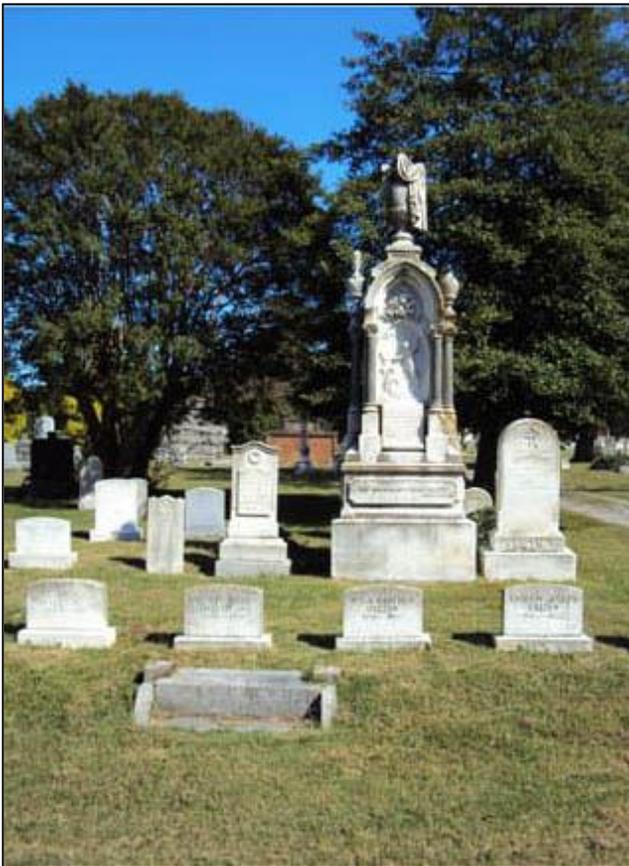


## OVERVIEW OF NATIONAL REGISTER ELIGIBILITY OF HISTORIC CEMETERIES

Virginia has numerous historic cemeteries that are located in urban, suburban, and rural settings. The types of cemeteries include prehistoric, pioneer, family, church, slave, community, institutional, and military, as well as burial grounds for victims of epidemics and potter's fields. Cemeteries can be listed in the National Register of Historic Places as long as specific criteria are met. These criteria are outlined below. Next, methods for researching cemeteries, a brief overview of cemeteries in Virginia, and the evaluation process for National Register eligibility are explained. The special status of America's national cemeteries is discussed in the concluding section. At the end of this document, a bibliography lists the references that were used to prepare the guidance herein. Much more detailed guidance for evaluating and nominating a historic cemetery to the National Register is available in *National Register Bulletin 41: Guidelines for Evaluating and Registering Cemeteries and Burial Places*, the full text of which is available online at <http://www.nps.gov/nr/publications/bulletins/nrb41/>.

### Significance, Integrity, National Register Criteria and Criteria Considerations

In order for a cemetery to be eligible for the National Register of Historic Places, it must be *significant*. The quality of *significance* in American history, architecture, archeology, engineering, and culture is present in districts, sites, buildings, structures, and objects that possess *integrity* of location, design, setting, materials, workmanship, feeling, and association, and that *meet at least one* of the standard National Register's Criteria for Evaluation. The four Criteria for Evaluation are as follows:



1. Elmwood Cemetery in Norfolk was listed in the National Register in 2013.

**A.** Associated with events that have made a significant contribution to the broad patterns of our history; or

**B.** Associated with the lives of persons significant in our past; or

**C.** Embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or

**D.** Have yielded or may be likely to yield, information important in prehistory or history.

For a cemetery to qualify under Criterion A, B, or C, it must cross one of two additional thresholds: the cemetery must be an integral, contributing element to a larger resource that meets one or more of the Criteria (i.e., a church, plantation, settlement, etc.) or the cemetery must meet at least one of seven

Criteria Considerations that provide opportunities for further clarification of the resource's historic significance.

