

Response to ‘Emily West de Zavala and Emily D. West: Two Women or One?’

By Denise McVea

In the Autumn of 2004, the University of Texas at Arlington Libraries’ Special Collections announced the arrival of the Philpott Collection of Texana.

According to *The Compass Rose* (Vol. XV III* No. 2 * Fall 2004), the most significant document in that collection is a purported indenture agreement between Emily West, a free woman of color, and Texas businessman James Morgan. Many folklorists, historians, and history buffs believe that Emily West inspired the Yellow Rose of Texas legend, which states that a beautiful young mulatto woman named Emily distracted Mexican general Antonio Lopez Santa Anna during the pivotal Battle of San Jacinto to help the rebel Texans win the Texas Revolution. In most versions of the legend as it is told today, the woman was a servant or slave, her method of distraction was seduction, and she disappeared from Texas after the battle without a trace.

In 2005 and 2006, *The Compass Rose* published two articles written by Dallas attorney Jeff Dunn about Emily West and the indenture agreement.”¹ In the first article, Dunn states that the indenture agreement “offers evidence to one of the most sensational stories relating to the battle of San Jacinto.”

In the second article, Dunn primarily denounces the research in my book, *Making Myth of Emily: Emily West de Zavala and the Yellow Rose of Texas Legend*.² Because the full connection between the book and the indenture agreement is not adequately explained in the four pages of Dunn’s 2006 article, it is important to provide the reader with some background.

In 1994, I began a research project into the identity of Emily West and found historical documents not previously consulted by historians interested in the case. Taken together, the documents showed that Emily West married Lorenzo de Zavala in 1831, suffered through the Runaway Scrape during the Texas Revolution, left Texas briefly after the 1836 Battle of San Jacinto, and died in Houston in 1882. That research culminated in the book *Making Myth of Emily: Emily West de Zavala and the Yellow Rose of Texas Legend*. The book gives varied insights into the Zavalas' family life after Emily married Lorenzo in a New York City Catholic church. Following the couple through the United States, France, Mexico, and finally, to Texas, the book shows how Emily West de Zavala's racial identity became obscured.

The historical record as it relates to Emily West de Zavala is complex, spare, and often contradictory. *Making Myth of Emily* contends that researchers, limited by racial sensibilities, failed to see Emily West de Zavala in her entirety, and erroneously painted a woman of color as white. The few surviving historical documents that unambiguously revealed her race were assigned to a separate identity: Emily West the Servant.

Dunn contends that Emily West the servant surfaces three times in the historical record: on a ship headed for Texas, near the battlefield of San Jacinto, and on a ship heading out of Texas for New York.³ In all of these instances, this servant identity developed by certain researchers is shadowing the movements of Emily West de Zavala. *In Making Myth of Emily*, there is only one Emily West, and her full name was Emily West de Zavala.

This contention has, in some historical circles, been met with unmitigated hostility. For Dunn and others, Emily West could have been nothing more than a colored

servant and the prominent Emily West de Zavala could not have been anything other than white.

Jeff Dunn's commitment to that point of view is alluded to in the Spring 2006 edition of *The Compass Rose*. However, the controversy is more complex than the article permits the reader to see. Dunn's scholarship is flawed for a number of reasons, but primarily because its principal purpose is to advance unstated interests. By focusing his attention on refuting evidence that only one Emily West is represented in the relevant historical record, Dunn also avoids questions about his treatment of the so-called indenture agreement, which now is the property of the University of Texas at Arlington.

In 1995, Jeff Dunn announced that he had discovered the indenture agreement. The document shows that a woman named Emily West agreed to work for a business associate of Lorenzo de Zavala, James Morgan, at \$100 per year. According to the document, Emily and Morgan signed the agreement in New York October 25, 1835. Like other records, the indenture agreement could illustrate how Emily West de Zavala sometimes reverted to her maiden name while traveling through the racially oppressive United States territories.

