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**Testimony for the U.S. House of Representatives**

**Committee on Resources**

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Mr. Chairman, members of the committee and guests, I am Dr. Danielle Moretti-Langholtz, coordinator of the American Indian Resource Center at the College of William & Mary and Visiting Assistant Professor in the Department of Anthropology. I am pleased to have the opportunity to address you today on this important issue. For the record, more extensive treatments of Virginia Indian history have been submitted by me, Dr. Helen Rountree, professor emeritus of Old Dominion University and Dr. Jeffrey Hantman, of the University of Virginia and Mr. Edward Ragan of Syracuse University.

The history of Virginia's indigenous population is uniquely intertwined with the history and founding of the country we know today as the United States of America. Widely known is the story of the great Chief Powhatan and his daughter Pocahontas and their interactions with some of the earliest English-speaking settlers at Jamestown during the early 17<sup>th</sup> century. Less widely known is the story of what became of Virginia's indigenous population and their struggle for the survival of their culture, communities, and identity during the intervening four centuries. Today, representatives of six of these native tribes are before you seeking support for the passage of legislation to extend federal recognition to them.

At the time of colonization by the English in 1607, Virginia's coastal plain was occupied by a large paramount chiefdom of Algonquian-speaking tribes. According to early English documents the chiefdom was lead by Wahunsenacawh also known to us as Chief Powhatan, the father of Pocahontas. While the Virginia Piedmont was occupied by alliances of Siouan-speaking tribes. Anthropologists, archaeologists and historians still consult John Smith's early map of Virginia for its usefulness in identifying the names and locations of the native settlements during the early part of the colonial encounter. The six tribes seeking Congressional federal acknowledgment, descendant communities of some of the tribes encountered by the earliest settlers, have maintained their tribal governments and the center of their cultural events within the boundaries of their traditional homelands. Both archaeological evidence and early historical documents indicate these native peoples were sedentary horticulturalists, growing corn, beans and squash. Early English documents indicate the Powhatan tribes lived in ranked societies exhibiting differential dress, especially the wearing of copper by individuals of high status and differential burial practices for chiefs. Additionally, Virginia Indians society displayed highly organized political structures that included female chiefs. Today, the Rappahannock Tribe has a female chief, Chief G. Anne Richardson, and she is an example of that continuing tradition. Powhatan society was complex and included subchiefs that acted as intermediaries between the paramount or primary chief and the tributary tribes. The latter paid tribute or taxes to the central polity or paramount chief. Such taxes were paid in the form of food, skins, shells, miliary service or labor.

It is difficult to reconstruct the size of the indigenous population at the time of colonial settlement but serious estimates of at least fifteen thousand for the Powhatans and thus tens of thousands for the Commonwealth of Virginia are acceptable. However, the rapid settlement of the colony of Virginia after 1607 resulted in a demographic shift, with settlers gaining control of the majority of the land originally

controlled by Virginia Indians, as the economic life of the colony focused on the growth of tobacco. Moreover, the indigenous population was greatly reduced due to conflicts and disease and as time passed Virginia Indian identity was sometimes subsumed under other racial categories, as will be discussed in more detail below.

In the early colonial records Indians and tribes are mentioned by using distinct terms to represent the communities. An examination of the Acts of Assembly for October 1649 suggests some of the pressure that the community was under and indicates that Indian slavery was practiced in Virginia. The Assembly made the "kidnapping" of or "purchase" of Indian children illegal. The second act of 1649 made the killing of Indians while they were within the limits of colonial (English) settlements illegal. In order to identify specific Indians as friendly the English instituted the use of metal badges which granted permission to certain Indians to enter lands controlled by the English. Thus Indian access to their former lands and their freedom of movement was restricted by the colonial government. Given the pressures on Virginia Indians, particularly in the Tidewater area, the survival of the tribal entities from the time of colonial contact to the present is remarkable.