The seven Criteria Considerations are as follows:

- a. A religious property deriving primary significance from architectural or artistic distinction or historical importance; or
- b. A building or structure removed from its original location but which is primarily significant for architectural value, or which is the surviving structure most importantly associated with a historic person or event; or
- c. A birthplace or grave of a historical figure of outstanding importance if there is no appropriate site or building directly associated with his or her productive life; or
- d. A cemetery which derives its primary importance from graves of persons of transcendent importance, from age, from distinctive design features, or from association with historic events; or
- e. A reconstructed building when accurately executed in a suitable environment and presented in a dignified manner as part of a restoration master plan, and when no other building or structure with the same association has survived; or
- f. A property primarily commemorative in intent if design, age, tradition, or symbolic value has invested it with its own exceptional significance; or
- g. A property achieving significance within the past 50 years if it is of exceptional importance.

Cemeteries and burial sites evaluated under Criterion D (with the exception of the burial sites of historical figures) are exempt from the requirement for justification under the Criteria Considerations and may be considered in light of their information and research potential alone.

The National Register of Historic Places Bulletin 41, *Guidelines for Evaluating and Registering Cemeteries and Burial Places*, notes that cemeteries as a general rule do not qualify for listing. This is based in the understanding that the emotional context of areas set aside for ritual burial of human remains makes such sites difficult to evaluate objectively.

### **Archival Records**

For archival purposes, the Department of Historic Resources (DHR) has traditionally treated cemeteries as architectural properties, and all historic cemeteries recorded through the Virginia Cultural Resources Information System (V-CRIS) have been given an architectural file number. The archaeological component of cemeteries has been taken into consideration as well. If a cemetery is unmarked, or if there is reason to believe that the interments themselves may contain significant research and scientific value, the cemetery is given an archaeological trinomial. As of May 2014, V-CRIS contained architectural records for 5,207 cemeteries, both prehistoric and historic. Of these, 814 cemeteries are recorded as either eligible for or listed in the National Register, whether individually or as contributing elements to a larger resource. V-CRIS lists 1,446 archaeological records for cemeteries, of which 33 are recorded as listed in the National

Register or eligible for listing and another 60 as potentially eligible. However, only a small fraction of the cemeteries recorded in V-CRIS has been subjected to formal evaluation. The absence of a formal determination should not be interpreted as a lack of historic significance. By no means have all of the historic cemeteries in Virginia been added to the V-CRIS database; previously unidentified cemeteries are discovered on a routine basis.

### **Cemeteries in Virginia**

Virginia cemeteries range in type from prehistoric ossuaries and burial grounds, to small, rural family plots with a handful of interments, to urban cemeteries that occupy acres of land and contain hundreds or thousands of burials. Individual graves may be marked by expensive, high-style monuments, by uninscribed fieldstones, or by nothing at all.



**2. The Contrabands and Freedmen Cemetery in Alexandria was listed in the National Register in 2012.**

Prior to European settlement, the indigenous Virginia tribes buried their dead as their cultures dictated. Depending on

region, these burials could be collective (mounds or ossuaries) or individual. Although the burial sites may have been marked at the time of interment, the markers have either disintegrated over time or are of a type that archaeologists are simply unable to identify. The earliest European-style cemetery in Virginia is located at Jamestown, and contains the remains of Virginia's first resident immigrants. European funerary traditions followed the settlers out of Jamestown as they founded new communities, and by the mid-17<sup>th</sup> century a public graveyard was legally mandated in every Virginia settlement (Bruce 1910). The mandate for public cemeteries only seemed to take hold in the early coastal settlements, however, and as families and communities migrated westward the establishment of family cemeteries on private land became the norm and would persist well into the early 20<sup>th</sup> century (Klatka 2000).

Aries (1981) points out, however, that the early 19<sup>th</sup> century was a period in which "...the cemetery reappears as part of the topography of civilization," with urban areas setting aside tracts of land within their boundaries for funerary use. In Virginia prior to the Civil War, these municipal burial grounds were segregated along racial lines, and often along religious ones as well. The cataclysm of the Civil War resulted in the establishment of national cemeteries for the honored dead, which added a regimented formality to the existing funerary landscape. The National Register eligibility of national cemeteries is treated differently than other types of cemeteries (see **National Cemeteries**, below).

