OCTOBER 2, 2017 MINUTES—BEXAR COUNTY HISTORICAL COMMISSION

Members Present
Carey Latimore, Ph.D.
Amy Porter, Ph.D.
Paul Ringenbach, Ph.D.
Francis X. Galan
Mickey Killian
Corky Rubio
Clinton McKenzie
Mario Salas
Marcello Martinez
Tim Draves

Members Unable to Attend
Felix D. Almaraz, Ph.D.
Francine Rowden
Linda Salvucci, Ph.D.,
Andi Rodriguez

Associate Members Present
Gary Houston
Brother Edward Loch
Jose G. Jimenez
Frank Faulkner

Associate Members Unable to Attend
Brian McBeth
Scott Baird, Ph.D.
Alfred Rodriguez

Guests:
J. A. Saucedo, Jr.

County Staff:
Betty Bueche, Bexar County Heritage Department
Juliette 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 October 2, 2017 at the Paul Elizondo Tower Conference Room 204 with the Chair, Tim Draves, presiding.

COMMITTEE MEETINGS:
From 12:09 to 12:48 PM, the History Awareness and Appreciation Committee, the Historical Markers Committee, and the Cultural Resources Committee met to discuss calendars and member and associate priorities.

COMMISSION MEETING:
The Chair called the meeting to order at 12:50 PM. There being a quorum present, the minutes of the September 11, 2017 meeting were approved as amended. Further, the February 2017 minutes of the Bexar County Historical Commission were modified by unanimous vote to include the sentence, “Corky Rubio and Mickey Killian expressed their opposition to the excavation, removal of remains, and the change in the cemetery designation of the old Campo Santo at the present Santa Rosa Hospital.”

COMMENTS FROM STAFF:
Betty Bueche reported that the Commissioners Court approved funding of Bexar County Historical Commission FY2018 budget items at $32,000. While the figure represents about sixty percent of the Commission’s request made in June, it is nonetheless more than three times greater than any previous budget allocation. Further, funding of $72,000 for the UTSA GIS project and $25,000 for the 2018 Tricentennial Symposium was approved by the Commissioners Court.

A review of Calendar items for the 2018 Tricentennial Celebration:
January 1  Kick off
March 10  Canary Islanders Celebration
April 7  Pow Wow American Indians in Texas - Spanish Colonial Mission
May 5  San Pedro Creek Improvements Project dedication ceremonies
        Opera, Unveiling “Plethora,” Re-dedication Historical Marker at San Pedro Creek
August Opening ceremonies Bexar County Heritage Center
November  Luminaria
November 11  Centennial of Armistice, WWI Poster Exhibit
COMMENTS FROM CHAIR:

Subsequent meeting notices will indicate that the Commission meeting begins at 12:30 and omit mention of committee meeting schedule 12:00 to 12:30 to better address the requirements of the Texas Open Meetings Act. Further, the chair will ask members and associates will submit agenda items six days prior to subsequent meetings, in order to meet Open Meetings requirements. Of particular importance are those agenda items related to appropriations and resolutions of the Commission.

Part Two of the budget plan priorities process will occur at the November meeting.

The meeting adjourned at 1:28 PM.
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, Msn 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.