrar)

Precinct 19

City or County Guadalupe

State Texas June 5
(Date of registration)

Local Board Guadalupe County
Seguin, Texas

Figure 20. Warner Green (Continued).



Form No. 724-1, A. G. O. * Blanks out words not applicable. † Dates of departure from and arrival in the U.S.

Greenwood, James 3,692,468 1
(Surname) (Christian name) (Army serial number) * White * Colored

Residence: Twp 3 (Town and house number) (Grid or city) (County) (State) 2411 2411 2411

Place of birth: San Marcos Tex Inducted at Seguin Tex Age or date of birth: Sept 1 1892

Organizations served in, with dates of assignments and transfers: 100 Reg Arty 49 Div

Grades, with date of appointment: PVT

Engagements:

Wounds or other injuries received in action: None.

Served overseas from 10 to 1 from 1 to 1

Honorably discharged on demobilization Feb 20 1918

In view of occupation he was, on date of discharge, reported 0 per cent disabled.

Remarks:

Form 1 1694 1938 REGISTRATION CARD No. 52

1 Name in full James Greenwood (Given name) (Family name) Age 10 yrs

2 Home address Route no 3 San Marcos Texas (No.) (Street) (City) (State) (Mile)

3 Date of birth (Month) (Day) (Year)

4 Are you (1) a natural-born citizen, (2) a naturalized citizen, (3) an alien, (4) or have you declared your intention (specify which)? Natural born Citizen

5 Where were you born? San Marcos Texas U.S.A. (Town) (State) (Nation)

6 If not a citizen, of what country are you a citizen or subject?

7 What is your present trade, occupation, or office? Farmer

8 By whom employed? Elizabeth Johns

9 Where employed? Seguin Guadalupe Co Tex

10 Have you a father, mother, or child under 12, or a sister or brother under 12, wholly dependent on you for support (specify which)? Wife

11 Married or single (which)? Married Race (specify which)? Negro

12 What military service have you had? Rank: years: Nation or State:

Do you claim exemption from draft (specify grounds)?

I affirm that I have verified above answers and that they are true.

James Greenwood (Signature or mark)

REGISTRAR'S REPORT 42-1-30-A

1 Tall, medium, or short (specify which)? Tall Slender, medium, or stout (which)? Medium

2 Color of eyes? Brown Color of hair? Black Bald?

3 Has person lost arm, leg, hand, foot, or both eyes, or is he otherwise disabled (specify)?

I certify that my answers are true, that the person registered has read his own answers, that I have witnessed his signature, and that all of his answers of which I have knowledge are true, except as follows:

James Greenwood Would not give age

U. S. Fleming (Signature of registrar)

Precinct 11

City or county Guadalupe June 5th 1917 (Date of registration)

State Texas

Local Board Guadalupe County Seguin, Texas

Figure 21. James Greenwood.³⁷⁴

³⁷⁴ James Greenwood also registered for WWII. “U.S., Headstone Applications for Military Veterans, 1925-1963,” s.v. “James Greenwood, DOD 06/18/1971” digital image available at *Ancestry.com*; “U.S., World War I Draft Registration Cards, 1917-1918,” s.v. “James Greenwood, DOB 10/08/1892” digital image available at *Ancestry.com*; “Certificate of Release or Discharge from Active Duty,” s.v. “James Greenwood, serial number 3.692.468” digital image available at the National Archives, U.S. National Archives and Records Administration. “Military Records: World War I Records.” Online: accessed September 17, 2016. <https://www.archives.gov/research/military/ww1>; “U.S., World War II Draft Registration Cards, 1942,” s.v. “James Greenwood, DOB 10/08/1892” digital image available at *Ancestry.com*.



WAR DEPARTMENT
O. & M. G. FORM NO. 423
REVISED JULY 1, 1925

APPLICATION FOR HEADSTONE

CHARGE MUST BE BY AND RETURN IN REPLYING

NAME Harris, Sam	RACE Negro	DATE OF BIRTH July 28 1887	DATE OF DEATH July 28 1928
SERIAL NO. 3971385	CIVIL NO. 115	PIONEER INFANTRY	
STATE OF ORIGIN Texas	CITY San Marcos	COUNTY Texas	POST OFFICE ADDRESS OF COUSIN San Marcos Texas

TO BE SHIPPED TO: **The Wm. A. Bryant San Marcos Tex**

POST OFFICE ADDRESS OF COUSIN: **San Marcos Texas**

DO NOT WRITE HERE

CO. 1000, MISS. JUL 30 1931

8/21/31

San Marcos Tex

May 25 1931

Form 1 243 REGISTRATION CARD No. 26

1 Name in full Sam Harris	Age in yrs. 30
2 Home address San Marcos Tex	
3 Date of birth 1887	
4 Are you (1) a natural-born citizen, (2) a naturalized citizen, (3) an alien, (4) or have you declared your intention (specify which)? Natural born	
5 Where were you born? San Marcos Tex USA	
6 If not a citizen, of what country are you a citizen or subject?	
7 What is your present trade, occupation, or office? Freeman Laborer	
8 By whom employed? The Williams Co	
9 Have you a father, mother, wife, child under 12, or a sister or brother under 12, solely dependent on you for support (specify which)? wife & mother	
10 Married or single (which)? Married Race (specify which) African	
11 What military service have you had? Rank None branch None years None Nation or State None	
12 Do you claim exemption from draft (specify grounds)? No	

I affirm that I have verified above answers and that they are true.

Sam Harris
(Signature or mark)

REGISTRAR'S REPORT 42-1-32-A

1 Tall, medium, or short (specify which)? Tall	Slender, medium, or stout (which)? Stout
2 Color of eyes? Black	Color of hair? Black
3 Has person lost arm, leg, hand, foot, or both eyes, or is he otherwise disabled (specify)? No	Bald? No

I certify that my answers are true, that the person registered has read his own answers, that I have witnessed his signature, and that all of his answers of which I have knowledge are true, except as follows:

J. J. Waldrip
(Signature of registrar)

Precinct **13**

City or County **Waco**

State **Texas**

June 5 1917
(Date of registration)

Figure 22. Sam Harris.³⁷⁵

³⁷⁵ "U.S., Headstone Applications for Military Veterans, 1925-1963," s.v. "Sam Harris, DOD 07/28/1928," digital image available at *Ancestry.com*; "U.S., World War I Draft Registration Cards, 1917-1918," s.v. "Sam Harris, DOB 00/00/1887" digital image available at *Ancestry.com*; Pennington Funeral Home, "Historical Pennington Funeral Home Ledgers, 1927-29" (*Pennington Funeral Home Ledgers Collection*. University Archives, Texas State University).



