

An Open Letter to Texas Land Commissioner George P. Bush

September 25, 2015

The Honorable George P. Bush
Texas Land Commissioner
General Land Office
1700 N. Congress Avenue
Austin, Texas 78701

Dear Commissioner Bush:

We are writing to raise our concerns about the Texas General Land Office's (GLO) dispute with the Daughters of the Republic of Texas (DRT) over ownership of the DRT Library collection.

It is our hope that an amicable and reasonable solution to this dispute can be achieved to ensure that established practices of ownership recognition are not disrupted and that the library collection can be preserved intact and part of the experience realized when researchers visit the Alamo grounds.

The mission of The Daughters of the Republic of Texas (DRT) Library is "advancing the understanding of the unique history of the Alamo and Texas and of the lives of those who experienced it." As historians, authors, and university professors, we value – and many of us have used – the Daughters' 38,000-piece collection of records and narratives for research.

The DRT Library at the Alamo is one of the finest research facilities in Texas, not only because of the quality of its collections, but also because of its staff who personify the highest standards of archival enterprise. That professionalism and the excellent maintenance and condition of the collection have facilitated research and thus continue to fulfill the Library's mission.

The GLO effort to take the DRT Library apparently is based in large part on the Office of the Attorney General's (OAG) report to the legislature, resulting from the OAG's investigation of the DRT (November 2012), which asserted that "in the absence of documentation memorializing a donor's intent to give an artifact or relic to the DRT, it must be presumed that a donation to the Alamo

collection was a gift to the State of Texas” (p. 32). This statement has no legal foundation and reflects a serious lack of familiarity with the nature of the establishment and subsequent growth of archival collections during the years of the DRT Library’s activity. Lack of provenance records for such collections, while undesirable, was not at all uncommon for much of the period. Records in the Texas State Archives document this.

We are aware that the GLO’s Internal Audit Division examined a small sampling of the complete collection inventory and documentation provided by the DRT (3,668 items or just 9.52 percent of the total collection) to extrapolate the likely ownership of the entire collection. From that review, the GLO Audit Division rejected most of the DRT’s ownership claims, instead suggesting that the documentation was insufficient and asserting that the overwhelming majority of the collection belonged to the state.

One co-signer of this letter, Dr. David B. Gracy II, Professor Emeritus of Archival Enterprise at The University of Texas at Austin and former director of the Texas State Archives, reviewed the DRT’s records of ownership and disputed the GLO’s conclusion. Following the review, Dr. Gracy found that if any questionable proof of ownership existed, it was statistically insignificant. He went on to say that even if some of the GLO’s “inconclusive” findings were accurate, the GLO should have applied the same standard of proof to its own ownership claims. Until it does, inconclusive documentation cannot be taken to mean that ownership rests with the state. Finally, Dr. Gracy took issue with the conflict of interest inherent in the GLO Audit Division conducting the study that supports the GLO’s contention.

We believe that if the GLO’s assertion of ownership on the basis of a definition of proof that ignores historical practice is instituted, it would set an untenable precedent that would potentially impact the ownership of every Texas museum and library collection acquired through donations in years prior to the date of the GLO Internal Audit Division analysis.

We urge you to work with the Daughters of the Republic of Texas to find a way to resolve your ownership disagreement without breaking up the collection or arbitrarily taking it from the owner that has built it.

Sincerely,

Dr. J. F. de la Teja

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Additional signatories added after letter was sent on September 25, 2015:

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