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UNIVERSITY OF OKLAHOMA

GRADUATE COLLEGE

OTHER NAMES I HAVE BEEN CALLED: POLITICAL RESURGENCE AMONG
VIRGINIA INDIANS IN THE TWENTIETH CENTURY

A Dissertation

SUBMITTED TO THE GRADUATE FACULTY

in partial fulfillment of the requirements for the

degree of

Doctor of Philosophy

By

Danielle Moretti-Langholtz

Norman, Oklahoma

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OTHER NAMES I HAVE BEEN CALLED: POLITICAL RESURGENCE AMONG
VIRGINIA INDIANS IN THE TWENTIETH CENTURY

A Dissertation APPROVED FOR THE
DEPARTMENT OF ANTHROPOLOGY

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The purpose of this dissertation is to explore the much-ignored “story” of the Indians of Virginia. When Virginia Indians are remembered, it is in the context of American colonial history. Typically, Virginia Indians serve as an exotic backdrop to the portrayal of the heroic efforts of the English settlers along the James River. Most Americans can name only two Virginia Indians--Pocahontas and Powhatan-- but generally fall short when it comes to describing the lifeways and traditional culture of these people. The absence of general knowledge about contemporary Virginia Indians is even more glaring since few Virginians can recite the names of Virginia’s state-recognized tribes or describe the current status of Virginia’s indigenous people. The issues of the formation and presentation of Indian identity are central to a people who were by law denied the right to acknowledge their Indian ancestry between 1924 and 1968.

It was during my examination of Virginia’s legislative history, centering on racial classification, that I began to uncover the poignant story of the struggle of Virginia’s Indians to control their own history and identity. I never expected to find such a sad chronicle when I began this research. It is my hope that this dissertation will provide information about the nature and far-reaching consequences of this rarely discussed racial history and be of help to Virginia Indians as they take a more active role in recreating their forgotten legacy. Ultimately, this dissertation is for them.

As with any major undertaking the help of many people along the way was necessary to complete the task. First and foremost, I would like to thank the members of my doctoral committee, Betty J. Harris, Joseph W. Whitecotton, Stephen I. Thompson,

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ABSTRACT

Historically, Virginia's indigenous Indian tribes have been subsumed under non-Indian racial categories. Typically, Virginia Indians were classified as "free persons of color," somewhat in midpoint on the bi-racial continuum. During the eighteenth and nineteenth centuries, the Commonwealth of Virginia redefined its racial categories and enacted legislation which forced persons into an even more rigid black/white racial dichotomy, making it increasingly difficult for individuals to identify themselves as Virginia Indians. With the passage of the Racial Integrity Act in 1924, Virginia Indians were prohibited by law from identifying themselves as "Indians." The Racial Integrity Act, sponsored by activist members of the Eugenics Movement, remained in effect until a United States Supreme Court ruling in 1968 declared it unconstitutional.

This dissertation explores the political and racial landscape of Virginia between the seventeenth century and the twentieth century, as it pertains to Virginia's Indian population. The papers of Walter Plecker, head of the Bureau of Vital Statistics during the period of the enforcement of the Racial Integrity Act, are discussed, revealing the links between Plecker and the Eugenics Movement. In 1983 the Commonwealth of Virginia granted state recognition to six Indian tribes, thus beginning the public process of reconstructing an Indian identity and the re-establishing of political power for Virginia's tribes and persons of Indian descent living within the Commonwealth. Two additional tribes have received state recognition in 1985 and 1987, thereby strengthening the Indian presence in Virginia. This dissertation places special emphasis on the workings of the Virginia Council on Indians, an advisory board established in 1983. The Council functions

as a supra-tribal organization that takes an active role in shaping the political agenda of the state-recognized tribes *vis a vis* the state and local government. The challenge to Virginia Indians at the close of the twentieth century is to overcome the lack of understanding about their history and culture, and to highlight the construction of Indian identity and the relationship between sanctioned versions of American colonial history and Virginia Indian history are examined.

Chapter I

The Indians of North America face many threats, including the inexorable homogenizing effect of modern culture that is transforming and changing native cultures and sometimes extinguishing them.

*Jose Barriero
Voice of Indigenous People
United Nations Address 1994*

Introduction

This research deals primarily with the political and racial landscape of twentieth-century Virginia and the interaction between past historical events and the current re-emergence of an Indian identity among persons of Virginia Indian descent. The formal state recognition of six Indian tribes by the Commonwealth of Virginia in 1983 was a significant event for Virginia Indians given the racial legislation which was enacted during this century which had the stated objective of denying the existence of an indigenous population in Virginia. In 1983 six tribes of Virginia's indigenous peoples, the Chickahominy, Eastern Chickahominy, Mattaponi, Upper Mattaponi, Pamunkey, and Rappahannock, re-emerged as a political and cultural force and sought long-overdue state recognition for themselves as "Indian tribes" (Joint House Resolution 54). Subsequent to the 1983 recognition two additional tribes, the Nansemond Indian Tribal Association and the Monacan Indian Nation, were granted state recognition in 1985 and 1989 respectively. These tribes, the majority of whom are the remnants of the once-powerful seventeenth-century Powhatan socio-political organization, have survived centuries of a multi-pronged assault on their existence.

The tribes of the Powhatan chiefdom and its allies aided the struggling English colony at Jamestown in 1607 only to find themselves in the span of one generation unable to retain their land base, population base, and aspects of their traditional culture. The development of an economic system in colonial Virginia based on the utilization of enslaved African laborers forced the surviving Indian population to adapt to a society which increasingly defined itself in biracial terms. A black/white dichotomy of racial classification, reflective of the internal hegemony, began to evolve in Virginia starting in the late seventeenth century. Over time this increasingly inflexible racial classificatory scheme created a dilemma for persons of Indian descent wishing to claim and retain an Indian identity. Typically, Virginia Indians were classified as free persons of color, somewhat in midpoint on the black/white racial continuum. However, during the eighteenth and nineteenth centuries the Commonwealth of Virginia redefined the racial categories and enacted legislation which forced persons into an even more rigid black/white racial dichotomy, making it increasingly difficult for individuals to identify themselves as Indians. The culmination of the battle over racial identification was the passage of the 1924 Racial Integrity Act, which legally excluded the category of Indian from the racial landscape of Virginia. The Racial Integrity Act, sponsored by activist members of the Eugenics Movement, remained in force until 1968.

The exploration of Virginia Indian history is problematic, since Virginia Indians have historically been subsumed under non-Indian racial categories. Additionally, the fragmentary nature of historical documents in post-Civil War Virginia has further complicated the search for the historical context in which study of the re-emergence of

Virginia Indian identity should be presented. In undertaking this research I assumed that I would be focusing on present-day political strategies of the Virginia Indian tribes, and attempting to identify issues of importance to the contemporary Virginia Indian community. It seemed reasonable to me that I would need to explore aspects of Virginia Indian history and account for the “disappearance” of Virginia Indians prior to their formal re-emergence in 1983. I did not anticipate the connections between Virginia Indians, colonial slavery and the Eugenics Movement, which for more than forty years made self-identification as a Virginia Indian a virtual impossibility. Nor could I have known that the legacy of state-sponsored racism perpetrated against persons of Virginia Indian descent would make this research a difficult undertaking. In the past, the works of certain anthropologists have been put to negative use by persons wishing to damage the credibility of the Virginia Indian community. Therefore, the intentions of any anthropologist wishing to work with Virginia Indians are carefully scrutinized by community leaders.

Many questions about the history of the Virginia Indian community are raised by the events leading up to the 1983 granting of state recognition for some of Virginia’s native peoples. To what extent did the racial and legislative history and the political landscape of Virginia impact the disappearance of and later the process of Indian identity formation and reconstruction of Virginia Indians? In what ways have Virginia Indians constructed their identity through the careful selection and organization of past events in relation to the Indian community’s perceived continuity of the past with the present? Were aspects of traditional Virginia Indian culture extant in the late twentieth century? If not, what cultural symbols would the Virginia Indian community employ to define their Indianness?

To what extent has the non-Indian's definition of an Indian shaped Virginia Indians' perceptions of themselves? Finally, what do Virginia Indians want for themselves and their people as they approach the twenty-first century?

Theoretical Approach

Issues of race and other constructs of peoplehood, including ethnicity and the nation state, have become critical subjects for anthropologists as we attempt to analyze and comprehend the cultural transformations underway in the global community. Alluded to in various ways as the global village, new world order, and the postmodern world, the nature and extent of the transformations underway in these socio-cultural arenas is not clearly understood. However, the forces set in motion in the global realm are impacting the constructions of peoplehood in the modern world. Much of the focus has been on the tensions which have arisen surrounding issues of identity and ethnicity within the nation state and across national boundaries (Hutnik 1991, Toland 1993, Alonso 1994).

Globalization, though a modern term, is related to capitalist development and is the result of the expansion of European culture through processes of migration, settlement and colonization (Waters 1995, Radcliffe and Westwood 1996). The social transformations relating to the formation of identity underway among Virginia Indians may be seen as having their genesis in past historical events related to colonization and capitalist development and the ongoing management of social processes and its associated public discourse. The inclusion of an historical approach aids in the interpretation and presentation of change as a culturally positioned process (Geertz 1973, Roseberry 1991, Friedman 1992, Axtell 1985, 1997).

In order to begin the search for responses to the questions generated by this research it is necessary to examine the diachronic usage of the terms “race” and “ethnicity” and their relationship to one another. In recent years the investigation of issues related to ethnicity has produced an enormous anthropological and sociological literature. However, the discipline of anthropology which initially shaped the parameters of the discourse on race by focusing on classification and comparative morphology, has come close to abandonment of the concept of race in both dialogue and study (Mukhopadhyay and Moses 1997). Race has been viewed almost universally from within anthropology as a concept without biological foundation and the result has been a tendency to dismiss race as merely a subjective political category. Anthropologists have spent their energies battling against the popular perception of the scientific validity of the concept of race and combating racial prejudice rather than engaging in the study of race as an idea which has been a pervasive force operating throughout much of human history. Possibly anthropologists have become wary of the discussion of race because they seek to avoid settings in which racist thought and ideology are provided an equal footing with anti-racist sentiments, which often occurs in an open dialogue on the subject. Therefore, it has been deemed prudent to disengage from the topic of race altogether as the field of anthropology similarly disengaged from the concept of culture in the 1980s (Harrison 1995). Recently, Smedley (1993) has revisited the role which anthropology has played in the development of the concept of race while Hannaford (1996) has written the first comprehensive scholarly work on the history of the idea of race in Western experience. Hannaford’s main contribution is noting that people’s belief in the objective existence of race has been a

major factor which has permeated Western thought and actions on the local, regional and national scales; and he has traced the changing ideas expressed about race from Ancient Greece to the current century emphasizing the connections and contradictions which are inherent in the conceptualization of race. The fluctuating assumptions about race have been at the intersection of scientific thinking, intellectual history and fallacious racial dogmas for centuries. Hannaford's work focuses on the history of the idea of race; however the book lacks a theoretical approach or explanatory mechanism for the numerous permutations which the racial construct has undergone.

In the post-modern world the words race, ethnicity, and nation are terms which have come to denote a group or classification of people and their associated behaviors. Hannaford has noted, however, that contradictory arguments have emerged over time to counter the prevailing constructs of race, thereby confounding both the scientific and popular approaches to the concept. The field of anthropology is itself an example of the internal conflicts and tensions which result from the objective study of race and the attempts to disavow and distance itself from the concept. Anthropology both denies the existence of race as a valid biological category, yet continues to generate studies which utilize racial typologies as a legitimate construct (AAA Draft Statement on Race 1996).

Confusion also stems from the imprecise and inconsistent manner in which the terms race and ethnicity have been used outside the academic sphere. Typically the terms are used interchangeably in popular culture, while in the academic arena the terms are employed with greater distinction and they are said to communicate and inform us regarding people's actions and perceptions of themselves and cultural others (Eriksen

1993:3). A reason for this is that the terms are themselves imbedded in a social history of their own, and a term such as race in one context and historical time period may carry a dissimilar meaning in another context. Additionally, when attempting to reconstruct the historical experiences of a people we must consider the people's own sense of how their past was constructed, the groups' sensitivities to the past and the people's selection of historical events in the invention of their modern traditions (Krech 1991, Friedman 1992). An expression of the group sensitivity of Virginia Indians is that they most often refer to those historical events which their leaders and other prominent Indian personages, such as Chief Powhatan and Pocahontas, played prominent roles in colonial history and interacted with well-known non-Indian heroes from the period such as John Smith. More distressing historical occurrences such as Indian people's struggles against the Racial Integrity Act of 1924 have rarely been mentioned publicly (Fieldnotes 1995-97).

