

Is UT HOLDING OUR HISTORY HOSTAGE?

By Cynthia Leal Massey

“Dear Friend, At last I have succeeded in getting the Commissioner’s Court to transfer the old Spanish Archives to the University. It wasn’t a very easy matter as they were afraid of it politically, but I insisted and when it came to a vote, they all reluctantly voted aye.”





The Bexar County Courthouse, where the Spanish Archives center is located.

This excerpt from an October 1, 1899 letter by Frank Newton, the County Clerk of Bexar County, to history professor Lester Bugbee, a University of Texas at Austin (UT) crony, describes the transfer of Bexar County's historic archives—original manuscripts and printed documents dating from 1717-1836, some 250,000 pages, comprising about 81,000 documents, to UT. The Mexican government abandoned the documents written by Spanish-speaking priests, diplomats, military officers and others when they fled from San Antonio in 1836.

The letter, according to Bexar's current county clerk, Gerry Rickhoff, "unquestionably describes underhanded political maneuvering." He calls his predecessor's actions "smarmy" and "conniving." "Of course they [the commissioners] were afraid of it politically," he says, "they were giving our history away."

Rickhoff, who as Bexar County Clerk promised to "preserve, protect and defend" public records, is determined to settle once and for all the question of where the Bexar Archives belong—at the University of Texas at Austin in Travis County, or at the Bexar County Courthouse in San Antonio. His quest to have the archives returned to Bexar County began eight years ago and was rebuffed by UT officials, who said, among other things, that the County Courthouse did not have the appropriate facilities to house the invaluable documents.

Bexar's County Clerk sought to rectify that problem. In March 2006, a state-of-the-art archives division with fireproof cabinets, a vault that's climate and humidity-controlled and a public viewing area opened on the first floor of the Bexar County Courthouse in what used to be the bookkeeper's offices. "What we didn't have a hundred years ago, we have now," says Rickhoff.

Since "possession is nine-tenths of the law," as the saying goes, and UT has no plans to return the documents, our county clerk faces some formidable challenges. But if anybody is up to the challenge, it's Rickhoff.

From a political family—father John is a retired circuit judge who lives in St. Louis, Missouri; brother Tom is a Bexar County probate court judge; and brother Jim is a captain in the Bexar County Sheriff's Office—

Gerry won his post as county clerk in 1994, the first Republican to do so in the county's history.

Rickhoff skipped his 1977 college graduation from St. Louis University and began a 14-month odyssey around the world, stopping in New Zealand, working in Australia, traveling by land through India, Iran and Afghanistan. "From my experience, I've learned to be very resourceful, not to take no for an answer," he says.

Another pivotal point in his life occurred in 1985 when he was working as manager of Dyer Electronics. Rickhoff had just left for lunch when two men who had been in the store earlier returned and killed his eighteen-year-old assistant manager during an attempted robbery.

Shaken by the murder of his coworker and his own brush with death, he took a sabbatical to Alaska to figure out what he wanted to do with his life. While there, he decided to become a teacher. He was a special education teacher for seven years before jumping into San Antonio's political arena.

He ran for county clerk after reading a number of articles in the newspaper about the clerk's office and problems with reporting. After a first unsuccessful run in 1990, he was elected to the post in 1994. Thirteen years later, his reputation as a nonpartisan reformer has kept him in office.

THE REFORMER

Perhaps one of the reasons Rickhoff is so rankled about his predecessor's collusion is his own strong predilection for openness and fairness. The county clerk's office holds all the county's land and probate records—the early archival land and probate records were the only pre-1836 documents not transferred to UT. When Rickhoff was first elected, an investor told him that the previous administration had given him access to foreclosure notices before his competitors. Rickhoff made it clear that his administration would not tolerate such patronage. His mission to make county records accessible to everyone began.

