

Testimony for the Six Virginia Indian Tribes
In Re: HR 1385
U.S. House of Representatives Committee on Natural Resources

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Mr. Chairman, members of the Committee, and guests: It is my honor to speak on behalf of these Virginia Indian people, with whom I have been working intensively since 1969. I am Dr. Helen C. Rountree, Professor Emerita of Anthropology at Old Dominion University in Norfolk, Virginia. Having that university “day job,” so to speak, I have been able to do my research entirely as a volunteer; I am not a “hired gun” for the Indians I am testifying about today. And so far I have produced seven university press books on them.

The ancestors of the six tribes were native to Virginia when Jamestown was founded; all were signatories in 1677 to a treaty between the Virginia tribes and the King of England. However, the subsequent records about them were limited for nearly two centuries. They became landless as non-Indian settlers poured in, and by Virginia custom (not law) landless Indian communities were considered to be outside the scope of the treaty. The treaty itself was with the King of England and is now legally considered to be with the Commonwealth of Virginia, not the United States. These tribes therefore remained “state” Indians in a state that ignored them. They were considered citizens of their counties, but five of the six tribes lived in counties whose courthouses burned, mainly during the Civil War. When much more detailed U.S. Census records began to be made in 1850, these people appear as enclaves and, in some U.S. Censuses, specifically Indian ones. They are traceable as the ancestors of the six Virginia tribes before you today.

The Office of Federal Acknowledgment just last year issued changes to try to speed up the federal recognition process, but those changes do very little for the tribes of whom I speak. Most of the changes are for tribes with a treaty and/or I.R.A. relationship with the federal government, which these six tribes do not have for the reasons already given. The remaining change, moving up the starting date to 1789, does not do much for them, either. Aside from the problems already mentioned with pre-Civil War records, there are additional problems with state and local records that make these Indian communities hard for a researcher like me to track. It is as if the ever-growing legend of Pocahontas, contrasted with the reality of 19th and 20th century Indian people, made my fellow Anglo-Virginians ever less tolerant of anything other than the legend.

Beginning after the Civil War and culminating with Virginia’s Racial Integrity Law of 1924, Virginia became a state committed to the proposition that there were only two races, “white” and “colored,” leaving no room for Indians. Under the 1924 law, anyone insisting on an Indian identity on an official document could be sent to prison for a year. Several people – members of these six tribes – were, in fact, imprisoned for such insistence. The campaign to eliminate Indians from the state was headed by the state’s

Vital Statistics Bureau, which went so far as to issue a circular with “suspicious” families’ names listed county by county, with the demand that they be labeled “colored.” The families were referred to (and I quote) as “these mongrels.” The circular was sent to all officials in charge of county records, all school superintendents, and all state-licensed health personnel (who signed off on birth and death certificates). It is no wonder that these Indian communities became much harder for researchers to find. Some of their members left the state, keeping up their ties to home but returning only during the Civil Rights era when they no longer had to be, as one old-timer said to me, “scared like a rabbit.” But the communities hung together and hung on, as the attached quick-reference chart will show. They still exist, and they still say, as they’ve said all along, that they’re Indians. Yet even now, so thorough was the public relations campaign against them for decades, they meet skepticism on a daily basis.

The tribes I speak for today consulted a B.I.A. representative over a decade ago and were told that even if they submitted a petition forthwith, they would not see a decision “in your lifetime” (this was said to people then in their 40s). The six tribes are not merely being impatient, in wanting to move faster than that. Their primary motive for seeking federal recognition is getting better access to health programs, which are badly needed by their elders now. Little schooling within Virginia was available to those people when they were young – if, that is, they wanted to remain “Indians” in the state (see the quick-reference chart). Therefore their income level has suffered ever since, and in their old age they are hurting badly. The six tribes are not interested in remedying that fact through gaming – in fact, they have waived their rights to gaming, if they are recognized. Instead they hope to provide better conditions for their people through federal Indian programs, after recognition by the United States Congress.

I have been able to document that these people are Indian tribes and that they have endured over three centuries of injustice, some of the worst of it and by far the most public of it being in the recent past. Without federal recognition and the aid springing from it, the injustice is ongoing. I hope that you will accede to their request for acknowledgment.