Race, when viewed as a fluid construct, rather than as fixed, inflexible, or biologically determined division of peoplehood, may be shown to be greatly influenced by global forces. The world-systems paradigm provides a theoretical framework for viewing the genesis of concepts such as race and ethnicity at the local, regional and macro levels. However, most adherents to the political economy paradigm acknowledge the primacy of global constraints over local constraints (Balibar 1988); although more recently attention is being paid to regional and local interactions on the frontiers of the colonial experience (Usner 1992). Both race and ethnicity as social constructs and as motivating forces for social action are the direct result of the expanding world-system and the subsequent incorporation of newly-made social forms into that global system. Social formations are

based upon combinations of modes of production and the constructs of peoplehood. Specifically race, nation and ethnicity, are related to the different structures of the world-economy (Wallerstein 1979). Employing the most basic definitions used in the context of world-systems theory, the term race denotes a genetic or blood-based connection with a member of the same blood-based group and the genetic connection is said to have a visible physical structure. Nation is viewed as a socio-political category which is often but not necessarily associated with a geographical dimension. An ethnic group is a cultural category which denotes a definable set of shared behaviors passed from one generation to the next; and ethnic groups appear to have a temporal continuity and may exist across spacial distances (Wallerstein 1988:77).

However, Harris (1988) has pointed out that often proponents of the world-system paradigm have focused less on the ways in which local and regional economies impact the manifestations of ethnicity in favor of more theoretical levels of analysis. The paucity of data on Indian participation in the economic life of post-contact Virginia has resulted in a near total absence of any attempt to include Indians in historical or anthropological scholarship after the seventeenth century. The types of linkages made by Weiss' (1984) discussion of the incorporation of the Navajos into the capitalist economy waits to be done in the Virginia context. Thomson (1978:28) states that Virginia Indians have never been a "significant source of labor" in the colonial and post-colonial economy because Indians were regarded as unreliable and of no economic benefit to the larger society. Moreover, with the widespread twentieth-century notion that Virginia Indians haven't "really" existed for centuries, it is easy to see why such topics have not been examined. Indigenous

Virginia Indian economies, their subsequent incorporation into the local colonial economic systems, and the resulting impact on the construction of Indian identity need further study to shed light on the processes of identity construction in the Southeast. Misinformation in the non-Indian community about the existence of Virginia Indians in the twentieth century and the inconsistent use of terms like “race” and “ethnicity” by Indians and non-Indians have further clouded thinking about these issues.

The ancient Greeks used the term “ethnos” as an adjective to mean a non-Christian and non-Jewish pagan. During the Middle Ages the term “ethnic” came into use to define a community or group and today the terms ethnic, ethnicity and ethnic identity still refer to a “culturally defined collectivity” to which an individual belongs because of ancestry (Hutchinson and Smith 1996:5). In American anthropological literature the term ethnicity first appeared in the Yankee City Series published in 1941, and was used to define an individual who identified himself with some groupings of people in order to distinguish himself from other groups (Sollars 1981, 1996). Schermerhorn (1978:12) defined the ethnic group as:

“a collectivity within a larger society having real or putative common ancestry, memories of shared historical past, and a cultural focus on one or more symbolic elements defined as the epitome of their peoplehood. Examples of such symbolic elements are: kinship patterns, physical contiguity (as in localism or sectionalism), religious affiliation, language or dialect forms, tribal affiliation, nationality, phenotypical features, or any combination of these. A necessary accompaniment is some consciousness of kind among members of the group.”

Hutchinson and Smith suggested refining Schermerhorn’s list of symbol components of common culture. Drawing on Schermerhorn and others (Horowitz 1985, Smith 1986)

Hutchinson and Smith (1996:6-7) proposed that ethnic communities typically exhibit the following six characteristics:

- 1) a shared name for the ethnic community;
- 2) shared ancestry which may be mythic in nature but gives members of the community a feeling of kinship, kinship may be real or fictive;
- 3) shared memories of a common past history, including heroes and specific events;
- 4) a shared common culture, at least one aspect which may include religion, language, or customs;
- 5) attachment to a homeland; and,
- 6) a sense of solidarity.

Ringer and Lawless (1989:7) have argued for a cautious approach in generating the structural parameters of an ethnic group and against oversimplification when attempting to create definitions and associated terminology. The Hutchinson and Smith model is useful for the present research because it allows for variation in an ethnic group's history, structure, size, location and cohesiveness while attempting to illuminate the group's overall structure, shared traits and potential for action. The latter may be seen as an outgrowth of the sense of solidarity which group members may develop as a consequence of their symbolic discourse. The six characteristics are all subjective in nature and focus on the group's "identity." Remarkably, Weber addressed some of these points in his 1922 work on ethnic groups, race membership, and the potential of ethnic groups to develop into a political community (in Roth and Wittich 1978). Weber argued that the group's belief in their affinity, regardless of its objective foundation, may provide the genesis for the configuration of a political community. Weber declared that affinity may or may not be based upon descent but might be the result of shared customs, or shared memories of events such as migrations or a colonization experience. Distinguishing between kinship

and ethnic membership, Weber argued that the latter is a presumed identity and ethnic membership in and of itself does not lead to group formation, rather it facilitates group formation and solidarity.

Questions pertaining to group solidarity have been addressed by two broad and competing approaches to ethnicity and identity formation; the primordial approach and the circumstantial approach. Most simply the primordial approach draws on a group's perception of blood affinity, their perception of a unique past and the psychological ties to these perceptions. Championed by Geertz (1973:259), the primordial approach was described as "ineffable and overpowering and coercive." As Scott pointed out Geertz has provided a description of primordial sentiments, not an explanation of the genesis of such feelings. The circumstantial approach views group solidarity as the rational and strategic selection of an ethnic identity in order to achieve a particular end. Van den Berghe (1978) argued for the circumstantialist approach from the perspective of socio-biology, which views the actions of a group as an attempt to gain an advantage and successfully compete on a biological level. Scott (1990:147) pointed out that neither approach offers a sufficient explanation for the persistence, disappearance, and re-emergence of ethnicity. Comaroff and Comaroff (1992) have tried to reduce ethnicity to several essential points. One essential point which they argue is that ethnicity has its origins in the "asymmetric incorporation of structurally dissimilar groupings into a single political economy" (1992:54). Furthermore, human beings act on their social contexts not as they are structured, but rather as the social structure is "construed in shared signs and symbols" (1992:59). Thus people respond to the trappings of ethnicity as if they were a natural

given in society and this contributes to the sense of primordialism which members of the group share and non-members come to expect from group members. Therefore, attention must be paid to the signs and symbols of Virginia Indians as their vehicle for the presentation of history, memory, and a manifestation of the place of Virginia Indians in the larger society.

It does not follow that a political community will necessarily be formed out of a biological descended community. Weber argued that once a political community was formed, regardless of the structure of the community, the group itself fosters the belief in common ethnicity. According to Weber, even after the political group disintegrates, beliefs about the group's ethnic identity may persist, thus providing the possibility for the re-emergence of the group. Weber's argument may be used to account for the re-emergence of Virginia Indians as the memory of their earlier political community, the Powhatan chiefdom, has been a rallying point for twentieth century Virginia Indians. As Hall (1996:4) has pointed out, identity traditionally meant an "all-inclusive sameness," but cultural or ethnic identities are the "product of the marking of difference and exclusion." There can be an inherent paradox in the study of an ethnic community as some communities appear to have an extensive temporal dimension; others may appear to be re-established communities and still other ethnic communities are viewed as new peoples and terms such as "ethnogenesis" are employed to refer to the ethnic formation of the new ethnic community (Roosens 1989). Additionally, the variability of public expression of an identity in ethnic community may be related to the pressures and expectations of persons outside the boundaries of the ethnic group. In the context of Virginia Indian identity the

battle has been waged around issues of sameness and difference. When the colonists arrived in Virginia the Indians were viewed as different when compared with the European settlers. By the late-nineteenth and mid-twentieth centuries the Indians were lumped together in the same category as free persons of color and considered a mix of three racial heritages, Indian, African and white. After 1968, Indians once again have asserted themselves as different from both whites and African Americans. The public expression of Virginia Indian identity has waxed and waned in response to pressures from the non-Indian community. Jarvenpa (1985) has argued that Pan-Indian political activity from the 1970s should be considered as a mobilizing force in the redefinition process for American Indian people, particularly groups which formerly might have been viewed as tri-racial communities. The Pan-Indian Movement did have an impact on Virginia Indian politics but the desegregation movement had a greater impact on the Indian community (Fieldnotes 1996-97).

Although racial categories may be socially constructed, they nevertheless embody actual historical experiences (Davis 1997). Most social scientists agree that perception of race as a fixed biological category was the arbitrary byproduct of the European colonial encounter with the cultural other which took place under the banner of the expansion of the capitalist world economy. Race is a flexible category that permits peoples to be added or deleted to the category, based upon the labor needs of the capitalist system (Balibar and Wallerstein 1988). Usner (1990) and Sider (1993) have argued categories such as race and ethnicity are results of the post-contact cataclysmic events such as disease, population dislocation, and slave raiding. Blackburn's (1997) article tracing the links between Old

World and New World types of slavery states the new form of European colonial slavery was based on a combination of the transformation of medieval agriculture into free commerce and capitalism predicated on the rise of plantation slavery. The slaves of the Old World, such as in those in Rome, were composed of people from many different ethnic heritages. The slave population was not composed of people representing one region or culture. However, the New World model for slavery was based on the enslavement almost exclusively of a single group of people, those of black African descent. Thus in the New World slavery became linked to a biological category; it was identified with a race of people and became the foundation for a new type of racism.

Sweet (1997) has discussed a central question in the debate on racism in Western culture, specifically its genesis, and asks if the institution of slavery was the result of pre-existing racism or was racism the outgrowth of the institution of slavery. Sweet maintains slavery in the Americas of the sixteenth century, or what he calls Iberian racism, had its roots in the Islamic world of the eighth century and became fixed expressions of power relations based on skin color in fifteenth century Spain and Portugal. This form of racism was transferred to the Americas with Spanish conquest. Thus a form of enslavement based on biological assumptions became the foundation for race relations.

Little is known about the first Africans to arrive in Virginia, in 1619, except that they were transported by a Dutch ship. Details are sketchy regarding their exact status; it is unknown as to whether they arrived as slaves or indentured servants. In recent years, the state-run museum commemorating the settlement at Jamestown, has portrayed the first arriving Africans as probable indentured servants rather than as slaves. This alternate view

of the social status of early Africans is a small step toward acknowledging that conditions for persons of color changed through time and that there were small numbers of free Africans in Virginia from the early colonial period (Fieldnotes 1996).

By the nineteenth century the concept of race had replaced the terms nation and tribe when speaking of American Indians (Hoover 1976:86). This era also ushered in the notion that Indians were a vanishing race and saw the beginnings of professional anthropology. The two movements are inextricably linked and as anthropologists strove to collect every scrap of material culture from the extant tribes west of the Mississippi, the remnants of tribes living along the Eastern Seaboard received little attention. It is difficult to say to what extent the anthropological study of Western Indians impacted the self-perceptions of Eastern tribes; especially in the American South where Indian people had been forcibly removed from the landscape. The Commonwealth of Virginia did not participate in the 1830 Indian Removal since the Virginia Indian population was sufficiently weakened and impoverished by that date (Satz 1975). For the most part Virginia Indians had been stripped of all material considerations prior to the eighteenth century. What remained to be taken from Virginia Indians was their sense of ethnic and racial identity. The battle for identity has been fought for the past two centuries; ending in a legal sense in 1983 with state recognition of six tribes. However, the battle for identity continues in a public sense as Virginia Indian people struggle to acquire the accouterments of Indian culture and validation from non-Indian people.

