

FW: Site 41FB355; Fort Bend ISD Reese CTE Center

From: Bill Martin

Sent: Wednesday, July 3, 2019 10:55 AM

To: Scamardo, Robert <Robert.Scamardo@fortbendisd.com>; Mark Wolfe <Mark.Wolfe@thc.texas.gov>

Cc: Pat Mercado-Allinger <Pat.Mercado-Allinger@thc.texas.gov>; rclark@goshawkenv.com; Perez, Oscar <Oscar.Perez@fortbendisd.com>; Rick Morris <rmorris@rmgllp.com>; Sopher, Veronica <Veronica.Sopher@fortbendisd.com>

Subject: RE: Site 41FB355; Fort Bend ISD Reese CTE Center

Dear Mr. Scamardo:

As you noted, it has been nearly a year since Fort Bend ISD Superintendent Dupre requested authorization to obtain genetic material from 95 individuals interred during the era of the Convict Leasing system that were discovered during the construction of the James Reese Career and Technology Center in Sugar Land. At that time, our authority to permit destructive analysis of human remains was called into question, since our rules only specify our authority to permit destructive analysis of artifacts. As you know, the Attorney General has recently proffered a formal opinion that concludes:

“A court would likely conclude that the Historical Commission is authorized to permit the destructive analysis of human remains for research purposes, including the purpose of obtaining DNA samples adequate to enable the identification of genetically related descendants pursuant to the Commission’s authority in Government Code chapter 442, Natural Resources Code chapter 191, and Health and Safety Code chapter 711.”

Therefore, now that the issue has been clarified, the Texas Historical Commission is free to permit Fort Bend ISD to conduct destructive analysis on samples of teeth and/or bone recovered from the 95 individuals that were disinterred at the James Reese Center. Under Antiquities Permit 8197, which was issued for the archeological investigations at the school site in 2017, the Commission grants permission to Fort Bend ISD and Goshawk Environmental Consulting, Inc. and its subcontractors, to conduct destructive analysis of these remains in order to obtain isotope data and DNA data necessary to complete the scope of the research design.

It is our understanding that the level of DNA analysis required for confirmation of the relationship of deceased individuals and potential descendants is more rigorous and time consuming than the limited analysis proposed under permit 8197, perhaps taking 1-2 years to complete. Laboratories at two different universities are anxious to take on that analysis. The Commission intends to permit this additional destructive analysis when a new permit is issued to a qualified PI to oversee this analysis and report preparation. This will allow Goshawk to prepare a report and complete the requirements for permit 8197 in a timely manner.

From: Scamardo, Robert <Robert.Scamardo@fortbendisd.com>
Sent: Monday, June 24, 2019 6:58 PM
To: Bill Martin <Bill.Martin@thc.texas.gov>
Cc: Pat Mercado-Allinger <Pat.Mercado-Allinger@thc.texas.gov>; rclark@goshawkenv.com; Perez, Oscar <Oscar.Perez@fortbendisd.com>; Rick Morris <rmorris@rmgllp.com>; Sopher, Veronica <Veronica.Sopher@fortbendisd.com>
Subject: Site 41FB355; Fort Bend ISD Reese CTE Center

Dear Bill,

It was good to speak with you about moving forward with invasive testing of the human remains (sometimes referred to as the Sugar Land 95) discovered in the abandoned cemetery on the campus of the Reese CTE Center in Sugar Land, TX cemetery (your designation 41FB355).

I called to renew Fort Bend ISD's request for the Commission to authorize invasive testing of human remains to obtain genetic material that would be curated for researchers to conduct DNA testing in the future. It's been almost a year since Superintendent Charles Dupre made the District's first request for authorization to conduct this testing. While it has been an arduous journey, FBISD believes Attorney General Paxton reached the correct interpretation and conclusion of the law on this issue. With the support of Reign Clark/Goshawk Environmental Consulting, we have identified two professionals who are qualified to conduct the invasive testing and build the DNA catalogue. We hope to resume this dialogue with the Commission to develop a plan to move forward.

The District's Board of Trustees approved, in principle, an Interlocal Agreement with Fort Bend County for ownership of the gravesite and memorialization of those whose who have been discovered.

Rob Scamardo
General Counsel



16431 Lexington Boulevard ♦ Sugar Land, Texas 77479

Office (281) 634-1275 ♦ Direct (281) 634-1286

Facsimile: (281) 327-1288

E-Mail

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