In July 2002, land records became available to the public on the Internet, free of charge. The county worked with Landata Technologies, Inc., to get the more than fourteen million real estate documents online. The Bexar County Records Web site—www.countyclerk.bexar.landata.com—also includes historical land records from 1837 through the present, a boon to genealogists and historical researchers. E. Z. Mull, Rickhoff's former chief deputy of operations, who died in 2005, worked tirelessly, not only to make the Spanish Archive center a reality, but to get the records online. "The center is dedicated to him," says Rickhoff.

The most recent addition to the Bexar County Records Web site is a listing and map of all the foreclosures in Bexar County, which can be easily accessed through the Web site's main page.

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OPEN ARCHITECTURE

Rickhoff calls himself “an open architecture” person. He believes the case to move the Bexar Archives back to San Antonio and his philosophy of providing taxpayers free and unfettered access to public documents are interconnected. “They’ve refused to return the documents and have refused to increase the funding and the length of time on the translations. I tried to get them to put the material on the Internet and they’ve refused to do that,” says Rickhoff.

One of the terms of the contract between Bexar Commissioners and UT was that the archives transferred to them would be “translated as rapidly as it may be able, and as fast as the translation is made, shall furnish copies thereof to be placed with Bexar Records.” In the 107 years the university has had the documents, only about 15% have been translated. Bexar County receives two translated volumes a year.

“At this rate,” says Rickhoff. “We, along with our children and grandchildren, will all be dead before the entire collection is translated... This is simply unacceptable. I maintain that they [UT] violated condition number three. That they’ve had over a hundred years and not put forth the effort necessary to get the job done is a travesty.”

FEUDING INSTITUTIONS

There is no record as to why the commissioner’s court transferred the historical records to UT, but whatever the reason, Rickhoff believes that they need to be returned home and placed under the care of the entity he considers their lawful custodian, the Bexar County Clerk’s office. In November 1999, Rickhoff sent a letter to Dr. Don Carleton, director of The Center for American History (CAH), demanding their return.

UT’s Vice President for Administration Patricia Ohlendorf responded, suggesting a meeting. During the meeting held the next month, UT officials agreed to provide a microfilm copy of the documents and translations, which for some reason had never been sent to the County Clerk’s office; however, they refused to consider returning the archives. In an *Austin-American Statesman* article, Ohlendorf is quoted as saying, “These are documents that are critical to the state of Texas, and we feel that what’s best for the state of Texas is that they remain here.”

Another problem for Rickhoff was the lack of an appropriate space for the invaluable collection. When he became County Clerk, the historic documents Bexar County had in its possession were scattered in storage closets around the courthouse and county. He had already started to collect, protect and preserve these documents before the feud with UT started. The observation that the County didn’t have the appropriate facilities to house the Bexar Archives, or its own Spanish archival collection of land and legal records, fueled Rickhoff’s determination to build such a facility at the Courthouse. Using funding secured through the records management fee that counties collect, he worked with a local architecture firm to design the \$700,000 center. Construction on the new facility began in 2004.

SPANISH ARCHIVES

Five months after the Spanish Archives opened, Rickhoff received an Outstanding Achievement Award during the Texas



The Bexar Archives are housed at UT’s Sid Richardson Center, part of the Center for American History. After some political maneuvering by the Bexar County Clerk, the Bexar Archives were transferred to Austin in 1899 by a Bexar County Commissioners Court Resolution.

Association of Counties’ seventh annual Best Practices Awards, given for programs that save taxpayers money and provide better service. The award Rickhoff received in August 2006 recognized outstanding leadership and “one-time heroic extraordinary performance that produced tremendous benefit for the county and the public.”

His project, which involved hundreds of people—county leaders and educators—included a three-phase approach: to construct a facility, begin professional restoration and repair of the oldest documents, and to electronically store the documents so that researchers and historians around the world can access the entire collection online. Phases two and three are ongoing.