The development of racist sentiments against the Indian population is more complex and less-well studied than the African experience in Virginia; although both topics are

understudied (Dinnerstein, Nichols and Reimers 1990). Jordan (1968) believes Indians and Africans raised different questions about the natural world in the minds of Europeans. The most basic question centered on creation and how the Indian arrived in the New World. The origins of Africans was more easily decided. Initially Indians were described in positive ways as “farre” people and skilled in the lifeways of the land (Harriot 1590). In a short time admiration for noble race of Indians gave way to more complicated feelings that the savage barbarians were blocking the progress of Europeans seeking to possess the land, a European right divinely pre-ordained (Billington 1981). The overriding pressures against American Indian communities were centered on the demands that native peoples surrender their lands to non-Indian settlers. Initial attempts at accommodation to settlers’ demands gave way to war, retreat, removal, pressures to assimilate, racial re-classification and ultimately denial of existence of American Indians in specific locations. The remnants of the Indian population in British North America were officially reduced to an inferior status by successively being incorporated into the colonial slave system, as free persons of color, and alternatively as mulattoes. This nomenclature of racism has resulted in the projection of a “single-dimensional” image onto the study of the racial history of North America (Forbes 1993:271). However, within the Black and Indian communities lines of racial distinctions are to some extent maintained as Indians attempt to forge their own identity and imbue it with an historical and temporal dimension. Although Blacks and Indians shared a similar experience in colonial and post-colonial Virginia, intra-group racial unity overrides Indian-Black feelings of racial solidarity (Blu 1980). This divisiveness is one of the legacies of racism. Sider (1993) attributes the split between

Native Americans and African Americans to the differences in domination of the two groups. Sider argues that Indian communities retained a degree of political and social autonomy and the memory of this freedom, relatively speaking, has become an integral part of American Indian memory and history. Certainly in the case of Virginia Indians the memory of sovereignty and pride in the power of their pastness, expressed in the imagery of the Powhatan Chiefdomship, is frequently referenced and has become a rallying point of Virginia Indian identity. Discussions of the common experiences of minority people under colonialism are rarely the subject of popular dialogue (Fieldnotes 1995-97).

Prior to Barth's 1969 article on ethnic boundaries, immigrant groups and American Indians were analyzed according to an assimilationist model which examined the traits exhibited by particular groups in order to determine their degree of assimilation (Park 1950). An assimilationist approach was taken with Blacks. According to Glazer and Moynihan (1963), Blacks were better assimilated into American society than Puerto Ricans and Mexicans. However, the authors argued that Blacks, as with most ethnic groups, would most likely remain separate and not fully amalgamate into the larger society. Implied in the assimilationist model is the notion that the isolation of cultural groups aided the development of distinctive cultural traits. Barth argued for the self-ascription of individual ethnic identity, which implied a subjectivist process was essential to the formation of ethnic identity, and the process itself was an outgrowth of social dichotomization. More importantly Barth's most significant contribution to the study of ethnicity was his focus on the boundaries of ethnicity and the maintenance of these boundaries, as opposed to the study of traits which may be encompassed by the ethnic

boundaries. Barth noted that individuals could freely cross the boundaries of ethnicity even as the boundaries themselves appeared to remain quite stable and therefore social and geographical isolation were not prerequisites for the development of ethnic groups. For Barth boundaries, not cultural traits, defined the group.

In the context of Virginia Indians, racial and ethnic boundaries have not been stable. Certainly people have continually crossed the boundaries of Indian ethnicity, but not freely. Rather, there has been a forced crossing of persons into different categories of identity. At times Virginia Indians had difficulty maintaining the viability of the category “Indian.” Prior to the repeal of the Racial Integrity Act in 1968, racial and ethnic boundaries were established and *moved* [italics mine] by the state of Virginia, thereby impacting the composition and population of the bounded group. Barth’s emphasis on an individual’s self-identification of ethnicity is difficult to investigate prior to the present time due to the poor records of the previous centuries and a lack of qualitative and quantitative evidence on Virginia Indian identity. However, census data, where available, does indicate that persons did move from one established category to another, most particularly between the officially defined categories of “free persons of color” and “Indian” throughout Virginia history. As Foster (1991:236) has noted, the production of culture requires the “demarcation of boundaries.” Since 1983 the state recognized tribes, through the vehicle of the Virginia Council on Indians, have become the arbitrators of the boundary for the racial and ethnic category known as “Virginia Indian.” The Virginia Council on Indians has developed the recognition criteria for qualification as a Virginia Indian tribe. The Virginia Council on Indians has the authority to recommend or reject an

Indian tribe's request for state recognition. The council's approval or disapproval is presented to the Virginia General Assembly, making the Virginia Council on Indians an essential designer and stabilizer of boundary demarcation in contemporary Virginia Indian politics (Fieldnotes 1995-97).

The study of the "imagined community," where "communities are to be distinguished not by the false/genuineness but by the style in which they are imagined" (Anderson 1983:6), has replaced the study of the melting pot (Glazer and Moynihan 1963). Arjun Appadurai (1990, 1996:45) has expanded Benedict Anderson's analytical construct of the imagined community, to include the influence of the mass media. Appadurai calls this dynamic the "mediascape," which he maintains functions to transform the imagined community into a "community of sentiment," in which the members of a community have the potential to modify the "imagined" into collective action. It is the "invention of tradition" (Hobsbawm and Ranger 1983) and other markers of identity which confound attempts at reducing the process of identity formation and the genesis of ethnicity to simplistic analysis. Appadurai's "community of sentiment" sounds remarkably like Weber's (1922 in Roth and Wittich 1978) "political community," since both constructs are the foundation for the ethnic group's social and political action. However, Appadurai's "community of sentiment" and Hutchinson and Smith's (1996) "sense of solidarity" permit the consideration of the more creative aspects of identity formation through what Anderson (1983) and Appadurai (1996) might call the transformation of imagination.

It should not be overlooked however, that Weber, while not using the current terminology of globalization, pointed out that groups create customs which become the

bearer of group consciousness. The dynamics of group affinity may be ambiguous, but belief in common descent nevertheless is the genesis for group formation. Weber stopped short of providing an explanation for the processes which generate and impact identity. The ambiguity of affinity, alluded to by Weber, is analogous to Balibar's (1988:10) "fictive ethnicity." Social institutions responding to problems within the internal hegemony give rise to the construction of fictive ethnicity.

Balibar (1988:10) has argued that the historical constructs, such as nation and people, "are the means of which current institutions and antagonisms can be projected into the past to confer a relative stability on the communities on which the sense of individual identity rests." These antagonisms, expressed as class differences, are culturally reproduced most effectively with the aid of educational systems (Bourdieu 1993b). Unequal power relations and structures are imbedded in the systems of classification; unequal power relations become legitimated and are perceived by members of the society to be expressions of reality (Bourdieu 1993:2a). These established and culturally reproduced unequal power relations are the foundation for racism. Thus hierarchy and classification serve to legitimize differences, providing an a priori explanation for the way things are and ought to be. In many ways the current educational emphasis on the glorious past of Powhatan Indians only serves to reenforce the marginalized position of Virginia Indian people at the present time.

In the modern world both "race" and "ethnicity" are terms which convey the potential for conflict and violent reactions rather than the evocation of feelings of consensus and cooperation. It is logical to question whether or not conflict is the necessary handmaiden

of racial categorization and ethnic formation or a by product of these processes. Identity and ethnicity are frequently forged in the company of political turmoil, or as Sider (1993: xvi) has aptly coined, “the cauldron of history.” However, this process does not dictate the precise form which the group’s identity will take. The domination of people in colonial situations both destroyed and created ethnic variation, but it did not pre-ordain the group’s history nor the group’s ongoing production and interpretation of their own history. Yet the forces which generate racial categorization and ethnic formation generate antagonisms both within and between ethnic groups.

Horowitz (1985) has argued that ethnic conflict results from the competition of at least two ethnic groups within the same territorial boundary. Certainly settlers, both free and slave, were in competition with American Indians for access to resources and control of the land. Resource competition was no doubt a factor contributing to conflict but it cannot be viewed as the only factor and it is not an explanatory mechanism for the genesis of racial categories in and of themselves. Hutchinson and Smith (1996:3) believe that there is “no necessary connection” between ethnicity and conflict and they place an emphasis on group solidarity, kinship and common culture. While group solidarity is a dimension of ethnicity, I believe Sider is correct in identifying underlying antagonisms in the American Indian historical context. Even today remnants of antagonisms are expressed through inter-tribal factionalism and tribal in-fighting, most particularly regarding racial admixture with African Americans, and the granting of state recognition to additional tribes in Virginia (Fieldnotes 1997).

The question arises then as to which term, race or ethnicity, should be utilized for this

research on Virginia Indians. Hicks's (1977:80) article on the Catawba and Monhegans was one of the first attempts to analyze the impact of a "bipolar" or Black/White racial classification system on Eastern Indians. Hicks attempted to demonstrate the influence of racial ideology on what he termed the "adaptation" of the status of Indians to a level subordinate to that of whites. Hicks used the terms race and identification, but ethnicity, as a term or concept, was not yet an ideological concern.

Sider's (1993) discussion of Lumbee Indians brought to the forefront the underlying tensions which exist between the concepts of race and ethnicity within context of American Indian history. The federally recognized Indian tribe requires proof of both blood affinity and on-going cultural identity, which must be expressed in a public manner. As Sider noted, unlike any other racial or ethnic groups, American Indians, must attend to the requirements of two categories of peoplehood, blood affinity, and culture, and pass the scrutiny of the Indian and non-Indian communities alike. Therefore the constructs of both race and ethnicity must be considered in the context of this research.

Historically and legally, Virginia Indians have been dealt with as a racial group whose members have been defined primarily by blood quantum and secondarily defined by the amount of admixture from non-Indian races. In order to investigate the topic of the re-emergence of Virginia Indians in 1983, the concept of race must be considered as more than a political category. In the context of this research and the lives of Indian people in Virginia, the idea that race represented a valid biological construct has been the primary factor which has linked the Indian population with the non-Indian population for the past three centuries. The racist codes of the nineteenth and twentieth centuries, legal and

political action to counter racist codes, and the formation of the concept of Indian identity, are all reactions to the implementation of race as an organizational precept throughout much of Virginia history. However, I would also argue that Virginia Indians may be viewed as an ethnic community which exhibits aspects of an on-going shared culture, shared sense of history and increasingly a sense of solidarity.

The Hutchinson and Smith (1996) model, which draws on the perspectives of several individuals, offers structure and flexibility in employing a multi-varied analytical approach to the study of Virginia Indians. I am arguing for the inclusion of both race, which has been used historically in Virginia as an objective criterion, and ethnicity, a subjective criteria to represent the cultural dimension of Virginia Indians, as essential components of their re-emergence as a political force since 1983. The population of Virginia Indians as defined by race is largely congruent with the population of Virginia Indians as defined by the ethnic group or community. For the most part blood and ethnicity intersect in this context. However, it is possible that a person of American Indian descent, or blood ancestry, does not participate in the cultural life of the Virginia Indian community. I have found this to be the case in Virginia. Persons of Virginia Indian descent, defined according to blood quantum, are qualified to apply for tribal membership in organized Virginia Indian tribes and certainly not all qualified persons seek tribal membership. Yet I have met spouses of tribal members who have been granted “associate” tribal status and who participate in the social and cultural activities of the tribe although they lack Indian blood (Fieldnotes 1996-97).

For the purposes of this research I am using the constructs of race and ethnicity in a

mutually inclusive manner where ethnicity is a subset of race, and I will link the research to the six characteristics of ethnic communities as delineated by Hutchinson and Smith (1996). I am less concerned with individual decisions pertaining to personal definitions of Indianness, nor an individual's response to the category of "Virginia Indian." Notions of the self within the context of the modern state certainly do have an impact on the construction of the personal narrative, social and legal history (Carrither, Collins, Lukes 1985). However, my level of analysis in this dissertation is Virginia Indians as a collectivity, and their experience of a shared history, shared memories, and their shared responses to that history.

In order to explore the shared history and sentiments of Virginia Indians I will, in Chapter II, review the ethnohistorical literature which focuses the Powhatan culture and Monacan tribe. This will include historical and anthropological works through the current century. Special emphasis will be placed on the changing legal definitions of the term "Indian" which were imposed on Indian people in the Commonwealth of Virginia by non-Indians.