Figure 23. Floyd Waymon Hutson.³⁷⁶

³⁷⁶ “U.S., Headstone Applications for Military Veterans, 1925-1963,” s.v. “Floyd Waymon Hutson DOD 04/05/1942,” digital image available at *Ancestry.com*; “U.S., World War I Draft Registration Cards, 1917-1918,” s.v. “Floyd Waymon Hutson, DOB 08/23/1896” digital image available at *Ancestry.com*; “Certificate of Release or Discharge from Active Duty,” s.v. “Floyd W(aymon) Hutson, serial number 4.924.792,” digital image available at the National Archives, U.S. National Archives and Records Administration. “Military Records: World War I Records.” Online: accessed September 17, 2016. <https://www.archives.gov/research/military/ww1>.

Serial No. **31** 181 Registration No. **31**

1 Name in full *Floyd Waymon Hutson* Age in yrs. *21*
(City or town) (County or State)

2 Home address *203 1/2 E 1st Okla Okla*
(No.) (Street) (City or town) (State)

3 Date of birth *August 23 1894*
(Month) (Day) (Year)

4 Where were you born? *San Marcos Texas Tex*
(City or town) (State) (Nation)

5 I am ☒ 1. A native of the United States.
☐ 2. A naturalized citizen.
☐ 3. A person who has declared his intention.
☐ 4. A member of the military service.
(Strike out lines or words not applicable)

6 If not a citizen, of what Nation are you a citizen or subject? *Citizen*

7 Father's birthplace *Jamaica Island*
(City or town) (State or province) (Nation)

8 Name of employer *Goal Hotel*
(City or town) (State)

9 Name of nearest relative *Mrs. Ella Hutson*
Address of nearest relative *San Marcos Texas*
(City or town) (State or Nation)

10 Race *White* (Negro, Indian, or Chinese)
(Strike out words not applicable)

I affirm that I have verified above answers and that they are true.
Floyd Waymon Hutson
(Signature or Mark of Registrant.)

P. M. G. O.
Form 1 (blue)

REGISTRATION CARD. 3-279

REGISTRAR'S REPORT **35-3-28-B**

1 ☒ 1. H
☐ 2. M
☐ 3. S
(Strike out words not applicable)

2 Color of eyes *Black* Color of hair *Black*

3 Has person lost arm, leg, hand, eye, or is he palpably physically disqualified (specify)? *No*

I certify that my answers are true; that the person registered has read his own answers; that I have witnessed his signature, and that all of his answers of which I have knowledge, are true, except as follows:

L. H. Houghton
(Signature of Registrar.)

June 5, 1918
(Date of Registration.)

Local Board for Division No. 2
CITY OF OKLAHOMA CITY
STATE OF OKLAHOMA
202 CITY HALL
OKLAHOMA CITY
(Stamp of Local Board.)

(The stamp of the local board having jurisdiction of the area in which the registrant has his permanent home shall be placed in this box.)

Figure 23. Floyd Waymon Hutson (Continued).

Gravestone: VIRGIL MILLER, PVT US ARMY, WORLD WAR I, AUG 26 1887.

WWI Draft Registration Card (Form 1):

Form 1 1256 REGISTRATION CARD | No. 4

1 Name in full Virgil Miller (Family name) | Age in yrs 29

2 Home address San Marcos Tex (City) (State)

3 Date of birth Aug 20 1888 (Month) (Day) (Year)

4 Are you (1) a natural-born citizen, (2) a naturalized citizen, (3) an alien, (4) or have you declared your intention (specify which)? Natural born

5 Where were you born? Prairie Tex (Town) (State) (Nation)

6 If not a citizen, of what country are you a citizen or subject?

7 What is your present trade, occupation, or office? Farmer

8 By whom employed? C. M. Harris

9 Where employed? San Marcos

10 Have you a father, mother, wife, child under 12, or a sister or brother under 12, solely dependent on you for support (specify which)? Wife

11 Married or single (which)? married Race (specify which)? African

12 What military service have you had? Rank 173

13 Do you claim exemption from draft (specify grounds)? no

I affirm that I have verified above answers and that they are true.

Virgil Miller (Signature of registrant)

WWI Registrar's Report (Form 42-1-32-A):

REGISTRAR'S REPORT 42-1-32-A

1 Tall, medium, or short (specify which)? Medium Slender, medium, or stout (which)? stout

2 Color of eyes? dark Color of hair? dark Bald? no

3 Has person lost arm, leg, hand, foot, or both eyes, or is he otherwise disabled (specify)? eyesight bad

I certify that my answers are true, that the person registered has read his own answers, that I have witnessed his signature, and that all of his answers of which I have knowledge are true, except as follows:

W. G. Ballou (Signature of registrar)

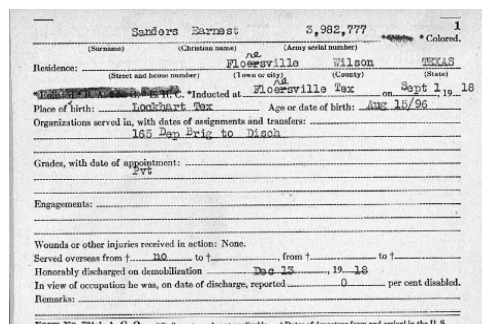
Precinct 1

City or County Hays Co

State Tx Date of registration June 3-17

Figure 25. Virgil Miller.³⁷⁸

³⁷⁸ Virgil Miller served overseas and also registered for WWII. “U.S., World War I Draft Registration Cards, 1917-1918,” s.v. “Virgil Miller, DOB 08/20/1888” digital image available at *Ancestry.com*; “Certificate of Release or Discharge from Active Duty,” s.v. “Virgil Miller, serial number 1.726.468,” digital image available at the National Archives, U.S. National Archives and Records Administration. “Military Records: World War I Records.” Online: accessed September 17, 2016. <https://www.archives.gov/research/military/ww1>; “U.S., World War II Draft Registration Cards, 1942,” s.v. “Virgil Miller, DOB 08/26/1887” digital image available at *Ancestry.com*.



42-4-40-P REGISTRAR'S REPORT

1 ~~Tall~~ ~~Slender~~ (Strike out words not applicable)

2 Color of eyes Blue Color of hair Blue

3 Has person lost arm, leg, hand, eye, or is he palpably physically disqualified (specify)? no

I certify that my answers are true; that the person registered has read his own answers that I have witnessed his signature, and that all of his answers of which I have knowledge are true, except as follows:

Brown Hornsby
(signature of Registrar.)

June 5th 1918
(Date of Registration.)

LOCAL BOARD
for Division No. 2
City of Fort Worth,
State of Texas.

(Stamp of Local Board.)

(The stamp of the local board having jurisdiction of the area in which the registrant has his permanent home shall be placed in this box.)

³⁷⁹ Ernest Sanders also registered for WWII. His son, Ozzie, served in WWII and is buried next to him. “U.S., World War I Draft Registration Cards, 1917-1918,” s.v. “Ernest Sanders, DOB 08/15/1896” digital image available at *Ancestry.com*; “Certificate of Release or Discharge from Active Duty,” s.v. “Ernest Sanders, serial number 3.982.777,” digital image available at the National Archives, U.S. National Archives and Records Administration. “Military Records: World War I Records.” Online: accessed September 17, 2016. <https://www.archives.gov/research/military/ww1>; “U.S., World War II Draft Registration Cards, 1942,” s.v. “Ernest Sanders, DOB 08/15/1896” digital image available at *Ancestry.com*.