The Spanish Archives center, under the management of Archivist Alfred Rodriguez, contains land and legal records from the 18th and 19th centuries, some 20,000 books and documents, including land grants, wills, decrees, maps, missions records, cattle brands, jail records, voting records, minutes from the first commissioners court meetings, marriage licenses and other records of many of the state’s founding families. These records were translated before Rickhoff became County Clerk. His focus has been preservation and easy public access. “More than 5,000 volumes are now in storage and everything that was in them is on the Internet,” he says. “In our vault is a drawer of 734 Spanish Land Grants. We’ve restored about 650, washed in alkaline baths and sealed in mylar. The large survey books for the Republic of Texas and the Bexar Land District are being completely restored. Of our 74 volumes, about half are restored and put together with new covers.

“What is missing are the official correspondence and depositions, all the frontier stories, the murders and infidelities. These are in the Bexar Archives in Austin. The stories are important in that they show how little people change. In those stories is our humanity; in fact, many of the stories are no different from those we often read in today’s Metro section of the paper. Our not so proud past needs to be acknowledged, but more important, these stories from the past help to illuminate the present.

“It is a travesty that UT deems our history so unimportant that they have relegated translation to one part-time translator. That’s not to say that his work isn’t excellent. It is; but we’re prepared to hire five full-time translators to get this job done in a timely fashion. That’s how important we believe these documents are,” says Rickhoff.

BEXAR ARCHIVES

The Bexar manuscripts represent the largest, most complete documentation of Spanish and Mexican Texas before 1836 and have been called the centerpiece of the UT Texas history collection. The papers detail the cultural and political history of Texas's vast Bexar district, which sprawled over more than 100 present-day counties.

John Wheat, who has been the official translator of the documents since 1978, says that a good part of the Bexar Archives have nothing to do with San Antonio. "I'm familiar with the general content of all the collection. It's all over the map. There's letters and reports involving Nacogdoches, Spain, Mexico City, Chihuahua, San Felipe de Austin, Coahuila..."

Wheat, who began his career at UT in Austin in 1969 as a professor in the School of Information (Library Science) teaching Latin American bibliography and reference, received a Latin American Studies degree from UT in 1965. His father was a Spanish teacher in West Texas, and Wheat discovered he also had a facility for the language. He received honors in Spanish while in high school. Now working as a professional translator and sound archivist at the Center for American History at UT-Austin, Wheat believes that the university has been a good steward of the collection, and in fact has exceeded the terms of the agreement with Bexar County Commissioners.

Carleton agrees, referring to the project undertaken from 1967 until 1971 to microfilm the entire collection. "We went to a tremendous expense in time to microfilm the entire collection and sent copies of the microfilm to San Antonio. That was never in the agreement," he says. This project resulted in a 172-reel microfilm set and a 26-reel set of translations, which historians and genealogists working with the collection primarily use.

Microfilm copies of the Bexar Archives are in the Texana Collection at the San Antonio Central Library and the Special Collection and Archives at the UTSA Library, as well as the Bexar County Courthouse and other local colleges.

THE SCHOLAR

Former head of the University's Eugene C. Barker Texas History Center from 1979 until 1991, who became director of the CAH when it was created in 1991, Dr. Don Carleton is an eloquent

spokesperson for the Bexar Archives. With expertise in the fields of local history, archives, historical research methods and sources, urban history, the history of broadcast journalism and 20th Century U.S. political history, he has worked as a historical consultant and lecturer all over the world.

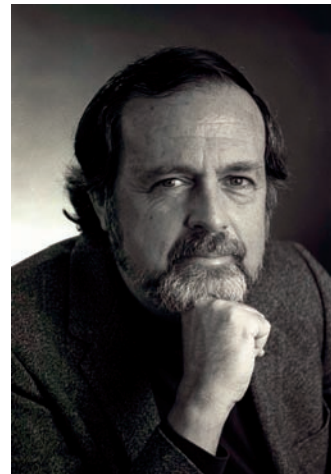
Carleton is a genial scholar and author who has won a Texas State Historical Association Coral Tullis Award for the most important book on Texas published in 1985 (*Red Scare*) and the Texas Institute of Letters award for the book written by a Texan in 1998 that has made the greatest contribution to knowledge (*A Breed So Rare: The Life of J. R. Parten, Liberal Texas Oil Man, 1896-1992*). He also was an historical advisor to novelist James A. Michener for his novel *Texas*, published in 1986, and a researcher and historical advisor to former CBS newsman and anchor Walter Cronkite for his memoir *A Reporter's Life* (1996).