In Chapter III, I will discuss the impact of the Eugenics Movement and the Racial Integrity Act which was influenced by this movement, on the Virginia Indian population during the twentieth century. I maintain that this movement was a state-sponsored attempt at "administrative genocide" against persons of Indian descent living in Virginia from 1924 to 1968. Since the memories associated with this period of history are very sensitive to Virginia Indians, the issues are little-known and rarely discussed. Yet it is this period of time which has laid the groundwork for the resurgence of Virginia Indians post-

1983.

In Chapter IV, I will focus on the Virginia Council on Indians and the specific work and achievements of the Council. I argue that the Council is a supra-tribal organization which seeks to unite the eight, relatively small and powerless, Virginia tribes into a political organization which acts as an advocacy group for Virginia Indians. I will discuss the background to state recognition and the linkage of the Council to the recognition process. The Council has been the most aggressive Indian political organization in Virginia since the collapse of the Powhatan Chiefdomship. This chapter represents the majority of my two years of fieldwork, and I will present the range of political, cultural, and identity oriented issues on which the Council has been active between 1983 and 1997.

Chapter V represents a brief discussion of the Pocahontas narrative and its importance to the identity of Virginia Indians at the present time. Pocahontas has been a symbol of changing views of American Indians within our society. Virginia Indians have never been asked to reveal their sentiments about this Powhatan woman.

A summary of this dissertation, conclusions and comments about the resurgence of Virginia Indians, during the twentieth century, will be presented in Chapter VI.

Chapter II

For although they have noe true knowledge of God nor of his holye worde and are destituted of all learninge. Yet they passe us in many thinges, as on Sober feedinge and Dexteritye of witte, in making without any instrument of mettall thinges so neate and so fine, as a man would scarselye beleve the same. Unless the Englishmen Had made prooffe Therof by their travailes into the contrye..

John White

The True Pictures And Fashions Of The
People In That Parte of America Now
Called Virginia. (1585)

Historical Overview of the Powhatan Indians of Virginia

During the late fifteenth century sporadic but increasingly frequent contact was occurring between the vanguard of European colonial powers and the native peoples of Eastern North America. A great interest in all things relating to the inhabitants, geography, flora and fauna of the New World was celebrated in early publications, issued in Latin, French, German and English. Some folios included illustrations, by artists such as John White and Theodor de Bry, but all espoused considerable claims to accuracy about the inhabitants in the country known to the Elizabethans as Virginia. Printed commentary, such as the above excerpt from John White's report was produced under the direction of Sir Walter Raleigh and published by Thomas Harriot. The 1590 edition depicted Virginia Indians as a strong people "worthie of admiration" (Harriot 1972:41). In a time span of less than fifty years after the Harriot publication the Indians of Virginia would undergo a decline in their numbers, culture, and political power. The Powhatans lost control of the vast majority of their ancestral lands and were reduced to a remnant

population.

Scholars believe that groups of Indians speaking related languages of the macro-Algonquian family inhabited the coastal areas of North America, stretching from the Canadian Maritimes to the lower Chesapeake Bay (Mooney 1907, Speck 1928, Feest 1978, Rountree 1989). The coastal Algonquian cultural adaptation included peoples engaged in a variety of subsistence and economic patterns and exhibited differences in lifeways which reflected the diversity of their local environments. In the colder and more northerly areas of the east coast a Late Archaic hunting and gathering economy continued up to the time of European contact. By the late sixteenth century the most southerly of the Algonquian speaking peoples, known to the invading English by the name of their leader as the Powhatans, lived in a highly organized paramount chiefdom and engaged in a mixed economy which specialized in maize, bean and squash horticulture, hunting and fishing.

The natural environment inhabited by the Powhatans, along the Virginia coastal plain, can be characterized as a humid subtropical climate filled with rich and diverse flora and fauna where the north and south Atlantic coasts meet. The annual growing season is 200 days which provided a reliable environment for maize cultivation in all years except for those of extreme drought. The riparian areas provided an abundance of fish, oyster beds, shell fish and water fowl. The coastal plan, is today known as tidewater Virginia, and extends east of the fall line of the four major waterways in Virginia; the Potomac, Rappahannock, York, and James Rivers, each entering into the Chesapeake Bay. The fall line is the location for such modern cities as Washington, D.C., Fredericksburg and

Richmond, Virginia. The extensive system of waterways provided direct and relatively easy access to the Virginia heartland with an advantage for Indian travelers, traders and European settlers. Colonial expansion into the interior parts of the state was facilitated by the four major waterways.

In 1607, along the James River, the first permanent settlement of English-speaking people in North America was established within the territorial domain of the largest political polity in the tidewater region, the powerful Powhatan chiefdomship. The area was known to the Powhatan Indians as “Tsenacomaco,” and it encompassed the lands from the James River north to the Potomac River. Famous early colonist, John Smith, in his “A Map of Virginia” published in 1612, and later in his 1624 *Generall Historie*, described the Powhatan chiefdomship as a “monarchy” forged from approximately thirty tribes (Smith in Kupperman 1988). It is believed that Chief Wahunsenacawh, the personal name of the leader who came to be known in historical records as Powhatan, inherited authority over the territories of Powhatan, Arrohattoc, Appomattoc, Pamunkey, Youghtanund, and Mattapanient (Mattaponi), which were located within a fifty-mile radius of present-day Richmond, Virginia (McCary 1957:1). A definitive list of the precise names of the other tribes which were conquered or brought under Wahunsenacawh’s influence as part of the chiefdom does not exist. However, English documents do provide us with a list of names as understood by seventeenth-century English ears unaccustomed to the Powhatan language.

With the consolidation of approximately thirty tribes under his control, Wahunsenacawh took the public name Powhatan, reflecting the town of his birth and

signifying his prominent political status. Colonial documents confirm the English addressed the Indian leader by his throne name. [The name Powhatan has in recent years gained additional notoriety thanks to the Disney movie “Pocahantas.” Powhatan, the father of Pocahantas and paramount chief, has now, along with his daughter and John Smith, joined the pantheon of Disney cartoon characters in American popular culture. The evolution of Powhatan and Pocahontas as icons in American and Indian cultural narratives will be discussed in Chapter V.]

John Smith’s 1612 manuscript and map indicates twenty-eight tribes in sphere of Powhatan’s control but “32 Kingdomes” are listed along with thirty-six “king’s houses,” thus creating additional confusion regarding the seventeenth-century composition of the chiefdomship. Rountree (1989:9-13) has used the early sources to compile a list of Algonquian groups in Virginia, and she believes the probable members of the paramount chiefdom were as follows: Occohannock, Accomac, Chesapeake, Nansemond, Warraskoyack, Quiyoughcohannock, Weyanock, Appamattuck, Powhatan, Arrohatock, Weyanock, Chickahominy, Paspahagh, Kecoughtan, Chiskiack, Youghtanund, Pamunkey, Mattapanient (Mattaponi), Werowocomoco, Piankatank, Opiscopank, Nandtaughtacund, Cuttatawomen, Pissaseck, Rappahannock, Moraughtacund, Wiccocomic, Sekakawon, Onawmanient, Patawomeck (Potomac). We may only speculate on the use of the term “tribe” by John Smith. Other early documents use the term “tribe” to refer to the distinct political units consistent with our modern-day definition of tribal culture or economy, and social structure (Sahlins 1968).

Powhatan society exhibited the characteristics of a chiefdom or ranked society in that

it was a larger, more complex society in which economic, religious, and political activities were coordinated from centers within the chiefdoms (Service 1962). Many positions of power in the Powhatan chiefdom were afforded to certain individuals based on ascription rather than achieved status (Fried 1967). Powhatan society was a matrilineal, ranked, society with at least three dominant status levels; the paramount chief, sub-chief, and non-chief. The non-chiefs were further subdivided into priests, counselors, warriors and commoners and exhibited accompanying differences in dress, and differential marriage practices such as restricted polygyny. Rather than commenting on the differences between English and Powhatan political and social structures the colonists paid more attention to the stratified nature of Virginia Indian society and declared Powhatan society to be similar to their own ranked society. With the exception of listing different tribal names, the colonists made little note of any unique tribal identities among the Indians in the tidewater region. While there may have been tribal differences, scholars have not been able to identify them. Though Rountree does not challenge the accuracy of the term “tribe” to describe these political units, she nevertheless correctly points out that we cannot correlate the aforementioned names with contemporary concepts of ethnic identity. Nor do we know the extent to which a sense of tribal identity may be correlated with the tribal names which appear on John Smith’s early map. Inter-ethnic relationships are difficult to reconstruct given the sketchy details of the English documents and the local archaeology is only beginning to address such questions (Hantman 1990).

However, there is evidence that the English actively sought to disrupt the control which Powhatan maintained over the tributary tribes. Early colonists attempted to create

alliances with tribes outside of the influence of the great leader, thereby undermining the power of the chiefdomship along the James River (Rountree 1993). This does suggest that among seventeenth century coastal Algonquians socio-political society was differentiated in such a way as to permit the English settlers to notice differences and attempt to manipulate them.

The landscape of anthropological writings which deals with Virginia Indians does not approach the amount nor scale of works that have been produced on Indians living west of the Mississippi River. Additionally, the entirety of the early material has been gleaned from the written observations of Virginia Indians by Englishmen who had direct knowledge of the Virginia Colony as settlers, or those who were in correspondence with such persons. However, such documents emphasize the heroic actions of the settlers and their struggles in the new environment and not the details of the nature and composition of Indian society. By necessity the English documents provide the main sources for the historical reconstruction of early English-Powhatan contacts, post-contact relationships, and lifeways of Virginia's Indian population. Unfortunately, these writings were not written by trained ethnographers and they are not anthropological in intent but solely by accident.

The most comprehensive examination of the seventeenth-century English source materials pertaining to the Powhatan people has been undertaken by ethnohistorian Helen Rountree (1989, 1990, 1993). Rountree (1989:4-16) has evaluated ten of the best known early English sources on Indians of eastern Virginia according to the background of the authors, "conditions under which they saw Indian people," and the likely accuracy of the

reports. These sources include the writings of Anonymous (1608), John Smith (1612, 1624), William Strachey (1612), Henry Spelman (1613?, 1910), George Percy (1614), Samuel Purchas (1625), John Clayton (1687), Robert Beverley (1705, 1947) and John Banister, whose *Natural History of Virginia 1678-1692* was published in 1970. The most often cited historical works on Virginia Indians are the writings of John Smith, Henry Spelman, and William Strachey. Scholars have questions about the trustworthiness of all of the sources and Rountree (1989) notes that they should be used with caution. Nevertheless, the preponderance of knowledge about very early post-contact lifeways of Virginia's Indians is re-created, out of necessity, by ethnohistorians through the examination of colonial documents. Ethnohistorians are aided in this task by archaeological investigations, and by employing analogy, specifically, by using what is known about other Indians in the southeast region for a similar time period to reconstruct the past. Since the 1950s the emergence of ethnohistory within the discipline of anthropology has combined the theoretical orientation and problem approach of anthropology with the methodology of history (Wiedman 1986). Historians, such as Marc Bloch (1962), have influenced the use of documents as cultural artifacts, the extraction of credible material from the unreliable, and the organization and corroboration of multiple sources into useable data.

It is difficult to reconstruct reliable demographic data for the Powhatans for the year 1607. James Mooney (1907:130) estimated a Powhatan Indian population of 8,500 at the time of contact. More recent population estimates for early seventeenth century Powhatan Indians suggests a populace of more than 13,000 Indians (Turner 1985). If these

estimates are nearly correct we may conclude that the Indians who met and interacted with the original 104 settlers, men and boys sponsored by the Virginia Company of London, were a formidable force. Stereotypic images of dazed Indians hiding from behind rocks while observing the European strangers are completely unacceptable in light of these population numbers and considering the complexity of the Powhatan chiefdom.

In a graphic statement Mooney (1907:129) wrote the “Jamestown colonists landed among people who already knew and hated the whites” and thus challenged romantic images of cowering Indians in the face of the European invasion. Mooney’s statement is no doubt an accurate assessment of the initial meeting between the settlers and the Powhatans. More recent ethnohistorical research has indicated that Spain attempted to establish a fort within the domain of the Powhatans in the year 1570 (Gradie 1988, 1993). The Powhatans destroyed the Spanish mission, which was located on what is now the York River, barely twenty miles from the location selected by the English for the Jamestown Fort.