The Virginia tribes were signatories to colonial treaties. One in particular, the 1677 Treaty of Middle Plantation guaranteed Indians civil rights, and rights to gather food, and property rights. For some of the tribes reservations were established. The 1677 treaty indicated that "Indian Kings and Queens," the Colonial title for tribal leaders, could not be imprisoned without a warrant, thus implying the treaty was an attempt to reinforce tribal authority in the face of overwhelming pressures by settlers to weaken the paramount chieftdom. Despite the treaties, by 1700 all of Virginia's tribes were forced onto increasingly smaller pieces of their traditional homelands and nearly all tribes lost control over their reservation lands by the early 1800s. Details of Indian land loss have been enumerated by Helen Rountree in her book *Pocahontas's People: The Powhatans of Virginia Through Four Centuries* (1990).

From the beginning of the colonial encounter, Virginia Indians came under increasing pressure to conform outwardly to non-Indian society. This may be seen in the switch to speaking English in place of native languages and in the demise of traditional religious practices. In the eighteenth century many Virginia Indians converted to Christianity during the historical period during the mid-eighteenth century known as the "Great Awakening." One of the main thrusts of the "Great Awakening" was a move from the standard practice of having clergy ordained in England, as required by the Anglican Church, to having the leadership of individual congregations selected from among the membership of the church. This form of leadership or pastoral authority became the practice of the New Light Baptist Churches. Formal education was not a criteria for holding a position of leadership within the churches. My current research (*The Rise of Christianity Among Virginia Indians*, Paper Presented at the Annual Conference of the Middle Atlantic Archaeological Conference, 2001) suggests this conversion permitted the traditional leadership of the tribes to maintain positions of power within the community by transferring Indian hegemony into the church arena at a time when the practice of traditional religion became too dangerous for the leadership of the Virginia Indian community. Additionally, the New Light Movement was strongly committed to education and supported Sunday school programs to teach children, male and female, to read scripture. For more than a century this was the only educational opportunity open to Virginia Indian communities. Churches have continued, to the present-day, to be a haven and source of support for the Virginia Indian community.

From 1705 onwards the General Assembly of Commonwealth of Virginia enacted increasingly strict codes pertaining to slavery and racial identity. These are known in the academic literature as "slave codes" or "black codes." Elsewhere, I have argued that between 1607 and 1983 extant Powhatan tribes and the Monacan Indian Nation maintained an internal and Indian identity even as the Commonwealth of Virginia

implemented a bipolar model or two-category system of race that subsumed Indian identity into the category of "free persons of color." Virginia Indians developed strategies to survive in this racially hostile climate by withdrawing into close-knit communities separate enough to maintain their tribal identities. An examination of birth, death and property records from this time period highlights the difficult position in which Virginia Indians found themselves as the state regularly manipulated the definitions of "Negro," "mullato," "Indian," and "free persons of color," to maintain white control over non-white persons (Winthrop Jordan 1968, Jack Forbes 1993). Confusion and chaos over the application of categories such as "colored" and "Indian" are clear in the throughout the historical record up through the 1970s. This is due to the tension between the state's attempt to imposed a bipolar model of race onto a population of persons of Indian descent who resisted the state-sponsored racial designations by asserting their Indianness.

As trying as the seventeenth and eighteenth centuries were an even more difficult time for the maintenance of Virginia Indian identity occurred with the emergence of the Eugenics Movement in the twentieth century. This pseudo-scientific movement was linked in England to the standard bearers of Darwin's concept of natural selection and in fact the founders of the movement were blood relatives of the eighteenth-century thinker. These men argued that heredity was the primary force in individual character and in the history of civilization. The nascent ideas of the Eugenics Movement may be seen in Herbert Spencer's philosophy of Social Darwinism. Proponents of the movement opposed the "mixing of races" through intermarriage as this was viewed as weakening the superior races by introducing the negative characteristics of one group into the other. According to their views of science, drawn from observations with animal husbandry, the maintenance of racial purity would lead to the betterment of humankind. In more practical terms the adherents to the movement opposed free public education, and such things as public aid to the unfit of society.