WW I		WW II		KOREA		Suspended 8 SEP 1961		ORIGINAL	
1. NAME OF DECEASED - LAST - FIRST - MIDDLE (Print or Type) SMITH, Herbert						14. NAME AND LOCATION OF CEMETERY (City and State) San Marcos City Cem. San Marcos, Tex.			
2. SERVICE NUMBER 1973657						3. PENSION OR VA CLAIM NUMBER			
4. ENLISTMENT DATE (Month, day, year) Oct. 26, 1917						5. DISCHARGE DATE (Month, day, year) Mar. 24, 1919 <i>HON</i>			
6. STATE Oklahoma						7. MEDALS None			
8. GRADE OR RANK Pvt.						9. BRANCH OF SERVICE, COMPANY, REGIMENT, DIVISION Headquarters Co. 317 Engrs.			
10. DATE OF BIRTH (Month, day, year) Apr. 19, 1895						11. DATE OF DEATH (Month, day, year) July 20, 1961			
12. RELIGIOUS EMBLEM (Check one) <input checked="" type="checkbox"/> LATIN CROSS (Christian) <input type="checkbox"/> STAR OF DAVID (Jewish) <input type="checkbox"/> NO EMBLEM						13. CHECK TYPE REQUIRED <input type="checkbox"/> UPRIGHT MARBLE HEADSTONE <input checked="" type="checkbox"/> FLAT MARBLE MARKER <input type="checkbox"/> FLAT GRANITE MARKER <input type="checkbox"/> FLAT BRONZE MARKER			
DO NOT WRITE HERE						15. FREIGHT STATION San Marcos, Texas			
FOR VERIFICATION AUG 1 1961						16. NAME OF APPLICANT (Print or Type) Mrs. Esther O. Smith			
ORDERED JAN 25 1962						RELATIONSHIP Wife			
D/L B 3090429						ADDRESS OF APPLICANT (Street address, City and State) 400 Center St.-San Marcos, Texas			
CO-OP DAVE WILLIAMS & SONS						SIGNATURE OF APPLICANT <i>Esther O. Smith</i>			
DALLAS, TEXAS						DATE 7-21-61			
DD FORM 1330, 1 AUG 60						17. NAME OF CONSIGNEE WHO WILL TRANSPORT STONE OR MARKER Mrs. Esther O. Smith			
REPLACES DA FORM 1815,						ADDRESS OF CONSIGNEE (Street address, City and State) 400 Center St. San Marcos, Texas			
APPLICATION FOR HEADSTONE OR MARKER						I HAVE AGREED TO TAKE THE STONE OR MARKER TO THE CEMETERY. SIGNATURE OF CONSIGNEE <i>Esther O. Smith</i>			

Figure 27. Herbert Smith.³⁸⁰

³⁸⁰ “U.S., Headstone Applications for Military Veterans, 1925-1963,” s.v. “Herbert Smith, DOD 07/20/1961,” digital image available at *Ancestry.com*.

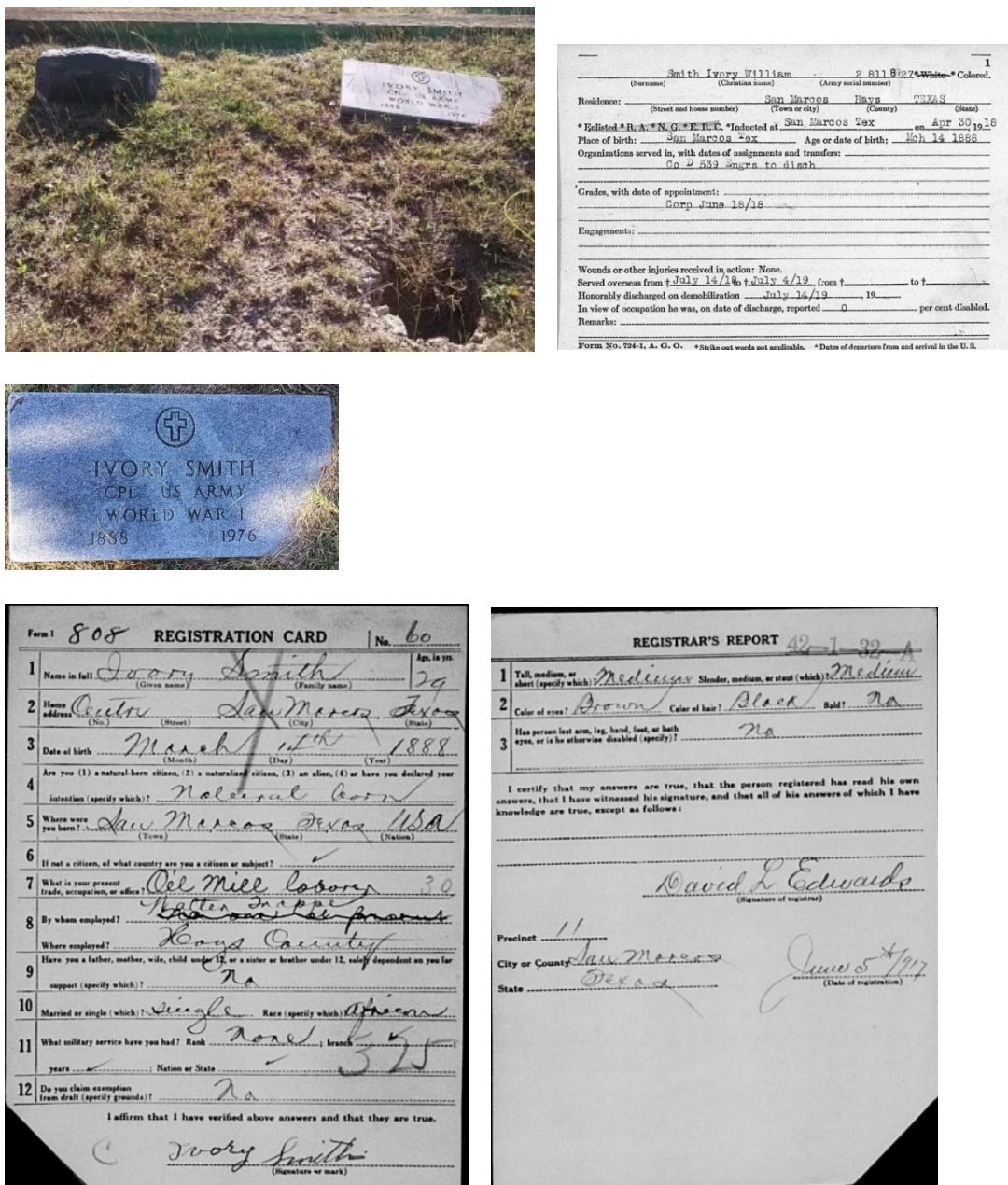


Figure 28. Ivory Smith.³⁸¹

³⁸¹ Ivory Smith served overseas and also registered for WWII. Notice the sunken hole in the ground. "U.S., World War I Draft Registration Cards, 1917-1918," s.v. "Ivory Smith, DOB 03/14/1888" digital image available at *Ancestry.com*; "Certificate of Release or Discharge from Active Duty," s.v. "Ivory Smith, serial number 2.811.827," digital image available at the National Archives, U.S. National Archives and Records Administration. "Military Records: World War I Records." Online: accessed September 17, 2016. <https://www.archives.gov/research/military/ww1>; "U.S., World War II Draft Registration Cards, 1942," s.v. "Ivory Smith, DOB 03/14/1888" digital image available at *Ancestry.com*.