The CAH director appears to consider Rickhoff's attempt to retrieve the Bexar Archives from UT as a nuisance, more than as a genuine threat. "This isn't broken; this collection is taken care of. We've put a tremendous amount of care into it for 107 years," says Carleton. "What Gerry Rickhoff should focus his energy on is retrieving the heritage of Bexar County that's still out there in private hands, in people's attics. I'm sure there's a tremendous amount of paper-based heritage in Bexar County that's going untended, that is not being properly cared for."

Rickhoff has, in fact, been doing that very thing. Recently, someone found an 1880-1885 Bexar County Jail Ledger in a deceased relative's attic and called the County Clerk asking him if he wanted it. He couldn't run out of his office fast enough to retrieve the precious book, which listed the names of individuals arrested for a variety of crimes, from cattle rustling to murder.

Bexar's County Clerk believes that going after the Bexar Archives is righting a hundred-year wrong. Dr. Felix Almaraz, the Peter T. Flawn Distinguished University Professor of Borderlands History at UTSA and a former president of the Texas State Historical Association, agrees with Rickhoff. "The Bexar County Commissioners had no authority to give them [the archives] up," he says. The late Henry Guerra, a prominent radio announcer and author of *San Antonio: A Unique History and Pictorial Guide*, called the transfer of the Bexar Archives to UT, a "cultural theft," according to Rickhoff.

Carleton sees it another way. "The fact is there are museums and libraries and archives all over this world that have saved treasures that would not exist today or would be severely damaged or have parts missing if they hadn't stepped forward and taken on the responsibility of curating the material when they did. And then conditions changed 100 years later and... now they [entities that didn't want them before] want them back.



John Wheat has been the official translator of the Bexar Archives housed at UT since 1978.



Bexar County Clerk Gerry Rickhoff (right), who has taken an oath to "preserve, protect and defend" our county records, peruses an 1880-1885 Bexar County Jail Book in the reading room of the Spanish Archives, with archivist Alfred Rodriguez.

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EXAMPLES OF BEXAR ARCHIVES TRANSLATIONS

Volume 110, 1782

Tomás Travieso, a resident, is charged with making threatening remarks against the governor and several military officials. Travieso pleads his case and petitions the court for permission to assign his belongings of perishable goods and mules as "surety" to secure his release. (This was a form of what is now called "making bond.")

Excerpt:

[I,] Don Tomas Travieso, citizen of the viya of El Saltillo, [am] prostrate at Your Lordship's feet. In the manner provided by law and in accordance with my rights I say [the following]. By order of Your Lordship I am a prisoner in this guardroom. I shall incur great loss and indebtedness if I do not remove in time the cargo -- which consists of perishable goods and which has remained wrapped for some time -- that I had to abandon; furthermore my mules are at stake: hostile Indians could swoop down on them, causing me even greater loss. Therefore I earnestly beseech Your Lordship's noble piety to deign to allow me to go out to my home in order that I may fetch the said cargo, if I will present creditable surety for my person and property. p. 112.

Volume 178, 1791

Beating of Don Ygnacio de los Santos Coy by señor priest, Don Francisco Gomez Moreno. (This includes depositions from individuals who witnessed the beating.)

Excerpt:

... And after he greeted him, //4 the señor priest said these words to him: "I sent word to you to arrest Don Ygnacio de los Santos Coy for having called me a liar." That at this moment the aforesaid Don Ygnacio appeared, and then the aforesaid señor priest said these words to him: "Why have you said that you gave me twelve pesos on behalf of Pladr[e] Fuentes?" to which the aforesaid Don Ygnacio replied, "I did not deliver them to you, but to Don José Bustillos." And that when he had finished making this reply, the aforesaid señor priest, Don Fran[cis]co Gomez Moreno, stepped forward and began to strike him on the left cheek, to which act the aforementioned Don Ygnacio just said, "May it be God's will. p. 42.