The Eugenics Movement gained support into the early twentieth century and had its fullest expression under the Nazi regime of the Third Reich. Sadly, adherents to the so-called scientific aspects of the movement guided legislation through Virginia's General Assembly consistent with their beliefs that the maintenance of racial purity was essential for the betterment of mankind. In 1924 the Commonwealth of Virginia passed the Racial Integrity Law, thereby requiring all segments of the population to be registered at birth in one of two categories; "white" or "colored," the latter category was mandated for all non-white persons regardless of race or ethnicity. This legislation was supported by Dr. Walter Plecker, head of the Bureau of Vital Statistics in Richmond, and made it illegal for individuals to correctly identify themselves as Virginia "Indians." Walter Plecker personally changed the birth records of many native persons from "Indian" to the generic non-white category of "colored" as required under the law. Birth certificates with "proper" racial designations were necessary in order to obtain marriage licenses. The legislation made it illegal for persons of different races to be married within the state of Virginia and mandated fines and prison terms for persons attempting to circumvent the law or file what the state deemed to be "false" papers with regard to race. It must be noted that the primary target of the Racial Integrity Law was the African American community and that all person's of mixed-blood heritage were impacted by the law in negative ways. However, the pressures and restrictions that this legislation placed upon Virginia's native population were significant. Proponents of the agenda heralded by the Eugenics Movement saw the Virginia Indian community as the threat; one that would make it possible for persons of mixed heritage of African American and Native American ancestry to move eventually out of the category of "colored" and into the category of "white." The law permitted persons of white and Virginia Indian ancestry, as long as it was not more than 1/16 of Indian blood quantum to be classified as "white." Thus the bipolar categorization of Virginia's racial categories made "Virginia Indian" a very problematic category. Officials from the state's Bureau of Vital Statistics actively sought to denigrate and deny person of Virginia Indian descent the right to identify themselves as "Indians" forcing

them whenever possible to be declared by the state as "colored." The historical, political and cultural characteristics of the Virginia Indian communities were ignored by state officials during the years prior to the repeal of the 1924 legislation. The experience of subsuming the identity of "Indians" under a state-generated alternate category is unique to the Virginia Indian community and its effects were wide-reaching. It is the primary reason that our citizens are unfamiliar with Virginia's Indian tribes. Many Virginia Indians left the state to escape this oppressive legislation and for better jobs, and educational opportunities during these years. Those who remained withdrew into the communities and in general Virginia Indians sought to draw little or no attention to themselves. Scholars have documented that Virginia Indians refused to give up their Indian identity even during the difficult years of the legislation. In two instances Monacan tribal members challenged the restrictions on marriage laws based upon racial categories generated by the state. In each instance the Monacans prevailed in court. These court challenges are significant given the circumstances of the Monacans at the time, living in poor rural communities without benefit of quality education or financial means. Indian communities resisted the legislation in less public ways. They refused to put their children in segregated "colored" schools, relying instead on church-sponsored elementary schools, and by maintaining their tribal structures even as the state declared they were colored persons and not Indians. Obtaining a high school education for Virginia Indians was practically impossible during this time and those who managed to do so resorted to attending Indian boarding schools in other states. Nevertheless, during World Wars I and II Virginia Indians served their country despite the hardships which the Racial Integrity legislation placed upon them. Historical documents and tribal records indicate the tribes had functioning separate tribal governments during the time was making it nearly impossible to declare oneself a "Virginia Indian." It must also be noted that some anthropologists, using the rhetoric of the Eugenics Movement described Virginia Indians in very negative terms as "obscure" populations, "half-breeds", and "tri-racial isolates" (Calvin Beale 1957, Brewton Berry 1963). Such work was used against the Virginia Indian community by proponents of the Eugenics Movement. However, more prominent anthropologists such as James Mooney and Frank Speck did fieldwork among these tribes and detailing their history, material culture, and genealogy. Frank Speck photographed many of the Powhatan tribal leaders and members and these photographs are housed in the Smithsonian's Archives. The body of work produced by Mooney and Speck constitutes the largest and most anthropologically accurate material on Virginia Indians collected during the early twentieth century. This work clearly establishes the distinct and enduring nature of Virginia's Indian tribes more than three hundred years after the settlement of Jamestown. The Racial Integrity Law remained in effect until its repeal by the U.S. Supreme Court in 1968 in the famous *Loving v. Loving* decision. The more recent work of cultural anthropologists such as Helen Rountree and Danielle Moretti-Langholtz (*We're Still Here: Contemporary Virginia Indians Tell Their Stories*, coauthored with Sandra Waugaman, 2000) has documented the continued presence of Virginia's Indian tribes into the present day. There has been culture change in these communities but there has also been a remarkable degree of cultural continuity as well.

