

**Testimony of Dr. Fred L. McGhee before the Committee on Culture, Recreation and
Tourism
Austin, TX October 28, 2008**

Good afternoon committee members. I am delighted to have the opportunity to address you once again on this important issue, and would like to thank you for convening this hearing. In my testimony before you today, I would like to contextualize some of the issues that have been happening in Waco within a broader framework and furnish some brief discussion about the importance of post Civil War Afro-Texas history. This context matters because I believe it is important for you to understand that the incident at Waco is not isolated and is only the most recent manifestation of trends and habits that have been standard practice in the Lone Star State for years.

By way of re-introduction, my name is Fred McGhee and I am an African-American archaeologist and deep-sea diver. What this means in practice is that I am an archaeologist and historian who studies the Black experience. I have dedicated much of my career to the investigation of the African and African-American experience in the Lone Star State; how they got here, why they came here, and what they have done since they have been here. I am one of about fifteen African Americans in the United States with a Ph.D. in archaeology, and am presently the only one working full time in the private sector. My consulting company is the only African American owned and operated archaeology company in the United States. I am also a distinguished veteran of the United States Navy, with over twelve years of service as an enlisted man, midshipman, and as an officer, where I became one of the first African-American deep sea diving officers in U.S. Navy history in 1992.

In my previous testimony before you in July I indicated that I felt that the state's regulatory framework to protect the state's environment and cultural resources had fallen prey to a radical philosophy of deregulation that views any regulation of this kind as an encroachment on private property rights. I also indicated that I viewed this perspective as wanting, considering that what we are usually talking about in instances such as this is public land and public money, not private property. Given the fact that well over 90% of the state's land is already in private hands, I testified that the THC's failure to properly discharge its regulatory duty under Section 106 and the state Antiquities Code places the state's heritage in danger and harms local communities.

What I did not say explicitly in July I would now like to lay before you today. The fault for this state of affairs largely falls on the doorstep of this legislative body. While certain appointees and employees of the THC are all too quick to embrace this ideology of radical deregulation, it is also true that the guidance this agency has gotten from the legislature has been politically driven in such a way as to make the Waco situation entirely unsurprising and even predictable.

We now know what a philosophy of radical deregulation in the name of an abstract philosophy, divorced from practical considerations, has gotten us in the financial arena. It is little different in the environmental and heritage preservation domains.

Consider this. Much of the African American historical significance of the First Street Cemetery lies in its association with former Black members of this legislative body, most notably Shepart Mullins, as well as its association with the Knights of Tabor, a post Civil War African American mutual aid association. The African American scholarship on Reconstruction in Texas, its aftermath, and its consequences is woefully underdeveloped, particularly archaeological scholarship. Instead of recognizing this time period as an important historical watershed in Texas history, ten years ago the THC, in the wake of the cemetery scandal that occurred at Allen Parkway Village in Houston, generated a “Policy on Late 19th and Early 20th Century Sites” that deliberately argued that the material culture of this time period was redundant, unuseful, and non-diagnostic. In an article I authored for the most recent edition of the Bulletin of the Texas Archaeological Society, I argued that this unfortunate mistake is the result of a variety of factors, one of the more important of these being a recurring predisposition to perceive Black history as somehow less important than Anglo history. I also made it clear that Texas has a long history of whitewashing its own history of racism, and the study of Black responses to racial violence and Jim Crow segregation.

For instance in 2000 I wrote that Texas is “the most unreconstructed state in the Union.” As evidence I offered the fact that this state still operates under a so-called “Redeemer” constitution that went into effect in 1876 and was deliberately written to undo the 1869 Reconstruction constitution and to deny civil rights to blacks. Political commentators often note the “limited government” features of the 1876 Texas Constitution, but rarely do they note the fact that among its authors were commissioned officers in the Confederate Army, secessionists, and racists who refused to hire a stenographer and would not allow the proceedings of the 1875 constitutional convention to even be published. This is the document that this legislative body has helped to amend over 450 times since its creation. Do you not think, then, that it is a worthwhile topic of academic and scholarly inquiry to investigate the African-American response to these events, given that Blacks were almost a third of the Texas population at the time?

One such response was the creation of the Knights of Tabor, more properly known as *The International Order of Twelve Knights and Daughters of Tabor*. Who were the Knights of Tabor?

Voluntary associations such as these penetrated nearly every aspect of African American life in the post Civil War period and were largely responsible for the formation of vibrant urban communities such as Houston’s Freedmanstown, also known as Fourth Ward, a neighborhood whose historic fabric was largely destroyed in the 1990’s, a unique research opportunity now lost forever. The existence of a multitude of religious, professional, business, political, recreational, educational, secret, social, cultural, and mutual aid associations among Texas African Americans has gone largely ignored by mainstream historians. The creation of these organizations was largely the result of the racism that resulted in the exclusion of African Americans from the majority of white-controlled associations, although many were also the product of the Black community’s expression of racial solidarity and an assertion of self-determination.

More to the point, at a time when Blacks could not be buried in county cemeteries, despite paying taxes, and at a time when many Blacks could not afford to be buried in county cemeteries if they could be placed to rest there, the Knights of Tabor furnished sickness and burial

insurance. The organization was founded in Missouri by an AME Minister and former slave named Moses Dickinson in 1872 and was explicitly organized to assist members in “sickness and distress” and to serve as an advancement vehicle for ex-slaves. The name of the organization was meant to invoke an earlier organization known as the *Knights of Liberty*, whose goal was to terminate slavery, and the Old Testament. During its peak years during the early decades after the end of Reconstruction, the organization served an important bonding and political function for Black Texans, and a membership roll of the group reads like a who’s who of nineteenth and early twentieth century Black Texans: Norris Wright Cuney, the longtime head of the Texas Republican Party and the most influential Black politician in the South in his capacity as Collector of Customs at Galveston under President Benjamin Harrison, as well as Reconstruction legislators such as Richard Allen, Shack Roberts, George T. Ruby, Benjamin F. Williams, Matthew Gaines, and Walter M. Burton, the last nineteenth century African-American to serve in the Texas Senate, who served four terms between 1874 and 1882. I should note that these men were also founding members of the Prince Hall Masons, another important Black fraternal organization.

So is the cemetery in Waco national register eligible? First of all it *is* a cemetery not a park; people are still buried there and repeated denials suggesting otherwise are intellectually dishonest and morally bankrupt. In my opinion the cemetery is NRHP eligible.

In my July testimony I furnished you with examples of *other* cemeteries around the state that have resulted in similar desecration controversies. While each of these cases varies in the details, the common thread underlying them is the one I indicated earlier; the misguided application of a radical deregulatory ideology masquerading as “economic development” or property rights protection.

It does not have to be this way. I urge this committee to aggressively continue to seek the truth about Waco and to take steps to make sure that all too common incidents such as this don’t continue to happen. Seek an Attorney General’s opinion about whether the Waco cemetery is in fact still a dedicated cemetery not a park. Introduce and pass legislation removing the silly “economic impacts” consideration from historic preservation determinations. Make clear to the THC and its leadership that it is to actually *regulate*. This means verifying the eligibility claims of project proponents, fairly overseeing the state and federal historic preservation processes to ensure a diversity of participation, properly evaluating impacts or adverse effects, and advocating for one of the most important principles embodied in the National Historic Preservation Act and subsequent state legislation such as the Texas Antiquities Code: that protecting the flag matters, but protecting the country that the flag itself represents matters at least as much or more.