Following the Civil War, and perhaps in response to the nation's need for peace and healing, the "garden cemetery" movement began. This pastoral movement resulted in cemeteries designed as

parkland, as much for the enjoyment of the living as the housing of the dead. Located for the most part in urban areas, these cemeteries became repositories of high-style funerary art in the form of large, complex, and highly ornamented monuments. In rural cemeteries an emphasis on inscribed and ornamented headstones, as well as a greater focus on the siting and planting of cemeteries, may be seen starting just after the Civil War. In the early 20<sup>th</sup> century, funeral directors began to recommend the use of concrete vaults. After about 1950, many municipal cemeteries required them, as the industry moved away from garden cemeteries and toward low-maintenance memorial parks, with monuments designed to lie flush with the ground so as not to impede lawn maintenance. The current trend of “green burial” (burial without embalming in a biodegradable container) is simply the most recent change in the American way of death.

### **Consideration of Eligibility**

A historic cemetery may be considered for eligibility either as an integral, contributing resource to a larger historic property that meets one or more of the Criteria (i.e., a church, plantation, settlement, etc.) or the cemetery may be considered for eligibility in its own right as an individual resource.

If a cemetery is a component of a larger property, then the entire property is evaluated under the Criteria for Evaluation; based on that evaluation, the cemetery may or may not be considered a contributing resource to the property. If the property is recommended eligible for or listed in the National Register and the cemetery contributes to the property, then it is eligible for or listed in the National Register as part of the property in question.

In order for a burial or cemetery to be eligible in its own right for individual listing on the National Register, it must meet at least one Criterion for Evaluation, and may need to meet at least one of the Criteria Considerations as well.

Evaluation relies heavily on an understanding of the cemetery’s overall context. National Register Bulletin 41 states, “Decisions about the relative significance of cemeteries and burial places can be made only with knowledge of the events, trends, and technologies that influenced practices of caring for and commemorating the dead, and with some concept of the quality and quantity of similar resources in the community, region, State, or nation.” It is essential that the evaluative process take these specific elements of human culture into account, which requires a certain amount of documentary research both at the local level and through the DHR and other archives. At the very least, the researcher should obtain an understanding of the social, ethnic, religious, and economic communities to which the cemetery belongs.

The evaluation of historic significance under Criteria A, B, and C is designed to be difficult in order to remove the burden of emotion from the evaluative process. To be considered under Criterion A or B, a gravesite or cemetery must be associated with an event or person of surpassing importance (and not just to the person performing the evaluation). A gravesite or cemetery considered under Criterion C must contain elements of truly outstanding art or design, or represent a significant artistic entity in and of itself. Any gravesite or cemetery considered under Criteria A, B, or C must also meet at least one of the Criteria Considerations, all of which require a strong understanding of context. The nomination author must be able to demonstrate the site’s rarity, historic and/or cultural significance, research value, and association in reference

to the larger community represented by that site and the known universe of similar burial sites and cemeteries.

The evaluation of historic significance under Criterion D does not require use of the Criteria Considerations, but does require an even deeper understanding of both context and relevant burial traditions. Written accounts of historic burial rituals and practices are not widely available. This is especially true for social, ethnic, and religious groups for which other forms of cultural documentation are also generally scarce. As a result, a human burial can serve as a kind of time capsule, containing data that can inform on a wide variety of subjects. Multiple human burials within the context of a single cemetery can provide information about not only the individuals themselves but about patterns in health, mortality, socioeconomic status, interment customs, integration and segregation, etc., and how these change through time. Careful excavation and analysis of burials often provides information that is not available through any other means. In order to evaluate a cemetery under Criterion D, the researcher should be familiar with the different social, ethnic, and religious groups resident in the area during the proposed period of significance, the history and ownership of the property in question, and its relationship to the larger community. The researcher should also understand the existing level of knowledge with regard to skeletal biology and pathology, burial traditions, and mortuary data for the location, period of significance, and cultural group represented.