Mooney is correct in observing that the Powhatans had direct experience with European colonizers prior to 1607. However, we are left then to ponder the reasons why a small, ill-provisioned, group of English settlers managed not only to maintain their beachhead on the James River, but in a so short a time to prosper and push the indigenous population off the land. The usual explanation is that the British colonists had superior weapons which enabled them to hold their ground in a hostile environment. I believe this is a simplistic explanation for the success of the English and I will explore this further in Chapter V.

English documents have also been used to interpret the structure and workings of the Powhatan political hierarchy. Thomas Jefferson (Peden 1972), James Mooney (1907), Frank Speck (1924, 1925), and Ben McCary (1957) have referred to the political organization of Powhatan as a “confederacy.” These scholars may have been influenced by the workings of the another powerful Indian polity in the eastern part of the continent, the Iroquois Confederacy. In recent years ethnohistorians and archaeologists have re-examined the socio-political and economic characteristics of the centralized polity of the Powhatans along with the markers of supreme authority which Wahunsenacawh held over his people. Colonial accounts support the claim that Powhatan hegemony reflected a true chiefdom rather than a confederacy, since Powhatan is said to have told the English that he conquered the neighboring tribes and forced them into a tributary status.

Colonial records also elaborate in some detail the control which Powhatan had over his subjects, including the collection of tribute in both agricultural products and field labor and the raising of warriors for his political ends. As a result, the current consensus among scholars is that this political organization is uniformly described as a paramount chiefdom rather than a confederacy (Rountree 1989). Clearly, Powhatan society at the time of contact fits the basic definition of a chiefdom in that it was a “centralized polity that organized a regional population in the thousands” (Earle 1989:84). Powhatan leadership was institutionalized and complex because there were at least two subordinate levels in the population. One of the ways which Powhatan maintained his tight control over the tributary tribes was to appoint and place subchiefs or district chiefs in the horticultural villages. It is believed that both male district chiefs called “weroances,” and female district

chiefs called “weroansquas,” were selected from the large kinship network of Wahunsenacawh’s family, thus increasing the bonds of loyalty between the Powhatan and the numerous villages or towns in the chiefdom (Turner 1985:193-224). The exact number of Powhatan villages or towns is unknown, but these villages were probably rather small, with numbers of residents ranging between forty to fifty people (Rountree 1989:60). Therefore the number of towns or villages in the paramount chiefdom might have been as high as two to three hundred small kin-based communities or hamlets.

Currently, debate now centers on the nature and impetus for the formation of the paramount chiefdom in the Virginia tidewater area. The careful re-examination of the existing eye-witness accounts of Powhatan society and archaeological evidence are being used to support competing hypotheses for the genesis of the paramount chiefdom. Lewis Binford (1964) linked the rise of the chiefdom to an increase in the Indian population in the transitional zone between fresh water and salt water, with the polity arising between the two resource areas. Binford (1983) later argued that the preferred resource for the Powhatans was anadromous fish which could only be caught at certain locations and this gave rise to tribal monopolies which controlled access to the aquatic resources and led to the development of the paramount chiefdom.

Turner (1985) has argued that a rise in population growth and increased pressure on productive agricultural soils was the primary causal factor which led to the evolution of the chiefdom. Others maintain that increased contact with outsiders, both other Indian groups and Europeans, along the Chesapeake Bay in the late sixteenth century may have contributed to the consolidation of political power and the formation of a chiefdom (Fausz

1985). Stephen R. Potter (1993:150-173) has argued that the development of paramount chiefdoms may be linked to at least two of the following conditions in the region; environmental stress, geographic areas exhibiting environmental diversity, increase in population density, and pressure from external stress--other Indian groups and/or Europeans, and therefore a multi-causal approach should be considered.

There is scholarly agreement that a paramount chiefdom existed at the time of European contact rather than an Indian-organized "confederacy." However, there is no consensus on how long the chiefdom existed prior to the establishment of the 1607 colony, nor agreement on the specific factors which gave rise to the consolidation of socio-political power under a single chief. Potter (1989:151-2) maintains that during the sixteenth century southeastern Algonquian groups located along the coast of the Chesapeake Bay were living in "ranked, kin-oriented" horticultural societies. Thus Potter points to the nature of the social structure to support the idea of long-lived chiefdom rather than the rise of the chiefdomship as a contact phenomenon. Certainly, Indian-European interactions would have affected the functioning and, to some degree, the further consolidation of power under the leadership of Powhatan, but there is little evidence to support an argument that the rise of the chiefdom was purely a contact phenomenon.

Initial interactions between the Indians and the English, is evidenced by early trading of metal, probably copper for food (Smith in Kupperman 1988). Potter (1989) has focused on the desire of the paramount chief and the subchiefs of the Powhatan polity to obtain quantities of copper, a high status possession and possibly the source of prestige to

bolster their positions of authority. As a luxury metal copper may also have been used as payment for military services or for war reparations (Clark and Rountree 1993:120). As a marker of status copper was in great demand yet was difficult for the Powhatans to obtain given the geology and location of the Powhatans in tidewater Virginia. Viewing the Powhatans as a people wedged between the Chesapeake Bay and hostile peoples outside the political sphere of the Powhatan chiefdom may provide a plausible scenario for the success of the Jamestown colony (Hantman 1990). The Powhatans had few options for obtaining copper. If the English settlers were prepared to trade copper to the Powhatans in exchange for food and qualified acceptance, the colony might have been allowed to stand unmolested in the short run. Recent excavations at the site of the Jamestown Fort have yielded strong evidence supporting the argument that English settlers brought copper from England specifically for use in an Indian trade. Settlers may even have engaged in limited manufacturing of copper trade beads (Fieldnotes 1996). It is likely that the copper trade had other far reaching consequences for the creation of one of our country's most enduring and powerful "myths" concerning Pocahontas and John Smith.

Accommodation between the two groups gave way to what Rountree (1993:12) has called the First Anglo-Powhatan War; a period of intermittent war during the years 1610-14. Despite the political and military strength of the chiefdom, less than forty years after the construction and occupation of Jamestown Fort, on Jamestown Island, the political structure and power of the Powhatan chiefdomship was destroyed. The ruination of the Powhatan hegemony was not a casual by-product of English settlement along the James River but as the result of a systematic policy to clear the highly desirable agricultural land

of its native inhabitants so that the profitable and land-hungry tobacco growing settlers could increase their operations and profits. Axtell (1981:41) has described the invasion of North America by Europeans as “an aggressive attempt to subdue the newfound land and its inhabitants” for reasons of profit.

The doctrine of “discovery,” originally an outgrowth of European theoretical jurisprudence, enabled rival monarchs to lay claim to lands and hold them in the face of competing colonial enterprises. The dispossession of Indian-held lands proceeded with the concept of “discovery” as a justification for the occupation of Indian lands. However, the implementation of the concept of “discovery” first required the Indians to extinguish their title to the land by vacating areas under duress or by the sale of the lands. For Indian communities the practice of communal ownership of the land was in direct conflict with the European practice of individual land ownership (Prucha 1984:6-7).

The rationale of the policy of “discovery” was most clearly articulated, nearly two centuries later, by Supreme Court Justice John Marshall. In Marshall’s 1823 decision *Johnson v. M’Intosh*, British discoverers’ title to American lands upheld and declared superior to the claims of “occupancy” by the native Indian peoples. Furthermore, Marshall declared Indians as “dependent nations” living within the United States (Kehoe 1992:196). This decision has continued through the past two centuries to complicate and confound issues of Indian sovereignty (Deloria 1974:99-102). However, for Virginia Indians the 1823 Supreme Court decision had little impact on the indigenous communities since their control of land in Virginia had been almost completely extinguished.

In the sixteenth century, English policy toward Indians did not focus on Indian rights

to land but on establishing native allies in North America; at best colonists sought a relationship of toleration necessitated by the desire of small colonial settlements to co-exist within the domain of Indian territories. In the seventeenth century, the English refined their policy toward Indians and Indian-held lands. The English greatly enlarged their trading relationships with Indian nations and expanded their occupation of Indian territories supported by the misguided rationale that Indians were not using their lands efficiently (Cronon 1983, Jacobs 1988). Relations between the Powhatan Indians and English colonists fluctuated between strained acceptance of each other to intermittent war to the incidence of major armed conflicts which erupted in the years 1622 and 1644. American history regards the two events as “massacres” but “uprising” is a more appropriate term to describe the events. The 1622 and 1644 surprise attacks by the Powhatan Indians on the settlers were attempts to rid themselves of the ever-increasing encroachment by colonists on Indian land, destruction of game and eroding balance of power among Indian nations in the region. Each of the uprisings resulted in large numbers of human casualties for the settlers and worsening economic conditions for Virginia Indians. The crushing defeat of the Powhatans following the two uprisings dismantled the internal power structure of the chiefdomship and scattered the Indian population throughout the colony and the region and led to a demographic collapse.

Wood (1989) has argued that there was a substantial amount of demographic change in the post-colonial South but he takes the 1790 Census as the starting point because there are practically no demographic records for the colonial south prior to the formation of the United States. Furthermore Wood (1989:34-92) notes the difficulties in attempting to

reconstruct post-colonial demographics because of the way that racial categories were utilized in the South. It is difficult to reconstruct the probable post-1492 demographic collapse for the southern United States in general and Virginia in particular.

The primary cause of the initial post-contact depopulation in the southeast was the introduction of Old World diseases, primarily smallpox (Thornton, Warren, and Miller 1995). However, ethnohistorians do not discuss epidemics and depopulation among Virginia Indians since the writings of English settlers do not mention any episodes of disease in the Indian population. It is unlikely that major post-contact epidemics would have taken place without so much as a mention in any early colonial documents. It seems that one question could be raised regarding the spread of European diseases prior to the English settlers' arrival and that is what was the state of health of the pre-contact Indian population. Ubelaker (1992) has pointed out we cannot look at the pre-1492 world of North America as a disease-free paradise, and the indigenous populations did suffer high mortality rates due to poor sanitation, food stress and disease. However, the pre-contact mortality would not include death by exposure to European diseases. With the numbers of sixteenth century contacts between Europeans and Indians in the region of the Chesapeake Bay, it is probable that these contacts resulted in the transfer of diseases which resulted in major epidemics years before the 1607 settlement at Jamestown. I therefore agree with Thornton (1995), who has examined the logs of European ships engaged in explorations and trading ventures and has noted the outbreak of diseases during the voyages, and therefore has hypothesized the occurrence of three major epidemics throughout the Chesapeake Bay region between 1534 and 1607. If Thornton is correct it is possible that

the epidemic episodes impacted the development of the paramount chiefdom and the consolidation of political power in a single individual.

As the Powhatan population shrank the community faced another threat to its survival. The difficulty arose in part because of intermittent raids from hostile Indians conducted along the Virginia frontier. The attacks on the outlying settlements ignited the grassroots conflict known as Bacon's Rebellion in 1676. In principle Bacon's Rebellion was directed against hostile Indians, but in practice the campaign targeted all Indians in the commonwealth with the drastically weakened Powhatans receiving the full force of the military action.

Typically, Bacon's Rebellion is presented as a story of colonists reacting against poor administration of the Virginia Colony by on-site colonial administrators. It would be more accurate to present the "rebellion" as an attempt by relative late-comers to the Virginia Colony to express their dissatisfaction with living conditions, crop failure and weather abnormalities by blaming the remnants of the Powhatan chiefdom for their difficulties. American Indians were the scapegoats of Bacon and his unruly contingent of insurgents and the colonial administrators were unable to quell their armed exploits. It was only the death of Nathaniel Bacon, attributed to illness, which stopped the rebellion. A treaty was negotiated between the General Assembly of Virginia in 1677 and Cockacoeske "Queen" of the Pamunkey tribe, the cornerstone of the greatly reduced chiefdomship, and fragments of the remaining Powhatan tributary tribes (McCartney 1989). The resolution known as the Treaty of Middle Plantation concluded the last armed conflict between the Powhatans and the settlers. The government of Virginia agreed to protect the remaining

Indians, ban the enslavement of Indians, pledged to return Indian captives, and required an annual "payment" of tribute in the form of game from the reserved Indians (McCartney 1989, Rountree 1990). [The terms "reserved" and "non-reserved" are used by Virginia Indians to refer to themselves and their land holdings. The Mattaponi and Pamunkey are the only tribes which have retained lands from the seventeenth century Treaty of Middle Plantation. Therefore, the Mattaponi and the Pamunkey are known in the Commonwealth as the reserved tribes and all other tribes are referred to as the non-reserved tribes. The two terms will be used in this dissertation in a manner consistent with their present usage by Virginia Indians.]