In 1996, I met with Dunn in his Dallas law office to discuss and possibly get a look at the agreement. At the time, Dunn was involved in an insolvency case involving a Texas businessman and what later became Wells Fargo Bank. According to Dunn, the businessman had put up a collection of historical documents as collateral for an outstanding loan. Dunn, referring to that collection as the Philpott Collection, reportedly discovered the indenture agreement within those records.

(Dunn repeatedly fails to disclose that he is the discoverer of the indenture agreement or that his client benefited financially when the library purchased the document for its archives.)

I did not get to see the indenture agreement in 1996. But records acquired from Dunn and other sources showed that the businessman had actually sold off the Philpott Collection at a Dallas auction in 1986. In 1996, I asked Dunn to explain how he could refer to his documents as the Philpott Collection when the owner had asserted that the collection had already been sold. He abruptly closed down discussions, refusing to speak to me more about either the collection or the document. For years, Dunn and his colleague James Crisp publicly implied that the document had a straightforward provenance to the James Morgan estate. But when I asked for information that outlined the document's connection to the Morgan estate, I was consistently and firmly rebuffed.

Last year, the University of Texas at Arlington Libraries Special Collections provided me with my first glance at the provenance report prepared by Dunn. A careful reading of the report reveals that hardly a single document Dunn helped sell to UTA actually came from the original Philpott Collection catalogue. The report also shows that there is no record that the indenture agreement existed until Dunn announced its discovery in the 1990s. Given that Dunn helped shepherd the sale of the document to UTA, that the sale benefited his client, and that there is no record of the document's existence prior to his discovery, Dunn's failure to publicly disclose his relationship to both the collection and the indenture agreement is alarming. And his public portrayal of the indenture agreement—that it originated from the Morgan estate--is not supported by his own provenance report.

Hounded by questions about his treatment of the indenture agreement, Dunn chose a curious response. In lieu of providing a full and detailed explanation to the public about the irregularities that define the indenture agreement and the “second” Philpott Collection, he instead chose to use his space in the *Compass Rose* to argue against my perspective about the racial identity of Emily West de Zavala.

“McVea deserves credit for raising the issue of whether Mrs. Zavala might have been Emily D. West,” Dunn states in the article, “but the ‘one Emily’ thesis, though intriguing, ultimately breaks down when the evidence is examined closely.”

He then spends several pages attempting to prove that statement. Dunn is an energetic researcher, but he is also inflexible and incautiously declarative in his approach. To begin, Dunn asserts in his article that the “one Emily” thesis is “a physical impossibility.” He then works vigorously to convince the reader that the record supports such an unrestrained statement. He attempts this in three primary ways:

1. By convincing the reader that Emily West de Zavala could not have asked for a passport in her maiden name.
2. By convincing the reader that Emily West de Zavala did not travel at the same time and place that historians assert the servant identity traveled. (In other words, separating the shadowy woman of color from the “white” Emily West de Zavala.)
3. By convincing the reader that Emily West de Zavala could not have had black blood.

An exhaustive review of Dunn’s thorny scholarship is beyond the scope of this article. But in general, Dunn presents false conclusions drawn from selective or otherwise

faulty readings of the public record. For example, Dunn states that “the decisive document that is alleged to link Mrs. Zavala with Emily D. West, according to McVea, is the Emily D. West passport application.”

This statement is misleading. For obvious reasons, the book does not seek to present two women that it must link. Rather, the book treats the passport application as one of many documents that shows the movements of Emily West de Zavala. If there is a decisive document regarding Emily West, it is her marriage certificate to Lorenzo de Zavala, dated November 12, 1831.

Having falsely established that the passport application is central to my point of view about Emily, Dunn then seeks to show that Emily West de Zavala could not have asked for a passport in her maiden name. To accomplish this, he establishes that the letter’s addressee, Robert Irion, was appointed Secretary of State June 13, 1837, three months after Emily West de Zavala left Texas for New York. He then makes the type of declaration that consistently damages his scholarship: “Irion did not have the authority to receive, approve, or reject passport applications prior to his appointment,” he wrote.

