

Bexar County Historical Commission  
Bexar County Courthouse  
100 Dolorosa  
San Antonio, Texas 78205

September 11, 2017 MINUTES—BEXAR COUNTY HISTORICAL COMMISSION

Members Present

Carey Latimore, Ph.D.  
Francine Rowden  
Amy Porter, Ph.D.  
Felix D. Almaraz, Ph.D.  
Paul Ringenbach, Ph.D.  
Francis X. Galan  
Mickey Killian  
Corky Rubio  
Clinton McKenzie  
Mario Salas  
Tim Draves

Members Unable to Attend

Marcello Martinez  
Linda Salvucci, Ph.D.,  
Andi Rodriguez

Associate Members Present

Gary Houston  
Brother Edward Loch  
Scott Baird, Ph.D.  
Jose G. Jimenez  
Frank Faulkner

Associate Members Unable to Attend

Brian McBeth  
Alfred Rodriguez

Guests:

Patti Zaiontz

County Staff:

Betty Bueche, Bexar County Heritage Department  
Juliet Moke, Bexar County Heritage Department  
David Carlson, Ph.D. Bexar County Spanish Archives

## CALL TO ORDER

The regular meeting of the Bexar County Historical Commission was held September 11, 2017 at the Paul Elizondo Tower Conference Room 204 with the Chair, Tim Draves, presiding.

## INTRODUCTIONS FROM THE CHAIR:

Introduction of new members, Francis X. Galan, Ph.D., Precinct 2, and Mario Salas, Precinct 4.  
Comments regarding committee meetings.

## COMMITTEE MEETINGS:

From 12:09 to 12:31 PM, the History Awareness and Appreciation Committee, the Historical Markers Committee, and the Cultural Resources Committee met to discuss implementation of projects for FY 2018.

## COMMISSION MEETING:

The Chair called the meeting to order at 12:35 PM. There being a quorum present, the minutes of the August 7, 2017 meeting were approved as amended. Staff suggested posting minutes to the Bexar Heritage web page; members and associates gave consent.

## COMMITTEES

### History Awareness and Appreciation

Carey Latimore reported on the summer's Oral History work saying the progress was good, and there would be statistical summary at the October 2 meeting.

Amy Porter said the committee will consider blending two projects, the Congress of History Associations and Readings in Bexar History.

### Historical Markers

Committee Chair Felix D. Almaraz led discussion regarding:

- San Pedro Creek Marker removed for construction, but set for reinstallation and rededication May 5, 2018
- Concerns about the De la Garza marker is on the Wolff & Marx Building [and later the Rand Building and Geekdom Offices] now owned by Weston Urban. That building is not planned for demolition.
- The Canary Island Marker may have inaccuracies.
- The vandalized Battle of Medina Marker will require contractor bids for repair.
- Texas Historical Commission has yet to notify 2016 applicants regarding approval of their marker submissions.

Dr. Almaraz offered the Historical Markers Committee's draft of a resolution stating that the Bexar County Historical Commission strongly protests the trademark issued by the United States Patent and Trademark Office to Donna De Leon of Houston, Texas, regarding protection of images regarding Jose Miguel Arciniega. The resolution stipulated that copies be delivered to the

Bexar County District Attorney for review, the Bexar County Commissioners Court and the Texas Historical Commission. The resolution passed without dissent. The text of the approved resolution is amended to these minutes.

### Cemeteries

Scott Baird reported on several issues regarding preservation of historic cemeteries including:

- Herritage Family Cemetery, now destroyed as of July, 2017, and now a City of San Antonio code compliance and law enforcement issue;
- Mitchell Cemetery which is on the site of TAMU-San Antonio
- Salado-Perrin Beitel which has unknown ownership that City OHP officer Kaye Hinds is attempting to uncover

Betty Bueche informed the Commission that State Senator Campbell had contacted the County Heritage Department regarding historic cemetery maintenance. County has no budget for such work. Mrs Bueche recommended a proposal for legislative action to structure state collection of fees to remedy, and noted that the Bueche Family Cemetery in Windcrest has formed a 501c3 for perpetual management.