The treaty also granted Indian people the right to engage in "oystering, fishing, gathering tuckahoe, curtenemmons, wild oats, rushes and puckwone" (in Speck 1924:238). In addition to establishing peace, the Treaty of Middle Plantation made the Indian signatories subjects of the English Crown and granted them reservation lands. Small parcels of land were provided for the Indian populations, but these were inadequate to support the greatly diminished numbers of Indians in the traditional modes of subsistence, such as hunting and gathering.

Details of Powhatan land loss in the seventeenth and eighteenth centuries have been enumerated by Rountree (1990). In short, during the eighteenth century, the Indian lands were reduced, through processes of illegal encroachment by non-Indians on reservation lands, trickery and continual pressure on Indian people to sell their property. Thomas Jefferson (1972:96) maintained that in most instances Indian lands were obtained through legal purchases. The 1705 Virginia statutes, Chapter LII, indicate that "Tributary Indians

are not permitted to bargain, or sell lands to any person except of their own nation” (Hening 1823:465). This statute made such land sale null and void and instituted penalties of ten shillings per acre against individuals taking land from Indians.

If Jefferson made the foregoing comment in his 1787 work (1972), it would seem that the 1705 statute was repealed at some point. It would be important to determine how long the statute was in effect and if any Indian lands were sold during this period. Virginia Indians may have a basis for a legal challenge against the Commonwealth of Virginia if a violation of the statute can be shown to have taken place. I have discussed this with some of my Indian consultants and the Nansemond tribe has plans to raise this point, initially in the public arena, in the near future (Fieldnotes 1997). In some instances voluntary land sales were executed by Indian descendants who could not maintain their population in sufficient numbers to adequately hold the land. Smaller groups sometimes consolidated with other tribal fragments, possibly in locations where they had relatives. Family groups no doubt consolidated with one another in Virginia or people left the Commonwealth to join more viable Indian communities in nearby states, such as Maryland and the Carolinas. It is difficult to document the specifics of such practices, but it would probably be reasonable to assume that many of the larger groups of American Indians in the southeast region, such as the Cherokee and Lumbee, are comprised of remnant populations from the Virginia coastal plain.

Only two small portions of reservation land remain from the original land grants. Currently, the Pamunkey reservation encompasses approximately 1,200 acres, and a second remnant of the original reservation consisting of 125 acres is inhabited by members

of the Mattaponi tribe. Both reservations are in King William County, Virginia, and each tribe has continued to pay the annual tribute to the governor as stipulated by the treaty of 1677. This is usually done the Wednesday before Thanksgiving Day at the Governor's mansion in Richmond. The tribute consists of game, usually venison. However, in 1996, in addition to deer, beaver pelts were also given to the governor. The presentation of the tribute by Virginia Indians is seen as an important and much celebrated occasion in the Virginia Indian community.

The public presentation of tribute is seen as an indicator of the continuity of Powhatan's people over the centuries and the event is well attended by members of the Indian community at-large (Fieldnotes 1996). However, the tributary tribes, Pamunkey and Mattaponi, view themselves as having a unique position *vis a vis* the other tribes in Virginia. Since these two tribes have held on to the only pieces of reservation land in Virginia from colonial time, the Pamunkey and Mattaponi take center stage during the tribute presentation and this has caused some enmity among the tribes (Fieldnotes 1995). Additionally, there has been less pressure on the reservated tribes to prove Indian identity.

This does not mean the Pamunkey and Mattaponi have escaped attacks on their racial composition since they have held on to part of their lands. Rather, their land holdings have conferred an advantage on them *vis a vis* the other Virginia tribes. Furthermore, the Pamunkeys maintain that the great leader Powhatan is buried in a mound on their reservation, thereby linking their land with the famous Indian leader and the well-documented accounts of American colonial history. This claim has not been verified in any manner, but proclamation of this direct link to the great chief confers an added dimension

of authenticity on the Pamunkey tribe. Sadly, neither the reserved tribes nor any other of Virginia's original inhabitants has federal recognition. Treaties between the Powhatans and the colony of Virginia exist, but these documents predate the establishment of the United States and thus the Federal government does not acknowledge a formal relationship with Virginia's Indian people. This may change in the future as six of the remnants of the original Powhatan tribes received state recognition in 1983; the Pamunkey, Mattaponi, Upper Mattaponi, Chickahominy, Eastern Chickahominy, Rappahannock, the Nansemond tribe in 1984 and Monacan tribe in 1989. Most of the Virginia tribes are considering making applications for federal recognition in the next few years.

Land loss and diminished population was not the only result of the colonial experience for Virginia Indians. Concurrent with the destruction of the Powhatan political organization in the early part of the seventeenth century, Powhatan language, religion and culture suffered a similar demise. The reconstruction of language, religious practices and all but superficial aspects of the cultural practices of Virginia Indians is extremely problematic. English accounts mention almost nothing that contemporary Indians could use to reconstruct their traditional culture.

John Smith's writings have left scholars with a list of nearly three hundred Powhatan words, but not enough grammar or vocabulary exists to revive the language. The closest living language to the sixteenth century tongue spoken in tidewater Virginia is Delaware. There is increasing interest among some Virginia Indians to learn an Algonquian language (Fieldnotes 1996). The post-contact cultural destruction was so devastatingly complete

that contemporary Virginia Indians have adopted more of a pan-Indian, Plains-like culture as a substitute for traditional Powhatan culture (Fieldnotes 1995-97). Rountree (1989, 1990, 1992) has argued that the Powhatans, though weakened, retained their self-definition as Indians even as the outward manifestations of their cultural identity was eroded. Indian control of reservation lands would have helped to maintain an Indian identity. Also, my examination of early eighteenth-century statutes passed by Virginia's General Assembly specifically mention Indians, and it is unlikely that laws would be enacted which deal with the Indian population if such a group could not be clearly identified. It is worth noting that I have not been able to locate a statute delineating the definition of an Indian person. Presumably, this was because it was easy to distinguish Indians from the rest of the population. Therefore, I am making the assumption that an Indian identity did persist in Virginia, if weakly, until a strengthening of identity occurred in the 1980s.

During the late sixteenth century it is likely that the Virginia tribes became a refuge for runaway slaves and often incorporated such individuals into their shrinking Indian communities. It is difficult to reconstruct this time period and these events. Typically, American Indian communities accept persons born to Indian mothers as full members of the community. Since the Powhatans were a matrilineal people it is likely that there were few sanctions against Indian women who took non-Indians as mates. It is unclear to what extent sanctions were placed against Indians for harboring or marrying runaway slaves or free persons of color during this time period.

In 1705, the General Assembly exerted tighter control over the enslaved population by

passing a series of laws, which have come to be known as slave codes. One of the codes placed a heavy fine of 150 pounds of tobacco on persons permitting slaves “of others to remain” on your property (Hening 1823:458). It is not clear that fines were levied against Indians who provided a haven for Blacks. However, the Indians could not have anticipated the consequences of welcoming non-whites into their communities.

By 1787 Virginia Governor Thomas Jefferson, when writing his one and only full-length book, *Notes on the State of Virginia*, felt secure in making the statement that the Mattaponi Indians had “more Negro than Indian blood” in their veins (Peden 1972:96). Jefferson’s words foreshadowed the attitude of the non-Indian population of the Commonwealth of Virginia toward the Indian population for nearly two centuries following his remarks. The private and personal sentiments of white Virginians regarding race became encoded into public law in the eighteenth, nineteenth and twentieth centuries (Binder 1968). Nevertheless, during the long span of history from 1607 to 1983, remnant groups of the Powhatan chiefdomship and at least one other non-Powhatan Virginia Indian group, the Monacans, maintained an internal “Indian” identity while their external “Indian” identity was crushed and all but subsumed under the racial designation of “free persons of color,” according to the bipolar racial laws of Virginia.

The bipolar model or “two-category” system (Daniels and Kitano 1970:1-28) lumped Indians with “colored persons” and subordinated their status to those of the dominant whites in the state. This struggle by people to maintain and create an American Indian identity under confines of the fixed racial typology of the southeastern part of the United States was analyzed by Hicks (1977), and more recently by Blu (1980) and Sider (1993),

but has generally been overlooked by scholars. Forbes (1993:269-271) has argued that our “one-dimensional” approach to the study of African Americans and Indians in the North American context has distorted our understanding of modern populations. I maintain that we cannot accurately explore the current political landscape of Virginia’s indigenous peoples without reference to the historical issues relating to the evolution of racial classification systems.

Historians have long argued about the character and essence of early Virginia society. The scarcity of records compounds the difficulties encountered on assessing the nature of the colonial society, but an essential fact is often overlooked: Virginia, unlike other early colonies, was settled almost exclusively by Englishmen (Wertenbaker 1910). Demographers believed the colonial population initially grew very slowly, since many immigrants failed to survive in their new surroundings and some even returned to England. The London Company Charter records from the period of 1624 and 1625 indicate that a colonial population of approximately twelve hundred persons remained in Virginia from the six thousand colonists who crossed the ocean between 1607 and 1625 to settle in Virginia (Billings 1975). Virginia became a royal colony, when the London Company was dissolved in 1635, in an attempt to combat the bad press of the day. Stories about the 1624 Indian “massacre,” famine, disease and an overall failure of the agricultural economy to thrive reduced the number of immigrants to Virginia. There was a surge in immigration between the years 1635 and 1674 which saw the population of the colony increase to nearly forty thousand persons. Most of the immigrant population was drawn from the south and southwest of England during the seventeenth century, people who were loyalists

supporters of the Church of England and “descendants” of the Cavaliers (Bean 1938, Billings 1975:105).

The economic life of the colony began to stabilize with the growing of tobacco as an export crop. Colonist John Rolfe, famous for being the husband of Pocahontas, is credited with introducing a variety of tobacco to Virginia which became the main lucrative cash crop, thereby insuring the economic survival of the struggling colony (Morgan 1971). Historian James Horn (1994:141-42) has argued that little can be understood about the society or development of legal and social structures in Virginia without reference to the commodity crop tobacco. With the increase in tobacco planting and production came a change in immigration, settlement patterns, and standard of living in Chesapeake society. Horn is careful to point out that the society of colonial Virginia did not duplicate English society. The variety and social complexity of English society were missing from the New World. For example many of the craft occupations which were an important part of daily life in England were not represented in Virginia. While it is incorrect to view Virginia society as lacking the highly differentiated social hierarchies of home, a new type of society did emerge which had to include a growing influx of “bound” laborers in two forms-- indentured servants and enslaved persons from Africa-- and a small segment of the American Indian population which was indigenous to the area. Horn (1994:148) describes Chesapeake society in the seventeenth century as “a simplified version of English society,” but a “highly aberrant one.” The main difference between the two societies was the growing percentage of slaves in the total population. It is possible that the percentage of slaves by the end of the seventeenth century may have been as high as fifteen percent of

the total population of Virginia, and this percentage continued to rise throughout the eighteenth century (Horn 1994:149).

Winthrop Jordan, in his monumental work, *White Over Black: American Attitudes Toward the Negro, 1550-1812*, discusses in great detail the English reaction to their “sudden” encounter with enslaved black Africans in North America. Emphasis on skin color became the most significant “quality” noticed in the African population, while savagery was the quality most noted about American Indians (Jordan 1968:27). Scholars note that indentured servitude and slavery had Old World antecedents, but its New World forms were adapted in response to particular environments.

Peter Kolich (1993) believes that it may be impossible to make generalizations about slavery and bound labor since there has been an enormous amount of diversity and varying types of slavery in the history of humankind. The concept of bound labor was known to the English, and it can be said to have been an outgrowth of serfdom bonds in medieval agrarian societies. New World slavery was an historically constructed system of labor, and a part of the expansion of the emerging world system. The nascent system of bonded labor emerged in localities which exhibited both labor shortages and the growing of staples for markets in Europe; all of which in turn launched economic, social and political transformations within the European colonial seats of power (Wolf 1982). Kolchin (1993: 5-6) argues that New World slavery represented the northernmost “outpost” of the plantation systems developed in the Carribean colonies in which small numbers of American Indians and large numbers of Africans were enslaved and controlled by Europeans and their descendants. British attitudes towards the American Indian

population were complex and often a mixture of fact and fantasy, but always the Indians were represented and viewed as exotic peoples (Greenblatt 1991).

