

Soldier Buried Under the Wrong Name – A Response

Dear Mr Schrack,

Our Executive Director did send me your request for information on 13 May 2015. My reply is quite simple, you are the only person, or another relative, that may get the headstone changed. We, as the SUVCW, cannot order or request the VA to change a veteran's headstone without the Next of Kin's permission and in this case we would receive the same answer from the VA. This is the VA's policy and while we don't like it, we will work within it, but what the VA is not telling you is that just because this 50 year rule is their policy that they will change the headstone via a court order.

If you have the documentation to prove that Daniel is in fact David Schrack and you are willing to pay for a lawyer (optional), a disinterment, two DNA tests (one for you and one for Daniel/David) and a United States District court file fee than you should compile the evidence into a letter addressed to the Department of Veteran's Affairs, this letter is a "notice of claim/suit letter" and is required to bring suit against the US Government. In this letter explain the reason for your notice, also tell them that you are willing to support your claim by filing for a disinterment order to have the body of Daniel/David removed for the purpose of doing a DNA test to 100% prove who he is or is not and if he is David, you intent to sue for damages, the costs of the filing fees, attorney fees, disinterment costs (including labor), DNA costs and any other costs including but not limited to the new headstone cost and its delivery fees and installation costs.

Explain that it would be preferred if they would review this case as all cases should be reviewed on a one by one basis instead of using a blanket disclaimer policy statement as they did. This letter should be sent to the office of the person who sent you the original rejection letter from your request for a replacement headstone (VA Form 40-1330) and their immediate supervisor. Also, keep in mind that you are working with a statute of limitations from the date of the first rejection letter from the VA.

I do not have the authority in my job description to write the stated letter for you or represent you in this matter or guide you other than what is stated above and to recommend that you hire an attorney to assist you in this matter. If you have not sent in VA Form 40-1330 and receive a official rejection, than please do so as soon as possible unless you have a rejection in writing and use that as your rejection notice.

In Fraternity, Charity, & Loyalty
Bruce D. Frail, PDC
National Graves Registration Officer
Sons of Union Veterans of the Civil War

On 05/15/15, David K. Schrack<davidkschrack@gmail.com> wrote:

Hello members of the National Committee on Graves Registration and senior Leadership for the Sons of Union Veterans of the Civil War,

My name is David K. Schrack and I have an issue at hand which I believe of all you will find especially important. I'd previously written a message that I was told had been forwarded to Chairman Frail of the National Committee on Graves Registration, but I decided to take the liberty of emailing every member of the committee listed on your website. Additionally, I decided to include Commander-in-Chief Tad Campbell, Senior Vice Commander-in-Chief Eugene G. Mortorff, and Junior Vice Commander-in-Chief Donald Martin to get my message across as effectively as possible. Even if some of you are no longer in your listed position, this

is still an issue which I would like you to know about. Some of you, and some of your six thousand members, may be affected.

The gist of it is this: there is a Civil War soldier buried with the wrong name on his grave and the US government refuses to fix it. Worse, it's possible he isn't the only one with this problem -- in fact, many of your own ancestors might have a similar issue.

I have a distant relative also named David Schrack who fought as a Private in the Union Army during the Civil War and died over a year into his service, only to have the wrong name carved on his headstone. According to muster rolls, several of David's company leaders (namely Corporal William Bolton and Captain Thomas Parker), and pension records, Private Schrack died of disease in Beaufort, North Carolina, on July 12, 1862. He is currently buried in New Bern National Cemetery (an hour drive away from Beaufort) and his grave incorrectly lists the name 'Daniel Schrack'. I know that this is incorrect and that it is, in fact, Private David Schrack buried there because the US government's National Park Services has a registry of all soldiers who fought in the Civil War both on the Union and Confederate sides, and there is no record of a Daniel Schrack on either side of the war. Moreover, his grave lists the letters 'PA', the abbreviation of David's home state of Pennsylvania.

The US government refuses to help and will not fix his grave because of a regulation which states that all graves 50 years or older are considered historic and cannot be changed in any way. Their fear is that there are so many wrong graves or interment records that fixing one grave would create a costly and time consuming domino effect in which many people would come forward to request changes and thus expose our national cemetery system for its disorganized and misinformed record-keeping. But to me, this claim of historic value is meaningless. There is no historic value behind Private Schrack's grave and all graves that are wrong because history is dependent upon facts and accurate information. If there are no facts, and no accurate information, there is no history. The only thing historical about Private Schrack's grave is the fact that it is possibly 150 years old. Additionally, the fact that there was no Daniel Schrack in the entire war means that there is no history behind the name on his headstone. I'm of the opinion that all incorrect graves and interment records must be fixed because our veterans do not sacrifice themselves in the line of duty just so they can be forgotten because of a misprint on their headstone. It does not matter the cost, time, or reputation damage, because it is the honorable and respectful thing to do to both Private Schrack and all veterans.

After unsuccessfully struggling to convince New Bern National Cemetery and the US Department of Veteran's Affairs to replace Private Schrack's grave, I've realized two major things: one, that I face an enormously uphill battle, and two, that Private Schrack is not alone. It is highly likely that many of you have a Civil War relative or ancestor buried with an error on their grave or interment records, and we need to get them fixed.

I am asking that you, the Sons of Union Veterans of the Civil War, help out in whatever way you can, because this is not an issue which applies just to me -- it probably applies to almost all of you and almost all of your members. Your Civil War ancestors, and my Civil War ancestors, need to be remembered for who they were and what they fought for. In essence, we are faced with the potential loss of the one thing which makes the Civil War so important on a personal level: our ancestors who fought (and sometimes died) during the war. They did not fight to be misremembered.

All regards,
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