The burial or cemetery must also retain integrity of location, design, setting, materials, workmanship, feeling, and/or association. A minimum of one aspect of integrity, and typically several, are necessary to convey significance. Along with the burials and any funerary markers present, the landscape features (natural or developed) associated with places of burial must be taken into account during any assessment of integrity. At the very least, the researcher should question whether the burial or cemetery adequately conveys a sense of its period of significance, whether the original materials used in its design and construction remain in place, and whether its information potential has been compromised by disturbance.

### **National Cemeteries**

The National Park Service has published the following clarification of policy with regard to National Register eligibility of the nation's national cemeteries. This policy also is available online at <http://www.nps.gov/nr/publications/index.htm>.

### ***National Register Eligibility of National Cemeteries – A Clarification of Policy (9/8/2011)*** **Summary**

All national cemeteries are considered exceptionally significant as a result of their Congressional designation as nationally significant places of burial and commemoration. This means they meet the special requirements set forth in the National Register Criterion Considerations for cemeteries, graves, commemorative properties, and resources less-than-50 years of age. It also means that for the purpose of documenting a national cemetery as a National Register district, facilities and sections developed within the past fifty years are considered significant and are eligible for National Register listing as contributing resources. While most national cemeteries fall under the jurisdiction of the U.S. Department of Veterans Affairs, several others are managed by either the National Park Service or the U.S. Department of Defense.



3. Ball's Bluff National Cemetery as it appeared in 1973.

### Background

National cemeteries continue to expand, and many include land held for future development. For this reason, questions typically arise about the selection of boundaries and the contributing/noncontributing status of parcels of land within a cemetery's boundaries. Based on prior agency to agency consultations, the Keeper of the National Register in June 1981 sent a letter to the Federal Preservation Officer of the Veterans Administration (after 1989 known as the Department of Veterans Affairs) clarifying a policy that applied to the National Register eligibility and the unique set of

issues associated with the eligibility of national cemeteries—properties considered ever-changing and recognized for their continuing exceptional importance.

The following statement of policy was consequently set forth on page 36 of the National Register Bulletin entitled, *How to Apply the National Register Criteria for Evaluation*:

National Cemeteries administered by the Veterans Administration are eligible because they have been designated by Congress as primary memorials to the military history of the United States. Those areas within a designated national cemetery that have been used or prepared for the reception of the remains of veterans and their dependents, as well as any landscaped areas that immediately surround the graves may qualify. Because these cemeteries draw their significance from the presence of the remains of military personnel who have served the country throughout its history, the age of the cemetery is not a factor in judging eligibility, although integrity must be present. A national cemetery or portion of a national cemetery that has only been set aside for use in the future is not eligible.

This statement clarified that, for evaluating National Register eligibility, the age of a national cemetery was not a determining factor and that sections of the cemetery prepared for use or already in use were differentiated from unimproved land that was not ready to receive burials. Recent efforts to nominate national cemeteries have raised additional questions and are addressed in this clarification of policy.

### Classification

Because they contain a combination of resource types and cover substantial acreage, national cemeteries are considered historic districts for the purposes of National Register listings and determinations of eligibility. Generally national cemeteries are significant under Criterion A for their association with significant events related to the nation's military history and the role of the Department of Veterans Affairs. Those having artistic or architectural significance as designed

landscapes or for the design of memorials, monuments, or historic buildings, may also be documented under Criterion C.

Regardless of the date of acquisition or construction, the overall acreage within the boundaries of the cemetery that has been developed for cemetery purposes is considered one contributing site for National Register purposes. This site includes commemorative sections of the cemetery containing existing graves and memorials, sections having the infrastructure necessary to receive new interments and memorials (for example, streets, utilities, pre-placed crypts, columbaria, and memorial walkways), and areas of the cemetery developed for administrative and maintenance purposes (offices, restrooms, garages, and maintenance yards). Unimproved acreage within the cemetery boundaries that is being held for future use is considered noncontributing; although it does not need to be counted as a separate noncontributing site, its location and approximate size should be described in Section 7 of the National Register nomination and indicated on the sketch map for the district. As additional sections are developed in the future, the National Register documentation can be updated with continuation sheets describing the newly developed section and revising the description of the acreage considered contributing. In cases where new land is acquired after National Register listing, the more involved process for expanding boundaries set forth in 36 CFR Part 60.14(a) will need to be followed to update the nomination.