One of the most recent books to deal with the relationship between American Indians, slaves and settlers in the sixteenth and seventeenth centuries takes the view that scholarship in recent years has examined the linkages between the frontier and the European markets and has typically overlooked the more regional and local linkages. American Indians often are not analyzed as part of colonial history, but as having a history which is separate from American colonial history. James Merrell (1989:37) has argued that Virginia's nascent colonial slave economy was built upon a pre-existing framework of slave capture in the southeastern United States which was incorporated into the early European trading network.

Europeans traded commodities for meat, deer skins and human captives well into the seventeenth century. The pre-contact raiding for slaves amongst tribes had not been tied to a plantation economy. Indian individuals were captured during hunting and fishing trips or during actual raids on other villages. Captives were either traded or swapped for other captives, adopted by captors, killed, or kept as workers in the community (Wolf 1982). Incomplete and fragmented documentary evidence cited by Merrell and others is consistent with recent archaeological findings of palisaded Indian villages in Virginia, which date to the early sixteenth century, and may point to the intertribal raiding for captives in the Virginia Piedmont and coastal areas (Galivan Personal Communication).

Spaniards participated in the enslavement of Native Americans initially, a practice continued by the English. Wolf (1982:203) has suggested that African slaves may have

been preferred to American Indian slave populations because of “proximity” of Indians to their communities “encouraged rebelliousness and escape,” while Africans were landless in North America. The popular justification for the growth of the African slave trade has been the assertion that Africans simply made better slaves in that they held up better under the yoke of slavery than did the Indian population. It is likely that a demographic collapse of the Indian population, combined with issues of control of the slave population, led to the increased importation of African enslaved persons into the southern coastal plain and further displacement of the Indian population. Rountree (1986:174) believes the Powhatan population loss was due to “disease, violence and assimilation” which forced Indians into the “lower levels” of colonial Virginia society.

The institution of Indian slavery did continue in small numbers into the nineteenth century (Kolchin 1993). In October of 1649 the Acts of Assembly indicate the passage of three laws directly impacting Virginia Indians (in Billings 1975: 228-230). The first law made the “kidnapping of Indian Children” illegal. It read in part:

“...Informations are taken notice of by this Assemblye of severall persons whoe by their Indirect practices have Corrupted some of the Indians to steale, can Conveigh away some other Indians Children, and others whoe pretendinge to have bought or purchased Indians of their Parents, or some of their great men, haveinge violentlye, or fraudelentlye forced them from to the great Scandell of christianitye, and of the English nation by such their perfidious dealinge Rendering Religion Comtemptible, and the name of Englishmen odious to them, and may be a very Dangerous, and Important Consequence to the Collonye if not timelye Prevented, It is therefore Enacted that noe person, or persons whatsoever dare, or presume, after the Date of this Act, to buy any Indian, or Indians vizt. From, or of the English, and in case of Complaint made that any person hath transgressed this Act, the truth thereof being proved, such persons shall Return such Indian, or Indians within tenn dayes to the place from whence he was taken...”

The text has been partially reproduced here because it supports Merrell's contention that the Indian slave trade was well established in Virginia and the wording of the act states plainly that the continuation of the scandalous practice would have dire consequences, including the possible outbreak of war, on the entire colony.

The 1649 date of passage is seven years after the second Powhatan uprising, a period during which most scholars dismiss the Indians as powerless and no longer a threat to the Virginia colony. Yet we note the General Assembly passed three important acts to repair or avoid a further deterioration of relations between the settlers and Indians. At the very least the perception of a threat from the Indian community remained in the eyes of the colonists. I would also argue that the Indian population, though politically weakened and undergoing a great deal of culture change, retained an Indian identity and was perceived as distinct from the English population.

The second act outlawed the killing of Indians within the limits of English settlements unless Indians were found to be engaged in "doeing tresspasse, or other harme, in which the oath of that partie by whome the Indian shall be discovered or killed shall be Full, and sufficient Evidence." This law would not have been enacted if there hadn't been problems between Indians and non-Indians within the Jamestown fort or on English plantations. It appears that the colonial government is attempting to protect Indians who approach or enter the areas under English control. On the one hand the law seeks to outlaw the killing of Indians but speaks of trespass as a justification for killing Indians. This legislation highlights the barriers that had formed between the two populations and addresses the

need to maintain the separation between the Indian and non-Indian communities as a basic way to avoid trouble.

The English instituted the use of medal badges or “certificates” to identify specific Indians who had been granted permission to enter the fortified settlement areas or plantations (Treaty of 1677). Access to English-dominated areas of the landscape increasingly became limited and tightly controlled. Within the span of a single lifetime Indian people, who once controlled the lands adjacent to the James River, were now relegated to the borderlands between English settlement and territories controlled by non-aligned Indians. The granting of the borderlands or reservation lands to Indians, in response to “severall” petitions from the “Pymunckee” and others, is the third piece of legislation passed in October of 1649 dealing with Indians. At least three grants, each five thousand acres, was made to different “King[s]” for “huntinge free from mollestation.” Yet it remained legal for the English to enslave Indian war captives until 1691. It is difficult to know how the labor of Indian slaves was utilized by the colonists. The enslavement of Indian women and children for work in domestic and agricultural settings may be imagined, but the enslavement of male Indian war captives is problematic. It is more likely that such individuals would have been sold to the Carribean for reasons of profitability and to reduce the likelihood of retaliation from the Indian community.

Tobacco slavery, or plantation-style bondage, which is associated with Virginia aristocracy, did not appear in the colony in a fully developed form. Rather tobacco slavery emerged to take a particular form and shape over a period of decades (Jordan 1968). Certainly control of the enslaved population would of necessity be a main focus of the

slave-holding population. By 1680 Virginia had enacted its first laws pertaining to slavery, and the colony strengthened these laws or “black” codes in 1705, thereby further re-enforcing the institution of slavery. The 1677 Treaty of Middle Plantation had guaranteed some civil rights for Indians, such as all those Indians in “amity” with England and Charles II. Also to be guaranteed were sufficient lands [with a three-mile radius buffer zone] for traditional subsistence activities, would not be imprisoned without “a special warrant,” and would be granted protection against “strange” Indians near “English Quarters or Plantations.”

More significantly, Indians were given the right to bear arms, march against the enemies of England, and be paid for it, and “each Indian King or Queen” was given power to govern their people. It would appear by the terms of the Treaty of 1677, that the Indian population was brought to the peace table as a defeated people, but one who had secured a measure of protection for themselves. Helen Rountree (1986:174, 1989, 1990) is essentially the only scholar to have dealt with this time period, and she has argued that the Indians were “dazed survivors” of the English onslaught, relegated to small tribal islands without having “internalized a supra-tribal identity.” It is difficult to speculate on the question of tribal identity for these people during the seventeenth century, but clearly they were aware of their Indian identity. The European invasion of their lands and the subsequent demise of Indian hegemony could not fail to separate the Indian and non-Indian population based upon language, culture, religion and most significantly differences in power.

An examination of the statutes enacted in colonial Virginia point to the differential

status between blacks and whites (Porter 1986). Slave masters were legally required to provide weapons to all indentured servants except Negroes. Jordan (1968) believes the denial of Negroes the right to bear arms was the harbinger of the black codes and a clear indication that free blacks were being treated differently from the white population. In neighboring Maryland, laws were enacted restricting marriages between black slaves and freeborn Englishwomen. The restriction did not ban such a union but forced the children of marriages between slave men and free woman into slavery.

In the early part of the seventeenth century free blacks could own property, own slaves, have white servants, and vote. By 1661 a statutory regulation passed by the Virginia General Assembly indicated that some of the Negro population was in servitude for life: "That in case any English servant shall run away in company with any negroes who are incapable of makeing satisfaction by addition of time shall serve for the negroes lost time as well as his own" (Jordan 1968:81).

Gradually laws in Virginia became more restrictive. In 1670 Negroes could no longer have white servants, and the prohibition of black-white marriage was enacted in 1691 (Hoover 1976:27-28). By 1669 the Virginia General Assembly declared a master "was not to be judged guilty of a felony" if a slave died during the "correction" of a Negro for "obstinacy," as no man would wish to destroy his own "estate" (Jordan 1968:82). Therefore, violent means employed for the control of the enslaved population was declared a legal option. Negroes were increasingly treated like personal property and the threat of retaliation and disturbances from the increasing African population became more of a reality.

As previously mentioned, 1705 brought further restrictions to the non-white Virginia population with the passage of a series of laws or black codes. These codes continued to be enacted and strengthen in subsequent years and for the most part the codes were successful in controlling all aspects of life for the non-white population. Eventually restrictions were placed on the free black population denying them the right to vote in Virginia in 1723. Statutes were enacted which forbade marriage between whites and “negroes, mulattoes, and Indians,” and the testimony of non-whites in court (Hening 1823: 454). Chapter IV of the Virginia statutes declares who shall bear office in this country and it was decided that:

“persons convicted of treason, murder, felony, forgery or any crime punishable by death nor any, mulatto or Indian, shall from and after the publication of this act bear any office, ecclesiasticall, civill, of military or be in any place of public trust or powere within this her majestys colony and dominion of Virginia” (Hening 1823:250).

Along with the racial codes and restrictions of the late seventeenth and early eighteenth centuries came the classification of non-whites into fixed and inflexible racial categories such as “mulatto, colored and Indian.” In 1705 the General Assembly defined “who shall be deemed mulattoes” in the following way:

“Be it enacted, declared and it is hearby enacted and declared That the child of an Indian and the child, grand child, or great grand child, of a negro shall be deemed, accounted, held and taken to be a mulatto.” (Hening 1823:252)

The evolution of these terms parallel the increasing attempts of the dominant society to apply inflexible, clearly bounded racial categories to a hybrid of racial combinations.

Interestingly no mention is made of white-Indian mixtures nor of white-Negro mixtures in

the foregoing definition. There must have been an effort to curb the increase in the numbers of mixed blood persons in the Virginia population, since later in 1705 a statute was passed delineating the penalties against women (presumably white women) who were giving birth to mixed-race children. The statute reads that women having “bastards by negroes or mulattoes were fined 15 pounds sterling or were sold for five years, while the children were forced into thirty years of servitude (Hening 1823:453).

The term “mulatto” most likely has Spanish and Portuguese origins. The earliest known usage of the term refers to an animal, the hybrid progeny of a burro and a male horse. Over time the term came to connote mixed-blood individuals born out of wedlock and by the sixteenth century mulatto referred more to skin color than to actual blood ancestry (Forbes 1993:135-9). Overtime the English borrowed the term from the Spanish and used the term to denote a person born of a union between a white and a black.

Jordan’s (1968:167) discussion of the term “mulatto” illustrates the different way in which the term was used in North America. In the Spanish and Portuguese colonies a social hierarchy developed based upon the amount of mixture of European, African and Indian blood. In the English colonies a biracial society emerged in which persons of mixed race ancestry became categorized as Negroes even if they had a predominance of white blood. Jordan (1968) argues that the “bifurcation” of English racial typology existed from beginnings of English-Indian contact. However, colonial law of necessity had to define the racial categories even if ultimately all people would fall into only two final categories, black and white. The material point is that the enactment of legislation mirroring the emerging social distinctions of Virginia society not only included the rights and privileges

of individuals under the law, but also included the definition of racial categories based on ascertainable or perceived quantities of Negro or Indian blood. In many ways the bifurcation of colonial society occurred in two ways, along lines of color and, by category, free versus slave (Lebsock 1984). The American Indian population seemed to dwell in the borderlands of both these categories.

In fewer than three decades, with the passage of the aforementioned and other so-called black codes, the amount of land controlled by the Powhatan Indians was significantly reduced. At the beginning of the eighteenth century twelve reservations were extant. These reservations had been established to protect the remaining Indian population from the pressure of Anglo-Virginian land encroachment and to reduce the threat of further violence between the communities. By 1720 only three of the original reservations remained; the combined Pamunkey and Mattaponi lands located between the Pamunkey and Mattaponi Rivers, the Gingaskin located on Virginia's eastern shore, and Nansemond lands located south of the James River near present-day Norfolk (Rountree 1986:176). Therefore, the majority of Indian tribes had lost their community land base and their ability to engage in a traditional subsistence pattern at the same time that people of African descent were increasing in numbers and coming under increasingly restrictive legislation. The "Indian problem" [*italics mine*] was being replaced by the larger and more general problem of managing the expanding "colored" population in the colony.