With the repeal of the Racial Integrity legislation and the growing national Civil Rights Movement in the United States a period of more openness on matters of identity and history led to greater public visibility for Virginia Indians. Educational opportunities improved for Virginia Indians and a period of construction of tribal centers and museums began, and continues to the present time. In 1982 a subcommittee was established by the Virginia General Assembly to explore the granting of state recognition to some of Virginia's Indian tribes. The findings of the subcommittee were favorable to the extension of state-recognition to a number of tribes based upon the history, contributions and authenticity of the tribes. Between 1983 and 1989 the Commonwealth of Virginia granted state recognition to the six indigenous tribes present here today. In 1983 the Commonwealth of Virginia established the Virginia Council on Indians, a state-sanctioned advisory board to deal with educational issues and other matters pertaining to

Virginia's state recognized tribes and issues for members of other tribes residing within the Commonwealth. As part of my fieldwork among Virginia Indians, my regular observations of the workings of the Virginia Council on Indians, since 1995, show the Council and an active and effective body dealing with issues of importance to the community on the state level. In 1997 former Virginia Governor George Allen signed legislation allowing Virginia Indians to correct their birth records. This important piece of legislation energized the Virginia Indian communities in positive ways. Tribal elders, many of whom lived during the 44 years the Racial Integrity legislation was in force, have become more comfortable speaking about their heritage to non-Indians and in public settings, thereby enriching the lives and cultural diversity of all our citizens. [I have just completed (2002), with the help of my students, a two-year project, the Virginia Indian Oral History Project, which resulted in the making of a video documentary, "In Our Own Words: Voices of Virginia Indians." This video will help the students and general public of Virginia to learn about the history of the state-recognized tribes and the work and responsibilities of tribal leadership. The years of racially restrictive legislation has made the Virginia Indian community understudied and too little known outside of a handful of anthropologists and historians.]

In February 1999 the Virginia Legislature agreed to House Joint Resolution No. 754. This bill, named for the late Thomasina E. Jordan, the first American Indian chairwoman of the Virginia Council on Indians, requested the Congress of the United States to grant historic Congressional federal recognition to these tribes based upon their demonstrated historical documentation as the descendants of Virginia's original tribes, the contemporary location of the tribes within their traditional homelands as documented at the time of contact with European settlers and their contributions to the history of this country. The anthropological and scholarly community represented here today acknowledges the authenticity of these tribes and supports their request for federal recognition based upon the criteria for federal recognition. These six tribes; the Chickahominy, Chickahominy---Eastern Division, Monacan, Nansemond, Rappahannock, and Upper Mattaponi, have maintained a separate Indian identity within the Commonwealth of Virginia since the time of European colonization. The functioning of tribal governments, church-sponsored schools and tribal centers can be documented from the early 1900s. Broadly speaking, these tribes have a shared common experience of history which has forged in them a sense of solidarity and identity.

In 2007 the Commonwealth of Virginia and the country as a whole will mark the four-hundredth anniversary of the founding of Jamestown. Before marking such an occasion it would be fitting, honorable and historically accurate to extend federal recognition to these tribes thereby acknowledging their continued existence and their contributions to the founding of our nation. After four centuries Congress has the opportunity to enable these tribes to join the community of other federally recognized tribes thereby setting the historical record straight for all Americans. Mr. Chairman, four centuries is long enough to wait. Please support the extension of Congressional Federal Recognition to these six Virginia tribes.

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