CHECK TYPE REQUIRED
(See instructions attached)
☐ UPRIGHT MARBLE HEADSTONE
☒ FLAT MARBLE MARKER
☐ FLAT GRANITE MARKER
☐ BRONZE MARKER

APPLICATION FOR HEADSTONE OR MARKER
(PLEASE MAKE OUT AND RETURN IN DUPLICATE)
ORIGINAL

Enlistment dates: NOVEMBER 20, 1918 to SEPTEMBER 14, 1918
Discharge date: NOVEMBER 20, 1918
Pension number: 4172964
Serial number: 4172964

FLAT MARBLE

Name	Rank	Company	U. S. Regiment	Date of Death
Taylor, Belvin	Pvt.	Co. A.	3rd Artillery	Sept. 16, 1941
Name of Cemetery	Located in or near	City	State	Emblem
San Marcos Cemetery		San Marcos	Texas	None
To be shipped to: <u>Pope Kyle</u> at <u>San Marcos, Hays Co., Texas</u> (Give E. E. NAME OF TOWN, county, and State)				
Where post-office address is: <u>General Delivery, San Marcos, Texas</u> (Give E. E. NAME OF TOWN, county, and State)				
DO NOT WRITE HERE				
For verification: <u>MAY 14 1943</u> Ordered: <u>SEP 1 1943 COLUMBUS, MISS</u> B/L: <u>175968</u> Shipped: <u>SEP 1 1943</u>				
WAR DEPARTMENT Approved Aug. 12, 1943 O. G. M. G. Form No. 625 May 18, 1941; Feb. 11, 1942; May 2, 1946; July 1, 1947				
Address: <u>810 Lombardo St., San Antonio, Tex.</u> Date: <u>May 5, 1943</u>				

Serial No. 171-6 Registration No. 313

1	Name in full	<u>Belvin Taylor</u>	Age, in yrs.	<u>21</u>
2	Home address	<u>447 N. Flores San Antonio Texas</u>	(City or town)	(State)
3	Date of birth	<u>July 19 1897</u>	(Month) (Day) (Year)	
4	Where were you born?	<u>San Antonio Tex. U.S.A.</u>	(City or town)	(State) (Nation)
5	I am	<input checked="" type="checkbox"/> 1. A native of the United States. <input type="checkbox"/> 2. A naturalized citizen. <input type="checkbox"/> 3. An alien. <input type="checkbox"/> 4. I have declared my intention. <input type="checkbox"/> 5. A non-citizen or subject of a foreign nation. (Strike out lines or words not applicable)		
6	If not a citizen, of what Nation are you a citizen or subject?			
7	Father's birthplace	<u>Don't know</u>	(City or town)	(State or province) (Nation)
8	Name of employer	<u>Transit Club</u>	(City or town)	(State)
9	Name of nearest relative	<u>Jessie Taylor (wife)</u>	(City or town)	(State or Nation)
10	Race—White, Negro, Indian or other	<u>White</u>	(City or town)	(State or Nation)

I affirm that I have verified above answers and that they are true.

Belvin Taylor
(Signature or Mark of Registrant)

P. M. G. O. Form 1 (blue) REGISTRATION CARD. 2-579

42-7-61-B REGISTRAR'S REPORT

1	Color of eyes	<u>Brown</u>	Color of hair	<u>Black</u>
2	Has person lost arm, leg, hand, eye, or is he palpably physically disabled (specify)?	<u>no</u>		

I certify that my answers are true; that the person registered has read his own answers; that I have witnessed his signature, and that all of his answers of which I have knowledge, are true, except as follows:

McCoop
(Signature of Registrar)

August 24 1918
(Date of Registration)

Local Board for Division No. 2,
City of San Antonio, State of Texas,
619 Baudin Building,
San Antonio, Texas.
(Stamp of Local Board)

(The stamp of the local board having jurisdiction of the area in which the registrant has his permanent home shall be placed in this box.)

Figure 29. Belvin Taylor.³⁸²

³⁸² Taylor's son, Belvin Jr., served during WWII and was buried in the Ft. Sam Houston National Cemetery. "U.S., Headstone Applications for Military Veterans, 1925-1963," s.v. "Belvin Taylor, DOD 09/16/1941," digital image available at *Ancestry.com*; "U.S., World War I Draft Registration Cards, 1917-1918," s.v. "Belvin Taylor, DOB 07/19/1897" digital image available at *Ancestry.com*.



ASK 101nd 204 8/16 ORIGINAL

1. NAME OF DECEASED—LAST—FIRST—MIDDLE (Print or type) WELLS, WILLIE			APPLICATION FOR HEADSTONE OR MARKER (See attached instructions. Complete and submit original and duplicate)		
2. ENLISTMENT DATE (Month, Day, Year) April 2, 1918		3. DISCHARGE DATE (Month, Day, Year) Dec. 12, 1919		12. EMBLEM (Check one) <input checked="" type="checkbox"/> CHRISTIAN (Latin Cross) <input type="checkbox"/> HEBREW (Star of David) <input type="checkbox"/> NONE	
4. SERVICE NO. 1107933		5. PENSION OR VA CLAIM NO. 143002		13. CHECK TYPE REQUIRED <input type="checkbox"/> UPRIGHT MARBLE HEADSTONE <input type="checkbox"/> FLAT MARBLE MARKER <input type="checkbox"/> FLAT GRANITE MARKER <input checked="" type="checkbox"/> FLAT BRONZE MARKER	
6. STATE Texas		7. GRADE Private		8. MEDALS None	
9. BRANCH OF SERVICE, COMPANY, REGIMENT, AND DIVISION OR SHIP Private, Steubenville Regiment, 303rd OMC			14. SHIP TO (Name and address of person who will transport stone or marker to cemetery) Pennington Funeral Home, San Marcos, Texas		
10. DATE OF BIRTH (Month, Day, Year) Feb. 2, 1900			11. DATE OF DEATH (Month, Day, Year) Aug. 11, 1961		
15. NAME AND LOCATION OF CEMETERY (City and State) San Marcos, Colo Cemetery			16. I CERTIFY THE APPLICANT FOR THIS STONE OR MARKER HAS MADE ARRANGEMENTS WITH ME TO TRANSPORT SAME TO THE CEMETERY. SIGNATURE: Edgar C. [unclear] DATE: Sept. 14, 1961		
DO NOT WRITE HERE RECEIVED: Aug 24 1961 VERIFIED: OCT 30 1961 BIL: 2142 ORDERED: SEARCHY, ARK.			18. NAME AND ADDRESS OF APPLICANT (Print or type) Pennington Funeral Home 323 N. Comanche St.		
GMC FORM 646 REPLACES OQM-G FORM 625, 8 FEB 43 WHICH MAY BE USED			19. I certify this application is submitted for a stone or marker for the unmarked grave of a deceased member or former member of the Armed Forces of the United States, soldiers of Union and Confederate Armies of the Civil War. I hereby agree to accept responsibility for properly placing the stone or marker at the grave at no expense to the Government. SIGNATURE OF APPLICANT: Edgar C. [unclear] DATE: Sept 14 1961		