Volume 179, 1791

Francisco Langlois killed by a Spaniard. The body of Langlois was brought by water and horseback to the home of the mother. (Questions and answer format between authorities and witnesses.)

Excerpt:

Q. ... When you arrived where the body was, with the corporal and Fran[cis]co le Maitre, what happened?

A. ... That they were all standing where the body was on the bank of the river, and that they saw the Spaniard, who was crossing the bayuco. Immediately the corporal ordered him to see if he could capture [Manzolo], which he did, and approaching him he said, "give yourself up to the King," followed by Fran[cis]co Lemaitre shouting, "Tie him up." At that moment, he leapt off the horse and threw himself precipitously into a pond that was nearby [and] full of brambles, and disappeared. p.11.

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"There's probably one or two items in a San Antonio museum that Mexico City would like to have back. Is San Antonio prepared to send them back?" asks Carleton.

Rickhoff considers the Bexar Archives to be the records of Bexar County and he, as County Clerk, the custodian of those records.



Director of The Center for American History at the University of Texas at Austin, Dr. Don Carleton, has worked as a historical consultant and lecturer all over the world.

Again Carleton disagrees. "They're not the records of Bexar County. These records were created before there was ever a state of Texas. There are records [in the collection] documenting all the areas that are now counties of Texas that were settled during the Spanish and Mexican period. So, if Rickhoff or whoever got the collection, would they then disburse [relevant records] to other counties that they deal with?"

"It's not strictly Bexar County records; they're abandoned records from the Mexican government. I suppose Mexico could make a claim on them."

Carleton stresses that there's no document in the collection that was produced by a legal entity of the State of Texas. "All of those very practical, pragmatic, much needed records are where they're supposed to be (at the Government Land Office and at the Bexar County Courthouse). We took the military, diplomatic, religious and social records."

And there's the rub. The Bexar Archives comprise fascinating stories of a time long past, a gold mine of social history that is apparently more intriguing than "practical and pragmatic" land and probate records. As Rickhoff says, "The Spanish were record keepers and they told the stories well." The lure of original manuscripts that illuminate the messiness and intrigue of humanity is no doubt another powerful impetus for their retrieval.

SLOW TRANSLATIONS

Rickhoff believes that the translation of the archives is taking much too long. However, the terms of the agreement indicate a translation "as rapidly as it may be able." There is no mention of time limits. Additionally, when the archives were sent to Austin, they were "a mess," according to Carleton. It took years to get the pages in order and create an index. Translations didn't start until the 1930s. Nevertheless, only 15% of the 250,000 pages have been translated

since then, and even Carleton agrees that it has been slow going.

"The State has been chopping budgets for higher education for the last 20 years and libraries and archives are not among the top list of funded things," says Carleton. "But it's not just a budget issue, it's not easy to find qualified people to translate these documents who understand the historical context. It's a combination of competence and budget; however, if we had unlimited funds, I could recruit more people to do this.

"Some have suggested we hire volunteers or newly minted graduate students to help translate. This is simply not the kind of thing you can entrust to someone who happens to speak Spanish. They must have a level of skills comparable to John's, and that's not easy, nor inexpensive."

Wheat is about twentieth in a long line of translators. He says it takes about three months to translate, index, compile a table of contents and photocopy three sets of one volume. He recently completed Volume 180, which covers a period from January to February 1792, in a total of 194 single-spaced pages.

While Carleton believes English translation is important "because it allows us to provide information on this collection to a much wider audience," he also says that scholars of this era need to be able to read Spanish. "You have very little credibility as a scholar in this field without being able to read Spanish of this period. I'm not putting down the need for an English translation, but in terms of scholarship and serious research anyone needs to read that collection in Spanish, not English."