This statement is not supported by the historical record. According to the Texas State Library, there were apparently no “legal” provisions regarding the issuance of passports in Texas after the war. Various military and governmental officials issued passports during the chaotic transition from the ad interim government to Sam Houston’s first administration. In short, Dunn cannot know when Irion had authority to receive passports. Therefore, he cannot correctly conclude that Emily could not have asked for a passport in her maiden name.

Dunn also fails to acknowledge that no evidence exists to show that a passport was ever actually issued to a woman named Emily D. West--a telling omission, given his exhaustive attention to the movements of Emily West de Zavala. (Dunn's articles about the servant identity are remarkable in that they contain very little information specific to her.)

Dunn, then, has based his conclusion (that Irion received the passport application after Emily had already left Texas--therefore, two women named Emily West left Texas at different times) on a false assumption (that Irion could only have been approached after Emily West de Zavala left Texas;)--an assumption that is not supported by the public record. Without that false assumption inserted into otherwise plausible documentation, Dunn simply cannot make his case.

Throughout the article, Dunn repeatedly omits evidence that does not support his point of view. The reader, then, is unable to fully assess the complexities and contradictions that plague the historical record regarding Emily West de Zavala. Instead, Dunn tells the reader what to think based on just that information he chooses to provide.

For instance, Dunn asserts that census records offer incontrovertible proof that Emily West de Zavala was white. He cites four census rolls: 1850, 1860, 1870, and 1880. "Each of these returns," he states, "describes her as a 'white' female whose birth state was New York." He also cites a photo that he declares "clearly depicts her as a woman with Anglo-American features." Dunn disdains a more appreciative view of the intricacies of race in Texas history. But by his selective use of evidence, he effectively prevents the reader from getting a fuller view as well.

To wit: In his research regarding the movements of Irion, Dunn cites a letter from Sam Houston to Irion, establishing that Irion was in Nacogdoches, Texas on February 2, 1837.⁴ But in order to reach the February 2 date, Dunn must have seen a letter from Houston to Irion dated January 23, 1837⁵ as well, but he does not cite that letter in his footnotes. In the January letter, Houston mentions a “Mr. Guyons.” The book editors explained in an accompanying footnote that Houston was referring to William Goyens, a general trader described as “a negro with some white blood who was married to a quadroon-Indian with admixture of negro and white blood.” This entry reveals fascinating information about the complexities of race in Texas at the time:

In his Memoirs, 116, Benjamin Lundy says that William Goyens was a free negro living in Nacogdoches as early as 1832, that he had a white wife who was a native of Louisiana...⁶

Having seen this entry, a reader might conclude that race, particularly when related to mixed race individuals, is in the eye of the beholder. But Dunn ignores that information and continued arguing vehemently that Emily West de Zavala could not have had black blood because to him and others she looked white.

¹ Dunn, Jeff. "One More Piece of the Puzzle: Emily West in Special Collections," *The Compass Rose*, Volume XIX, No. 1, Special Collections, University of Texas at Arlington Libraries, Spring 2005. ALSO, Dunn, Jeff. "Emily West de Zavala and Emily D. West, Two Women or One?" *The Compass Rose*, Volume XX, No. 1, Special Collections, University of Texas at Arlington Libraries, Spring 2006.

² McVea, Denise. *Making Myth of Emily: Emily West de Zavala and the Yellow Rose of Texas Legend*. Auris Books, San Antonio, Texas 2006.

³ Dunn, *The Compass Rose*, Spring 2005.

⁴ Williams, Amelia W. and Eugene Campbell Barker (eds.), *The Writings of Sam Houston, 1813-1863*. (1938-1943) vol.2, p. 48.

⁵ *Ibid.*, p. 36

⁶ *Ibid.*, p. 37, n.5.