IMPORTANT—Reverse Side Must Be Completed

Pvt 303 Stev Regt OMC / WWI

Figure 30. Willie Wells (Sr.).³⁸³

³⁸³ Notice the suspected bullet hole. “U.S., Headstone Applications for Military Veterans, 1925-1963,” s.v. “Willie Wells, DOD 02/02/1900,” digital image available at *Ancestry.com*.

WORLD WAR II – ALL AMERICAN HEROES

Roland S. Bolden

Walter Brady

Johnnie Bratton, Sr.

Herman Brown

Andrew Carr

Earley R. Carver

Oscar D. Cheatham

Douglas Richard Coleman

Raymond E. Criss

Eugene Fields

Adell Hamilton

Edward Harris

Arntie Edwards Hollins

Muart George Hollins

Lucious Brown Jackson

Neff Morris Johnson

Albert Walker Kirk

Augustus George Kyle

Hardy Clifton Kyle

Curtis Rollings

Ozzie Sanders

Leroy Thomas

WORLD WAR II – ALL AMERICAN HEROES (Continued)

Melvin L. Tolliver

Cebren Leslie Traywick

Monroe Williams

Oscar Williams, Jr.



WW I		WW II		KOREA		ORIGINAL	
1. NAME OF DECEASED - LAST - FIRST - MIDDLE (Print or Type) <i>Bolden, Roland S.</i>				12. NAME AND LOCATION OF CEMETERY (City and State) <i>San Marcos, Colored Cemetery</i>			
2. SERVICE NUMBER <i>33538 956</i>		3. PENSION OR VA CLAIM NUMBER <i>11553578</i>		IMPORTANT: Item 3B on reverse side must be completed. See attached instructions and complete and submit both copies.			
4. ENLISTMENT DATE (Month, day, year) <i>1-19-43</i>		5. DISCHARGE DATE (Month, day, year) <i>3-2-46</i>		15. This application is submitted for a stone or marker for the unmarked grave of a deceased member or former member of the Armed Forces of the U. S., soldier of the Union or Confederate Armies of the Civil War or for an unmarked memorial plot for a non-recoverable deceased member. I hereby agree to accept responsibility for proper placement at the grave or memorial plot at no expense to the Government.			
6. STATE <i>Texas</i>		7. MEDALS <i>World War II</i>		8. NAME OF APPLICANT (Print or Type) <i>Walter Bolden</i>		RELATIONSHIP <i>wife</i>	
9. GRADE OR RANK <i>Cpl</i>		10. BRANCH OF SERVICE, COMPANY, REGIMENT, DIVISION <i>Air Corps 247th Base Unit</i>		11. ADDRESS OF APPLICANT (Street address, City and State) <i>405 Center Street</i>		13. SIGNATURE OF APPLICANT <i>Walter Bolden</i>	
10. DATE OF BIRTH (Month, day, year) <i>February 8, 1916</i>		11. DATE OF DEATH (Month, day, year) <i>March 8, 1961</i>		14. FREIGHT STATION <i>San Marcos, Tex.</i>		16. DATE <i>3-9-61</i>	
12. RELIGIOUS EMBLEM (Check one) <input checked="" type="checkbox"/> NO		13. CHECK TYPE REQUIRED <input checked="" type="checkbox"/> UPRIGHT MARBLE HEADSTONE		17. NAME OF CONSIGNEE WHO WILL TRANSPORT STONE OR MARKER <i>Pennington Funeral Home</i>		18. ADDRESS OF CONSIGNEE (Street address, City and State) <i>325 N. Comanche St., San Marcos, Texas</i>	
14. LATIN CROSS (Christianity)		15. FLAT MARBLE MARKER		19. SIGNATURE OF CONSIGNEE <i>Pennington Funeral Home</i>		20. I HAVE AGREED TO TAKE THE STONE OR MARKER TO THE CEMETERY.	
16. STAR OF DAVID (Judaism)		17. FLAT GRANITE MARKER		21. DO NOT WRITE HERE		22. FOR VERIFICATION <i>MAR 28 1961</i>	
18. NO EMBLEM		19. FLAT BRONZE MARKER		23. CONTRACTOR <i>COLUMBUS MARBLE WORKS</i>		24. ORDERED <i>MAY 11 1961</i>	
25. DO NOT WRITE HERE		26. CONTRACTOR <i>COLUMBUS MARBLE WORKS</i>		27. ORDERED <i>MAY 11 1961</i>		28. REPLACES DA FORM 1815, 1 AUG 60	
29. DO NOT WRITE HERE		30. CONTRACTOR <i>COLUMBUS MARBLE WORKS</i>		31. ORDERED <i>MAY 11 1961</i>		32. REPLACES DA FORM 1815, 1 AUG 60	
33. DO NOT WRITE HERE		34. CONTRACTOR <i>COLUMBUS MARBLE WORKS</i>		35. ORDERED <i>MAY 11 1961</i>		36. REPLACES DA FORM 1815, 1 AUG 60	

Figure 31. Roland S. Bolden.³⁸⁴

³⁸⁴ “U.S., Headstone Applications for Military Veterans, 1925-1963,” s.v. “Roland S. Bolden, DOD 03/08/1961,” digital image available at *Ancestry.com*; “U.S., World War II Army Enlistment Records, 1938-1946” s.v. “Roland S Bolden, DOB 02/08/1916,” no image: Text-only Collection available at *Ancestry.com*.



Figure 32. Walter Brady.³⁸⁵



Photo Courtesy CAAHM.

Figure 33. Johnnie Bratton, Sr.³⁸⁶

³⁸⁵ "U.S., World War II Army Enlistment Records, 1938-1946" s.v. "Walter Brady, DOB 05/10/1912," no image: Text-only Collection available at *Ancestry.com*.

³⁸⁶ "U.S., World War II Army Enlistment Records, 1938-1946" s.v. "Johnnie Bratton, DOB 05/20/1920," no image: Text-only Collection available at *Ancestry.com*; "Johnnie Bratton, Sr. Military Photo," Calaboose African American History Museum, San Marcos, TX.