HISTORY ONLINE

Rickhoff's contention that the university "refuses" to put the documents online may be overdramatic. On the other hand, seven years after his request that they make the archives available to the public online, none are available on the Internet.

Wheat says that there are plans to put the translations on the Internet, he hopes by the end of the year. "There are twenty volumes that are ready to go online," he says. "They comprise the 1780s to the early 1790s, starting with Volume 162, which I started in 1999." They include the volumes he has keyboarded into a computer himself. Earlier volumes will likely be scanned at some future date when money becomes available. The total translation output to date, according to Wheat, is 223 volumes, covering 1717-1792, 1804-1808, and printed decrees.

Carleton, while agreeing that the ultimate goal is to get the documents online, says that he's not sure whether the associate director of media has scheduled the uploading of the manuscripts as priority one or twenty. "That part of our operation could use more people, too."

Apparently recalling a 2000 article written by *San Antonio Express-News* columnist Carlos Guerra who implied that UT was trying to keep people from "Bexar's history," Carleton said, "I want to emphasize, we've never taken a position that we're restricting access to this collection. The only reason we even have it is so people can use it... that's what we're here for."

The Bexar Archives belong in Austin, according to Carleton, because UT is the premier research university for studying Texas history. "We have the facilities, the professional staff, the critical mass of other materials that relate to that collection. Historical serious research needs this kind of critical mass that we provided... No one exceeds our ability to take care of these papers. Then there's the obvious fact that they've been here 107 years and that we've put

107 years of resources into the collection that seemingly at the time no one was willing to do, so we stepped forward and took care of the problem back in 1899 and have been doing a good job ever since."

POSSIBLE LITIGATION

Nevertheless, Rickhoff plans to take the case of bringing the Bexar Archives back to San Antonio to the community. He is putting together a focus group of historians and other leaders, and hopes to rally the San Antonio Conservation Society and other like organizations and people to his cause. "I'm not new to causing accountability," he says. "I sued over the records management funds. I sued then Bexar County Judge [Cyndi] Krier (who incidentally is now on The University of Texas System Board of Regents) and the commissioner's court when they were taking money from the records management fund and applying it to personnel costs, in spite of the fact that it was for records preservation...I tried nice, but sometimes nice doesn't work."

Because the then district attorney Steve Hilbig chose to represent the commissioner's court, Rickhoff hired a private attorney who got an arbitrated decision in favor of the county clerk's office.

"I'm trying to be a voice for the records," he says.

Carleton sighed when he heard about Rickhoff's plans. He considers litigation unnecessary, needless and a waste of money. "Our heritage is rotting all over this country," he says. "I think it would be a shame to take away part of our heritage from a place that is taking proper care of it, has the means to do that, has been doing it for 107 years, to a place that is subject to the whims of an elected official."

Considering that Rickhoff appears to be the only County Clerk in a hundred years to make a fuss over the "missing" records, Carleton may have a point. **SA**

Order of Court. Relating to the transfer of certain old documents to the University of Texas:

The order is here entered of record: San Antonio, Texas, Sept. 30, 1899

The Commissioners' Court of Bexar County hereby transfers possession of the Bexar Archives, except certain papers involving title to land which have been separated from the general collection, to the University of Texas on the following conditions:

1. The archives shall be safely boxed and expressed to the University building, the university paying all the necessary expenses.
2. They shall be stored in the fire proof vault in the university building, which has lately been provided for, and shall be carefully preserved.
3. The university shall have the archives classified, arranged in order, and translated as rapidly as it may be able, and, as fast as the translation is made, shall furnish copies thereof to be placed with Bexar Records.
4. In case papers involving the title of Texas lands shall be found among the archives, the original of such papers shall be returned to Bexar County at once.
5. The collection of papers in the University to be labeled as "Spanish Archives transferred from Bexar County to the University of Texas."

From Vol. N. Bexar County Commissioners' Court Minutes. Special Term, A.D., 1899