Buildings, structures, or objects that are substantial in size or scale or have special importance are to be classified according to the definitions provided on page 15 of the National Register Bulletin entitled *How to Complete the National Register Registration Form*. Certain smaller-scale features, such as grave markers, street signs, water fountains, curbs and culverts, and plantings are considered integral to the overall contributing site and its identity as a national cemetery; these should be described collectively as significant or character-defining features of the site in Section 7 of the National Register form but do not need to be classified and counted separately.

#### Period of Significance

The period of significance for a national cemetery is the period of time beginning with the date of the earliest burials and extending to the present. A closing date of “present” allows the recognition of the highly significant values these places have had in the recent past (for example, honoring those killed in recent wars). This policy means that recently developed areas are to be included within the boundaries of the historic district and recently constructed resources are to be recognized as contributing resources. Land acquired for future development but not yet developed can be included in the National Register boundaries but will not be considered contributing.

The period of significance for a national cemetery may include development that occurred before its designation as a national cemetery, and resources in place at the time of nomination may be considered contributing. It is anticipated that most cemeteries will represent multiple layers of expansion with new sections being acquired and developed for use periodically as available grave sites are depleted.

Several other possible closing dates were considered. It was suggested that “1973,” the date when the majority of military cemeteries was transferred from the U.S. Army to what is now the

National Cemetery Administration, be used as an end date for all national cemeteries. While “1973” is a date of great importance in the administration of the nation’s programs to provide burial benefits to veterans and their families, it is not a date that applies to the continuing evolution of these places as national cemeteries or to the ongoing program of cemetery administration. That year may mark the beginning of a new stage in the history of national cemetery management, but it doesn’t qualify as the endpoint of historically significant activities.

The suitability of using the date fifty years before the present as the closing date was also considered. While this approach is often taken in National Register nominations, it often results in an arbitrary end date and, in the case of properties having continuing significance, warrants frequent revision. For national cemeteries, which by their designation are deemed in perpetuity exceptionally important, such a date has little meaning and precludes recognition of the highly significant values these places engender as they receive more burials and continue to honor those who have served the nation. A question was also raised about inactive cemeteries and the suitability of ending the period of significance for such a cemetery with the date it was officially closed to new burials. While such a date may be meaningful from a historical perspective, it does not take into consideration the ongoing role and exceptional importance of national cemeteries as public places of commemoration and honor even if new burials can no longer be accommodated. After closely examining this issue, the National Register has determined that the “present” is the end date most consistent with the Congressional intent of the federal laws establishing the national cemeteries and with the National Register policies for evaluating properties of continuing exceptional importance.

### Boundaries

The boundaries of an eligible historic district for a national cemetery can be based on the current land holdings of the federal agency responsible for managing the cemetery. National Register boundaries should encompass all portions of the land that are used for burial, commemorative, and administrative purposes, including recently improved areas and new construction. To avoid having to expand the boundaries at a later date, the district can also include any noncontributing acreage currently being held for the future expansion of the cemetery.

### Contributing and Noncontributing Resources

National Register documentation standards require that resources that are substantial in size or scale or importance be classified as contributing or noncontributing. The National Register program recognizes that the contributing resources for a given cemetery may differ in age, function, design qualities, and the way each relates to the mission of the national cemetery program or the operation of the national cemetery. Differences may also exist between those resources that are integral to the nationally significant values and commemorative functions of the national cemetery—including memorials, areas prepared for burials, designed landscape features, and administration buildings—and those that relate to the day-to-day operations of the cemetery—including comfort stations, maintenance facilities, and service roads. For National Register purposes, component resources contribute to the cemetery’s significance regardless of their age, function, or administrative role. In addition, some resources may reflect additional historical values important at the local, state, or national levels of significance due to their age or history prior to a cemetery’s designation.

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