CHECK TYPE REQUIRED (See Instructions attached)		APPLICATION FOR HEADSTONE OR MARKER (Please make out one form for each person to be memorialized)	
<input checked="" type="checkbox"/> UPRIGHT MONUMENT HEADSTONE	RELATIVES DATE <u>23 Sept 42</u>	SERIAL NO. <u>18 157 186</u>	<input checked="" type="checkbox"/> COLONIAL
<input type="checkbox"/> FLAT MONUMENT HEADSTONE	DISCHARGE DATE <u>15 Aug 45</u>	PETITION NO.	<input type="checkbox"/> REDEMPTION
<input type="checkbox"/> FLAT GRAVEHEAD MARKER		STATE <u>Texas</u>	<input type="checkbox"/> NONE
<input type="checkbox"/> BRICK OR MARBLE MARKER		CITY <u>San Antonio</u>	COMPANY <u>572 Fort Company</u>
NAME (Last, first, middle initial) <u>Brown, Herman</u>		U.S. DEPARTMENT, STATE ORIGIN (State and Division) <u>572 Fort Company</u>	
DATE OF BIRTH (Month, Day, Year) <u>Oct 9 1900</u>	DATE OF DEATH (Month, Day, Year) <u>Jan 23 1948</u>	LOCATION (City and State) <u>San Marcos, Texas</u>	
NAME OF CEMETERY <u>San Marcos Colored Cemetery</u>		NEAREST FUGITIVE SECTION (Law and Order) <u>San Marcos, Texas</u>	
NAME OF FUNERAL HOME <u>Fennington Funeral Home</u>		POST OFFICE ADDRESS OF COUSIN <u>San Marcos, Texas</u>	
DO NOT WRITE HERE		I certify this application is submitted for a stone for the unmarked grave of a veteran.	
FOR REFERENCE DEC 8 1950 COLUMBUS, MISS. 20 FEB 1951 5356472		I hereby agree to assume all responsibility for the removal of the stone promptly upon arrival at destination, and properly place it on the decedent's grave at my expense.	
SHIPPED		APPLICANT'S SIGNATURE <u>Madie Gordon</u> DATE OF APPLICATION <u>Dec. 2, 1950</u>	
DODG FORM REV. 1 FEB 46 623		APPROVED (Official Only - Seal) <u>San Marcos, Texas</u>	

Figure 34. Herman Brown.³⁸⁷



Figure 35. Andrew Carr.³⁸⁸

³⁸⁷ "U.S., Headstone Applications for Military Veterans, 1925-1963," s.v. "Herman Brown, DOD 01/21/1948," digital image available at *Ancestry.com*; "U.S., World War II Draft Registration Cards, 1942," s.v. "Herman Coleman Brown, DOB 06/25/1900," No image, *Ancestry.com*.

³⁸⁸ "U.S. WWII Draft Cards Young Men, 1940-1947," s.v. "Andrew Carr DOB 11/13/1909," No image, *Ancestry.com*.



Reported for D.O.D. 17 Oct 1947

APPLICATION FOR HEADSTONE OR MARKER
(Please make and send return to duplicate)

Serial No. **38252617**

NAME (Last, First, Middle Initial) **Carver, Earley R.**

DATE OF BIRTH (Month, Day, Year) **Nov. 22, 1900**

DATE OF DEATH (Month, Day, Year) **Sept. 2, 1947**

STATE **Texas**

RANK **Pvt.**

COMPANY **A**

U. S. REGIMENT, STATE ORGANIZATION AND DIVISION **275th. Quartermaster Battalion Serv.**

LOCATION (City and State) **San Marcos, Texas**

NEAREST FREIGHT STATION (City and State) **San Marcos, Texas**

PORT OF THE JOURNEY OF CONSUMPTION **San Marcos, Texas**

FOR VERIFICATION **DO NOT WRITE HERE**

DECEASED **AUG 1950**

NAME **COLUMBUS, MISS. 23 OCT 1949**

SHIPPED **3656869**

ADDRESS (Month, City, State) **Loyie Now Mar Carver 7/26/50**

DATE OF APPLICATION **7/26/50**

ADDRESS (Month, City, State) **San Marcos, Tex**

DDMG FORM 623

IMPORTANT—Complete Reverse Side

Figure 36. Earley R. Carver.³⁸⁹



Figure 37. Oscar D. Cheatham.³⁹⁰

³⁸⁹ “U.S., Headstone Applications for Military Veterans, 1925-1963,” s.v. “Earley R. Carver DOD 09/02/1947,” digital image available at *Ancestry.com*.

³⁹⁰ “U.S., World War II Army Enlistment Records, 1938-1946,” s.v. “Oscar D. Cheatham DOB 05/22/1922” No image, *Ancestry.com*.

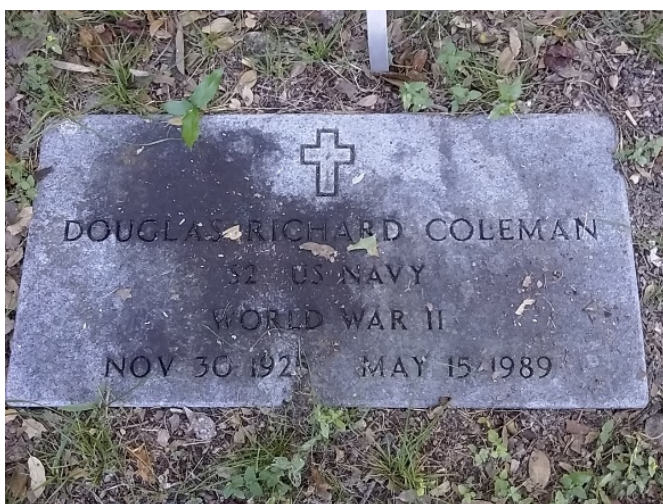


Figure 38. Douglas Richard Coleman.³⁹¹



Figure 39. Raymond E. Criss.³⁹²

³⁹¹ Data suggests that Douglas was a white man. Further research required. "U.S., World War II Army Enlistment Records, 1938-1946," s.v. "Douglas Richard Coleman DOB 11/30/1925," No image, *Ancestry.com*.

³⁹² "U.S., World War II Army Enlistment Records, 1938-1946," s.v. "Raymond E. Criss DOB 02/22/1905," No image, *Ancestry.com*.



Figure 40. Eugene Fields.³⁹³



Figure 41. Adell Hamilton.³⁹⁴

³⁹³ "U.S., World War II Army Enlistment Records, 1938-1946," s.v. "Eugene Fields DOB 06/24/1907," No image, *Ancestry.com*.

³⁹⁴ "U.S. WWII Draft Cards Young Men, 1940-1947," s.v. "Adell Hamilton DOB 11/17/1916," No image, *Ancestry.com*.



Figure 42. Edward Harris.³⁹⁵



Photo Courtesy of Ollie Giles.

Figure 43. Arntie Edwards Hollins.³⁹⁶

³⁹⁵ "U.S. WWII Draft Cards Young Men, 1940-1947," s.v. "Edward Harris DOB 04/01/1911," No image, *Ancestry.com*.