### Comments from Members and Associates:

Francine Rowden encouraged Bexar County Historical Commission members and associates to cherish the promise inherent in the rich opportunity to promote history in Bexar.

Jose Jimenez voiced concern among some community members that Texas has presented its past in with Anglo-centric perspective and the danger that Bexar might replicate and amplify errors and biases.

Paul Ringenbach commented on progress at the World Heritage World Festival and suggested a Commission effort to list events in an accessible format.

Mario Salas said he intends to invest effort in an expanded telling of Bexar African-American heritage.

### COMMENTS FROM CHAIR:

Mickey Killian's request that the February minutes be amended to record members' comments regarding Campo Santo will be taken up October 2.

Members and associates are encouraged to send curriculum vitae, resumes, or Bexar County Historical Commission application materials in digital form to the Bexar County Heritage Department staff for future reference,

The meeting adjourned at 1:33 PM.

**Bexar County  
Historical Commission  
September 11, 2017**

**RESOLUTION**

WHEREAS, Ms. Donna De Leon, residing at 10511 Southport Drive, Houston, Texas, has obtained a Trademark, registered as No. 4,969,281, on May 31, 2016, issued by the United States Patent and Trademark Office, Washington, D.C., and by virtue of such Trademark, Ms. De Leon extends proprietary rights to the signature of Jose Miguel Arciniega, a nineteenth-century resident and alcalde of San Antonio de Bexar; and

Whereas, Jose Antonio de Arciniega served the Government of the Mexican State of Texas as legislator and military explorer; and

Whereas, Arciniega was appointed land commissioner in November, 1830, for the settlers in the colonies of Stephen Fuller Austin; and

Whereas, during the turbulent year of 1835, Jose Miguel de Arciniega served as translator for General Martin Perfecto de Cos in the negotiations culminating in the surrender of Bexar, in December of 1835; and

Whereas, in the distribution of land grants to U.S. immigrants to Texas under Mexico, Arciniega worked as a contemporary of Jose Antonio Navarro, also a land commissioner; and

Whereas, Ms. Donna De Leon's registered Trademark ascribed to the signature of Jose Miguel Arciniega has broad negative implications upon archival historical research by her attempt to invoke her Trademark upon an artistic image, commissioned by her, alleging it to be an "Official" portrait of Jose Miguel Arciniega as the basis of claiming the universal right to prohibit all other descendants and independent researchers from creating, displaying, or using all other images or fair likenesses of the same historical figure by which, essentially, her contention is the principal issue in a First Amendment court case; and

Whereas, Ms. Donna De Leon, of Houston, Texas, has continued to apply her model of an artistic rendering in the application to register the historical signature of Jose Miguel de Arciniega that originated in an historical document curated in the Bexar Archives which is not of her creation; and

Whereas, this pattern of Trademark, claim of universal right, litigation, and/or threat of litigation is being applied for the intimidation of historians, researchers, genealogists, heritage societies, and public entities, which, in effect, give to Ms. De Leon a monopoly in the public discourse of historical figures of her choice; Now,

THEREFORE, BE IT RESOLVED: That the Bexar County Historical Commission, at its meeting of September 11, 2017, strongly protests this egregious abuse of the rules and traditions, of free and self-governed research, in public and private depositories, and subject only to the standards of citing the identification, location, and permission of rare collections; and

BE IT FURTHER RESOLVED: that copies of this Resolution be delivered or mailed to the Office of District Attorney for review and disposition; and following review by staff attorneys of the District Attorney's Office to Commissioners' Court of Bexar County; to the Executive Director of the Texas Historical Commission; to its Chairman and all Members of the Texas Historical Commission for review and disposition by its legal staff; and finally

BE IT FURTHER RESOLVED: to mail copies of this Resolution, after review by the District Attorney's legal staff to Attorneys-at-Law Art Martinez and Adrian Spears of San Antonio, Texas.

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Felix D. Almaraz, Jr., Ph.D. Chairman, Markers Committee

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Date

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Tim Draves, Chair, Bexar County Historical Commission

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Date