

Best Practices for Landowners and Descendants for Preserving Black Cemeteries



Dr. Erica Johnson, Co-Director of African and African American Studies and Associate Professor of History



Empathy is key.

Landowner Concerns

Panel investigates cemetery access bill

By ZANE WILSON
The Sun News

COLUMBIA | A bill that would require landowners to let family members visit cemeteries on private property took a step forward Tuesday even though it was held for further study.

"This is a bill I think we need to pass," and members appeared to agree, said Rep. Jim Harrison, R-Columbia, chairman of the House Judiciary Committee.

A similar bill passed the Senate earlier this month.

Cemetery visitation has become an issue for descendants, as growth swallows up old forests and farms. Most of the old coastal plantations had cemeteries and many of those properties have become gated developments where descend-

ants of the dead are sometimes turned away.

In Georgetown County, state officials are investigating possible desecration of graves on a former plantation where descendants said they were told they could not visit.

"There's a lot of interest in this bill," said Rep. Walt McLeod, D-Little Mountain, and it should not be delayed too long.

Rep. Bill Herbkersman, R-Bluffton, said people with relatives buried in Daufuskie Island in what is now a gated community used to be able to get to the cemetery along a beach, but can't do that now because of erosion.

He asked if the bill would help those people.

Rep. Ben Hagood,

See **BILL** | Page **6C**

◆ The Unknowns

◆ Why now?

◆ Were you denied the past?

Do you meet statutory requirements?

- ◆ Family Members
- ◆ Descendants
- ◆ “Agents” “conducting genealogy research”





What about liability?

- ◆ SC Code 27-43-310 Parts D & E
- ◆ Owner not liable for safety
- ◆ Descendant liable for property damage



Beyond access,
what do you
want to do?

◆ Leaving items

◆ Clean up

◆ New burials

Descendant Concerns

◆ The Unknowns

◆ Law Favors Landowners

◆ Continued Oppression

eran of more than 25 years in
isting, Schoenherr took over
position Oct. 17, said Kathy
r-Jones, SC ETV's director of
nformation. Schoenherr had
as WJWJ's station manager
77.

rch will begin for a new sta-
anager at WJWJ, Gardner-
aid. The network does not an-
filling the position until the
rt of 1992. Until that time,
n Manager Michael Brannen
ve as interim station man-

nherr's new duties include
g the president in establish-
carrying out objectives and
r the 11 television and eight
ations in the network; provid-
dership and direction in the
ment of staff activities; and
major decisions concerning
and finance, and equipment
sonnel utilization.

so will supervise daily agency
ons and seven vice-presi-

yards to be surveyed

ELAND — The Jasper Coun-
cil plans to survey all private

graveyards and public boat landings
in the county to see how many are
blocked by private owners of planta-
tions and timberland.

Jimmy Cleland told council mem-
bers at their meeting Monday night
that black residents have com-
plained about plantations and tim-
berland owners blocking their access
to family cemeteries. Access to some
family plots and public boat ramps
has been swallowed by plantation
land acquisition over the years, he
said.

"Some blacks can't get to their
graveyards because they think they
could be trespassing if they cross the
cables blocking access roads," said
Cleland, who is president of the Jas-
per County Taxpayers Association
and lobbied for reduced taxes last
summer during budget deliber-
ations.

"The plantations and hunting clubs
(which allegedly have blocked ac-
cess) get away with so much now,"
he said, referring to their low prop-
erty taxes.

Timberland owners pay about
\$1.25 per acre in the agricultural land

category, long a sore poi-
taxpayers association's
members.

Toddler found in woods

HARDEEVILLE — Pol-
vestigating why a 2½-ye-
was found alone and na-
woods near Carr-Moor Acr

The blond-haired girl w-
ered by a resident of Jenk-
about 6:45 p.m. Sunday,
Fialkowski said. Police d-
who found the child or w-
them.

She was unclothed and
but otherwise physically
Fialkowski said Monday.
was crying, which attract-
bor, but the chief declined
anyone involved.

The resident "heard the
ing back of the house,"
said, "and went to investig

The child was taken t-
Country General Ho-
Ridgeland where she was
for possible sexual co-
treated for injuries, the ch

Rezoning compromise

◆ Sites of memory, heritage, and intergenerational connection

◆ Grief and mortality

◆ Roots

**How Can We
Honor Our
Ancestors?**



How Can I Complete My Genealogical Research?

- ◆ Documentary evidence is incomplete.
- ◆ Headstones and markers are genealogical sources.



What have you done or allowed to be done to the cemetery that you do not want us to see?



**SECTION 16-17-600 OF
SC CODE OF LAWS**



**HOW DO WE PROVE
IT?**

What are you planning to do with the land that might threaten the cemetery?

Landfill planned near cemetery is buried by relatives' protests

The Associated Press

NESMITH, S.C. — A developer says he has “put on hold” plans to build a garbage landfill in meadows surrounding a pre-Civil War cemetery while relatives of the dead organize opposition.

The developer of what would be one of the state’s first privately owned regional landfills plans to preserve the cemetery and access to it.

But he would construct a new road with less impact on the site, which he hopes to use for disposal of trash from Williamsburg and neighboring counties.

In November, Harry McKenzie, a partner in the landfill project, filed suit in Williamsburg County Court of Common Pleas saying owners of the cemetery and their families haven’t used the tiny dirt road leading back to the graves.

He said the heirs should “be barred from any claim” to the road.

But Rosa Lee Dansby, a longtime county resident, said she is prepared to fight Mr. McKenzie in court.

“I laid my mama to rest in that cemetery last July. That cemetery’s been back there ever since I was a kid and we still use it and the road.”

Best Practices

Both Parties Need to Learn the Laws

- ◆ SC Code 27-43-310

- ◆ Article 1: Removal of Abandoned Cemeteries

- ◆ Article 2: Access to Cemeteries on Private Property

- ◆ SECTION 16-17-600 of SC Code of Laws

- ◆ Destruction or Desecration of Human Remains or Repositories Thereof



Descendants Need to Research and Document



**GENEALOGICAL
RESEARCH**



**RESEARCH THE
PROPERTY**



**CONTACT OTHER
DESCENDANTS**

**Research
Precedents**

Newspaper articles

**Other descendant
groups**

**Historical societies
and universities**

Talk and Listen

- ◆ Build Rapport – Be Patient

- ◆ “Reasonable Conditions”

- ◆ Maintain/Preserve

- ◆ Communication and
Transparency





Put Everything in Writing

Law requires written request and response



Jointly craft liability waivers



Take photographs and document