³⁹⁶ Arntie was Ollie Giles's uncle. "U.S. WWII Draft Cards Young Men, 1940-1947," s.v. "Arntie Edward Hollins DOB 04/10/1916," No image, *Ancestry.com*.



Photo Courtesy of CAAHM

Figure 44. Muart George Hollins.³⁹⁷



Figures 45. Lucious Brown Jackson.³⁹⁸

³⁹⁷ No headstone marker application found. “U.S. WWII Draft Cards Young Men, 1940-1947,” s.v. “Muart George Hollins DOB 03/18/1914,” No image, *Ancestry.com*; “U.S., World War II Army Enlistment Records, 1938-1946,” s.v. “Muart George Hollins DOB 00/00/1914,” No image, *Ancestry.com*.

³⁹⁸ “U.S. WWII Draft Cards Young Men, 1940-1947,” s.v. “Lucious Brown Jackson DOB 01/29/1915,” No image, *Ancestry.com*.



Figure 46. Neff Morris Johnson.³⁹⁹



Figure 47. Augustus George Kyle.⁴⁰⁰

³⁹⁹ Further research required.

⁴⁰⁰ His brother, Hardy Clifton Kyle, also served during WWII. "U.S. WWII Draft Cards Young Men, 1940-1947," s.v. "Augustus George Kyle DOB 03/20/1915," No image, *Ancestry.com*.



Figure 48. Hardy Clifton Kyle.⁴⁰¹



Figure 49. Curtis Rollings.⁴⁰²

⁴⁰¹ His brother, Augustus George Kyle, also served during WWII. "U.S. WWII Draft Cards Young Men, 1940-1947," s.v. "Hardy Clifton Kyle DOB 11/28/1913," No image, *Ancestry.com*.

⁴⁰² His brother, Willie, also served during WWII. "U.S. WWII Draft Cards Young Men, 1940-1947," s.v. "Curtis Rolling[s] DOB 01/14/1917," No image, *Ancestry.com*.



Figure 50. Ozzie (Mae) Sanders.⁴⁰³

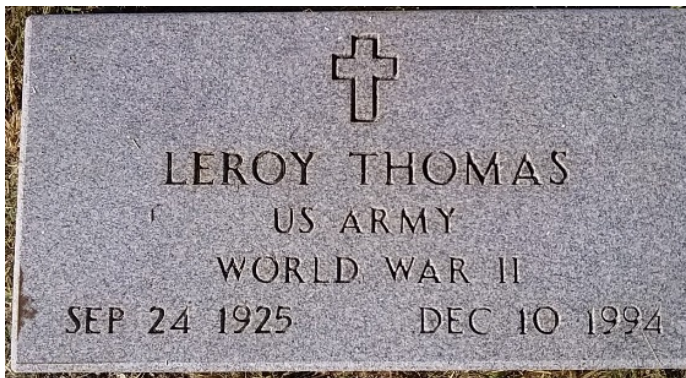


Figure 51. Leroy Thomas.⁴⁰⁴

⁴⁰³ Ozzie is buried next to his father, WWI veteran Ernest Sanders. "U.S. World War II Army Enlistment Records, 1938-1946," s.v. "Ozzie Sanders DOB 01/17/1923," No image, *Ancestry.com*.

⁴⁰⁴ "U.S. WWII Draft Cards Young Men, 1940-1947," s.v. "Leroy Thomas DOB 09/24/1924," No image, *Ancestry.com*.



305 556 Port Co 10/11 Suspended 23 AUG 1961 ORIGINAL

1. NAME OF DECEASED—LAST—FIRST—MIDDLE (Print if Appr) Tolliver, Melvin L.		APPLICATION FOR HEADSTONE OR MARKER <i>(See attached instructions. Complete and submit original and duplicate)</i>	
2. DATE OF BIRTH (Month, Day, Year) 16 Oct. 43		3. DATE OF DEATH (Month, Day, Year) 26 March 1946/1961	
4. SERVICE NO. 38 557 557		5. SERVICE OR VA CLAIM NO. None	
6. GRADE TEC5		7. RANKS None	
8. BRANCH OF SERVICE, COUNTRY, REGIMENT, AND DIVISION (If Appr) Army, 556th Port Company		9. PRESENT PLACES Pennington Funeral Home	
10. DATE OF BIRTH (Month, Day, Year) 23 July 1925		11. DATE OF BIRTH (Month, Day, Year) June 28, 1961	
12. NAME AND ADDRESS OF APPLICANT (Print if Appr) Pennington Funeral Home 303 N. Comanche San Antonio		13. NAME AND ADDRESS OF CEMETERY (City and State) San Antonio, Texas, Comanche	
14. I CERTIFY THAT THE ABOVE DATA ARE TRUE AND CORRECT AND THAT I AM A MEMBER OF THE NATIONAL HEADSTONE GRANTS COMMISSION Walter Tolliver July 8, 1961		15. I CERTIFY THAT THE ABOVE DATA ARE TRUE AND CORRECT AND THAT I AM A MEMBER OF THE NATIONAL HEADSTONE GRANTS COMMISSION Walter Tolliver July 8, 1961	
16. I CERTIFY THAT THE ABOVE DATA ARE TRUE AND CORRECT AND THAT I AM A MEMBER OF THE NATIONAL HEADSTONE GRANTS COMMISSION Walter Tolliver July 8, 1961		17. I CERTIFY THAT THE ABOVE DATA ARE TRUE AND CORRECT AND THAT I AM A MEMBER OF THE NATIONAL HEADSTONE GRANTS COMMISSION Walter Tolliver July 8, 1961	

DO NOT WRITE HERE

RECEIVED JUL 12 1961

STATED BY: **Walter Tolliver**

CHECKED BY: **Walter Tolliver**

DATE: **July 12 1961**

TIME: **13 OCT 46**

13 OCT 46

Figure 52. Melvin Lee Tolliver.⁴⁰⁵



Figure 53. Cebtron Leslie Traywick.⁴⁰⁶

⁴⁰⁵ “U.S., Headstone Applications for Military Veterans, 1925-1963” s.v. “Melvin L. Tolliver DOD 06/28/1961,” image available at *Ancestry.com*; “U.S. WWII Draft Cards Young Men, 1940-1947,” s.v. “Melvin Lee Tolliver DOB 09/23/1925,” No image, *Ancestry.com*.

⁴⁰⁶ “U.S. WWII Draft Cards Young Men, 1940-1947,” s.v. “Cebtron Leslie Traywick DOB 11/19/1910,” No image, *Ancestry.com*.



Figure 54. Monroe Williams.⁴⁰⁷

⁴⁰⁷ “U.S. World War II Army Enlistment Records, 1938-1946,” s.v. “Monroe Williams DOB 00/00/1923,” No image, *Ancestry.com*.



Figure 55. Oscar Williams, Jr.⁴⁰⁸

Williams

Oscar Williams, Jr., 69, of Sacramento, California, 69, died on October 21, 1992.

A funeral service is scheduled for Saturday, October 31, 1992 at Pennington Chapel with interment following at the Community Cemetery. Reverend R. Wade will officiate.

Oscar was born on January 3, 1923 in Austin, Texas, the son of Oscar and Gertrude Irene Young Williams. He was raised in San Marcos, where his father worked for the funeral home. Oscar finished school and joined the Army, serving with the 92nd division during World War II in radio operations.

After the war, Oscar came home and got a civil service job with the signal corps. He worked at Fort Sam Houston in San Antonio before being transferred to Fort Worth. Later, another transfer took him out to Sacramento, California. He retired from his civil service job after 35 years and spent his retirement years in California.

Oscar is survived by his son, Morris Williams of San Marcos; one brother, Charley Williams of San Marcos; two grandchildren and two great-grandchildren.

Pennington Funeral Home is in charge of the arrangements.

⁴⁰⁸ Williams (Sr.) registered for WWI. Williams Jr. was one of three brothers in Okinawa at the same time. His older brother, Thomas (from another mother), died in Okinawa; Charley lived San Marcos. It is unclear whether they knew one another. The family's plot is pictured in Figure 1. "U.S., World War I Draft Registration Cards, 1917-1918," s.v. "Oscar Williams, DOB 00/00/1896[Sr.]" digital image available at *Ancestry.com*; "U.S. WWII Draft Cards Young Men, 1940-1947," s.v. "Oscar Williams [Jr.] DOB 01/03/1923," No image, *Ancestry.com*; "U.S. World War II Army Enlistment Records, 1938-1946," s.v. "Oscar Williams Jr. DOB 00/00/1923," No image, *Ancestry.com*.

KOREA – ALL AMERICAN HEROES

Clarence Waymon Hutson

Arthur Love, Jr.

Bobbie M. Williams

Thomas Lee Wilson

John William Wright



Figures 56. Clarence Waymon Hutson.⁴⁰⁹

⁴⁰⁹ Hutson is the son of WWII veteran Floyd Waymon Hutson, and the brother of William, who also served in the Air Force and was buried elsewhere. National Cemetery Administration: Nationwide Gravesite Locator, "U.S. Veterans Gravesites, ca.1775-2006," *Ancestry.com*.

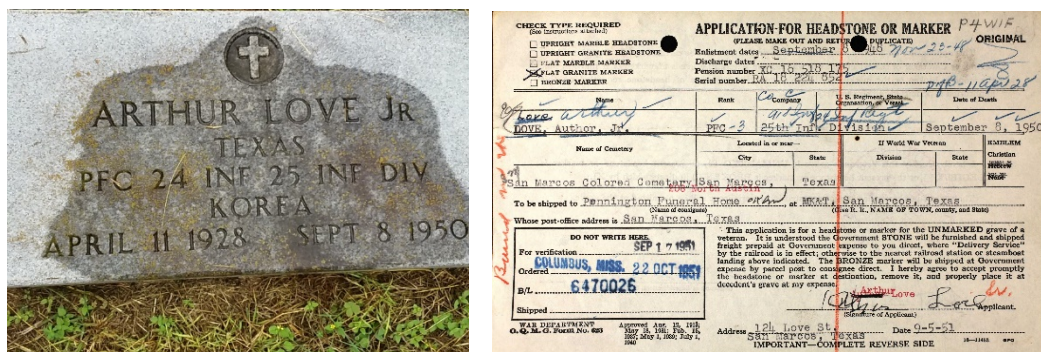


Figure 57. Arthur Love, Jr.⁴¹⁰

⁴¹⁰ Arthur Love, Jr. was Killed in Action in Korea. "U.S., Headstone Applications for Military Veterans, 1925-1963," s.v. "Arthur Love, Jr. DOD 09/8/1950," digital image available at *Ancestry.com*; "Arthur Love Jr., Killed in Korean War," *Access to Archival Database*, <http://aad.archives.gov>; "Bodies of Five S.A. Men Due from War Zone," *San Antonio Express* (San Antonio, Texas), July 16, 1951, digital image available at *Ancestry.com*; "Hays Soldier Dies in Korea," *San Antonio Express* (San Antonio, Texas), September 24, 1950, digital image available at *Ancestry.com*; "New Casualty List Names 4," *San Antonio Express* (San Antonio, Texas) September 25, 1950, digital image available at *Ancestry.com*; "San Marcos War Victim Honored," *Special Correspondence*, *San Antonio Express* (San Antonio, Texas) September 28, 1950, digital image available at *Ancestry.com*.



Figure 58. Bobbie M. Williams.⁴¹¹



Figure 59. Thomas Lee Wilson.⁴¹²



Figure 60. John William Wright.⁴¹³

⁴¹¹ No details released.

⁴¹² No details released.

⁴¹³ No details released.

VIETNAM – ALL AMERICAN HEROES

Albert Walker Kirk



Kirk *SMDA 8/15/76*

Sgt. First Class Albert Walker Kirk, 33, died Saturday, Aug. 7 while on active duty in Korea. He received all his schooling in San Marcos.

Services will be at Jackson Chapel in the United Methodist Church Monday at 2:30. Rev. Frank Walker and Rev. Joe Harris will be officiating.

Burial will be at the San Marcos Cemetery on Old Austin Highway.

He is survived by his wife, Patricia Kirk; four sons, Russell Kirk, Albert Kirk, Albert Walker Jr., Anthony Kirk; four daughters, Judy, Lisa, Tina, and Kim, all of Ft. Polk, La.

He is survived by one brother, Robert Kirk of St. Louis, Mo., and four sisters, Margaret Farmer, South Boston, Va., Mercile Reagin, San Marcos, Dorothy Williams, San Marcos, and Jeannette Wagner of San Antonio; and three grandchildren.

HAYS CO. CITIZEN 8/19/76

ALBERT WALKER KIRK

Sgt. 1.C. Albert Walker Kirk of San Marcos, died in Seoul, South Korea, Aug. 7. He was 33.

Born Sept. 20, 1942, he was serving in the United States Army in Korea.

Services were at Jackson Chapel at 2:30 p.m. Monday. Rev. Joel Harris and Frank Walker officiating.

He is survived by his wife, Patricia Kirk; four sons, Russel Kirk, Albert Kirk, Anthony Kirk, and Albert Walker Kirk Jr.; four daughters, Judy Kirk, Lisa Kirk, Kim Kirk and Tina Kirk; one brother, Robert Kirk of St. Louis; four sisters, Margaret Farmer of South Boston, Mercile Reagen of San Marcos, Dorothy Williams of San Marcos and Jeanette Wagner of San Antonio; and three grandchildren.

Figure 61. Albert Walker Kirk.⁴¹⁴

⁴¹⁴ Albert Walker Kirk died while on active duty in South Korea during Vietnam. No details released. "Albert Walker Kirk." *Hays County (Texas) Citizen*, August 19, 1976; "Sgt. First Class Albert Walker Kirk." *San Marcos Daily Record*, August 15, 1976.

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