The colony's Indian population became subsumed under the emerging biracial, colored/white categories of the colony. Separating the Indian population from their land base and traditional subsistence activities not only made Indian land available for white

settlement, but it reduced the differences between coloreds [sic] and Indians while strengthening the power of whites over both Africans and Indians. Both populations could be viewed as more similar to one another in their respective economic circumstances. It was a short step to lumping the populations together for legislative and social purposes.

Historian Edna Medford (Richmond Times-Dispatch 7/23/95) believes the Indian and black communities should have been natural allies, although recent emphasis on Indian identity is further dividing blacks and American Indians. However, both populations remained a potential threat to the hegemony of Anglo-Virginians. The forging of a black-Indian alliance would have destabilized the peace of the Commonwealth and there is no evidence that any such alliance was suggested or sought by either community. Also, as Sider (1993) has noted, Indian communities differed from African descended communities in the amount of autonomy retained by Indians. The control of reservation lands, while very small in size, would have been a point of difference between the two groups and may have served to separate the two populations. Additionally, it cannot be overstated that for Indian people Virginia, and more broadly speaking North America, was their homeland. Ties to the landscape or attachment to a homeland (Hutchinson and Smith 1996) contribute to a sense of group identity and solidarity. Thus as First Nations, Indian people are unique among other settlers in North America. It is probable that the attachment to the local landscape was a factor which inhibited the formation of a black-Indian alliance, extensive kinship and cultural ties in the Virginia context.

While actual armed conflict between the settlers and Indians had ceased by the late

seventeenth century conflict centered on pressuring the Indian communities to give up control of their valuable agricultural lands to land-hungry settlers. In their weakened condition Virginia Indians were unable to mount any unified or coordinated plan of resistance to the cultural assault brought on by anglo-Virginians. I would argue that three responses were possible for Virginia Indians at this time given that the Indian population was reduced to poverty and completely marginalized as a political power. First, there is the possibility that some Indians eked out a living working for white landowners close to the sites of their traditional lands, working for either low wages or trading labor for food. There is evidence that Indian men were used as paid hunters and some were involved in the extensive and profitable trade in deer skins (Crane 1981). In traditional Powhatan society Indian women worked the agricultural fields and it is likely that Indian men avoided engaging in agricultural work for settlers. However, Indian women and children may have been utilized as domestic servants in colonial households. This arrangement would have probably put Indians in close proximity to enslaved Africans and the lower strata of colonial society occupied by the free “colored” population.

Second, Indian families may have retreated to more isolated and inhospitable locations in Virginia, such as swamp lands, which would have kept them away from the scrutiny of whites and reduced the possibility of economic and social interactions among Indians, Blacks and Whites. Relocation to the more undesirable landscapes would also have permitted small groups of Indians to maintain a more traditional life-style of hunting, fishing and some agriculture. Many people have told me that their family stories indicate that their ancestors hid in swamp and marshlands after the English pushed them off their

traditional lands (Fieldnotes 1995-97).

The 1705 Virginia statutes speak to this point in two ways. Chapter XIV discusses that “many of the tributary Indians keep hogs and were suspected on pretense to steal and destroy the stocks of Englishmen,” therefore the colony instituted a marking system or branding for Indian pork (Hening 1823:278). This gives evidence that Indians were selling butchered pork to the English, and they therefore had some means of obtaining money from the English settlers. Chapter XVI of the Virginia statutes indicates that Indians were paid bounties for killing wolves as follows: “That whatsoever Indian or Indians tributary to this dominion shall kill or destroy wolves” will receive a “reward of 100 pounds of tobacco” (Hening 1823:282). Tobacco was the cash crop of the colony and tobacco bills were issued, representing pounds of tobacco which were redeemable at merchants’ stores, usually for imported English goods. Since these two statutes highlight Indian participation in the aforementioned activities, and no other ethnic or racial group, I maintain that Indians had a unique and separate identity in Virginia at least as late as 1705, and a unique work relationship *vis a vis* the other populations in the colony.

Third, Indians left Virginia to join with other Native Americans in the south and north, thereby finding refuge with people of similar cultural practices. Another 1705 statute for Virginia is problematic regarding the flight of Indians from the colony. Chapter XII of the statutes is an act to prevent the “clandestine transport” of slaves or servants out of the country. The law in part reads: “no master of a ship, sloop, or boat shall transport or carry any servant whatsoever, or any negro, mulatto, Indian or other slave out of the colony without consent of the person whom such servant or slave doth of right belong”

(Hening 1823:275). This statute indicates the laws are being applied to servants and slaves. However, Indians are mentioned in this category, and it suggests that it was becoming increasingly difficult for Indian people to travel freely about the colony of Virginia, and that the settlers suspected them as being runaway slaves when Indians were not on their reservation lands.

Indians would have to prove they were free persons in order to travel by boat. The penalties for the violation of this transportation statute were significant, fifty pounds sterling for each servant and one hundred pounds sterling for each slave. With the threat of such a steep fine, ship masters would hesitate to transport anyone of color to another part of the colony. It is likely that Indians, even non-slaves or those not bound as servants, wishing to flee Virginia would have had to transport themselves on foot and by using less visible and more difficult roads to avoid drawing attention to themselves.

It is practically impossible to follow and support any of the three options which I have suggested here since the documentary evidence, the paper trail, is lacking. However, I feel these are very logical options for people to take. Moreover, I would argue that each of these three scenarios was carried out by the Virginia Indian population. In other words families chose among these three options as suited their own capabilities and circumstances. Families with kin in Indian communities outside of the Commonwealth probably had an easier time amalgamating with another tribe or community. This third scenario may be seen to be analogous to the eighteenth-century formation of the Seminole Nation which emerged in Florida as an amalgamation of fragments of other tribal people and possible runaway slaves (Wright 1986). Therefore it seems quite likely that

amalgamation with other Indians in the region was a logical response for some Virginia Indians to make during the late sixteenth and seventeenth centuries.

Those families able to flee and strong enough to survive in less desirable locations may have chosen this somewhat high-risk path in the hopes of remaining unmolested by the non-Indian population. Some just stayed put and tried to hang on in the face of ever increasing racial restrictions and pressures. In the course of conversations with many people of Indian descent in Virginia, I always asked them how their families survived during the seventeenth and eighteenth centuries, and my questions were met with varying responses. At first I could not account for the differences but over time I began to see that the three responses which I have summarized above are consistent with the responses of Indian consultants (Fieldnotes 1995-97). I would also argue that the general confusion about the existence and disappearance of American Indians in Virginia is related to the varying ways in which Indian people responded to the stress of European invasion. After 1677 there was no visible, unified response and it is therefore somewhat easier to discount or underestimate the complexity and variety of Indian reactions to their situation. Additionally, the debate about the racial composition of the Virginia Indian population should be conducted with reference to the possible responses made by the Indian population to culture stresses in the past. The above scenarios may help to account for the disparate views and perceptions regarding the Indian admixture with blacks and whites and the apocryphal accounts of Indian disappearance in Virginia. The survival responses that Indians chose were complex and varied, and simplistic or single theory explanations cannot account for the variety of Indian reactions to the cultural stresses the population

encountered. I maintain that there was no systematic or single Indian response to the European invasion of Virginia after 1677. Prior to the 1677 Treaty of Middle Plantation, Virginia Indians employed a combination of strategies including accommodation, avoidance, flight and warfare. It is impossible to follow these strategies by examining historic documents. Also the first census wasn't taken until 1790. By that date it was too difficult to follow the multiple paths taken by Virginia Indians in their attempt to survive. Nevertheless it seems to me that before we can discuss the re-emergence of Virginia Indian people, we must account for their so-called past disappearance. Their differing family oral traditions support the dynamic multiple paths approach to the stress of European invasion.

One other point should be addressed. Thornton (1995:224) has suggested that a possible response to depopulation by American Indians was the creation of "new groups" such as the Metis or other American Indian-white-black people. This position has its obvious attractiveness, as one could place all mixed blood persons in a new generalized category. This position is problematic because the Metis which Thornton has identified by name are a recognized indigenous population in Canada. The Metis people are a specific mix of French and Cree populations that was an outgrowth of the Canadian fur trade experience. The Metis are not a generalized mix of Indian-non-Indian people. In addition, the Metis have their own material culture, and they can document an on-community history that includes significant events in Canadian history such as the Selkirk Incident of 1811, the Courthouse Rebellion of 1849 and the Riel Rebellion of 1867 (Peterson and Brown 1985). I would argue that the people forging an Indian identity in Virginia in the

twentieth century are not comparable to the Metis of Canada because the indigenous population of Virginia, while a biological hybrid, link themselves to a past which is clearly defined as a pre-contact and post-contact history.

The pre-contact period is defined by archaeological sites and the post-contact period by the documents of the English settlement, colonial statutes, and family genealogy. The concept of “new people” as a legitimate ethnic or racial designation has been brought into question recently. In 1997 a group of people claiming American Indian, African, Asian and European ancestry has informally organized themselves as “Me’tis” in Virginia. The representatives of Virginia’s eight recognized tribes are very skeptical about this group’s cultural and biological heritage, and the tribes question the motives of the so-called Me’tis. Consequently the Virginia tribes are not inclined to accept the Me’tis as authentic Indian people (Fieldnotes 1997). The borders of racial and ethnic identity may be fluid but they are not so fluid as to lack any qualifications for group membership.

By the early eighteenth century Virginia Indians were barely a footnote in surviving historical documents which were increasingly focused on issues pertaining to the emergence of the United States and the political and economic turmoil attending the building of a new nation state. Few Scholars were interested in writing about Virginia Indians until the twentieth century as Indians from the western part of the country were considered to be the “real” Indians. Virginia Indians were not considered a viable culture much past the early 1800s and this impacted their value as “objects for study.”

The undervaluing of the commonwealth’s native population changed in the first quarter of the twentieth century, when an examination of Virginia Indians was undertaken

by two prominent anthropologists, James Mooney and Frank Speck. In 1907 Mooney published a comprehensive article entitled, "The Powhatan Confederacy, Past and Present," in which he cited Strachey, John Smith and Thomas Jefferson as historical authorities for Virginia's Indian population. Hardly a passing reference to Indians living in Virginia can be found in nineteenth century documents or research. This may be because the focus of white control over non-white persons was essentially on the enslaved population. Fear of slave rebellion or uprisings, such as the Nat Turner Rebellion of 1831, created a climate of fear among whites and a hardening of restrictions against slaves and free persons of color. The definition of mulatto changed to read:

"Every person of one-fourth part or more of negro blood shall be deemed a mulatto, and the word "negro" in any other section of this, or in any future statute, shall be construed to mean mulatto as well as negro."
(Commonwealth of Virginia 1849: title 30, chapter 103)

In 1873 a definition of Indian appears for the first time in the Virginia statutes.

Commonwealth of Virginia law, title 30, chapter 103 reads:

"Every person having one-fourth or more of negro blood shall be deemed a colored person, and every person not a colored person having one-fourth or more of Indian blood shall be deemed an Indian."

By 1919 the statute became more expansive by declaring persons of one-sixteenth of Negro blood to be a colored person while maintaining the one-fourth requirement of Indian blood to be an Indian (Commonwealth of Virginia, title 5, chapter 8). The racial integrity legislation of 1924 and subsequent racial definitions are discussed in Chapter III. The point to be stressed is that Indians were not officially defined until the nineteenth century and through time less and less admixture of Negro blood was required for a

person to be classified as a Negro. Also in 1873 the term “colored person” came into use as a substitute for Negro (Rountree 1986:180). The chaos over application of the categories of “colored” and “Indian” become extreme in the early part of the twentieth century as Indian people fought to control the definition and boundaries of “Indianness.” The Virginia General Assembly attempted to subsume the category of Indian under the category of “colored persons” and the government sought to support their racial categories by citing historic documents such as statutes, personal property lists, census data and other materials. It should be noted that the extensive destruction to county courthouses in Virginia during the Civil War no doubt eradicated records which might have been able to shed light on the status of the Indian population during this era (Lebsock 1984).

Early in the twentieth-century ethnologist James Mooney (1907:132) declared the aboriginal population of Virginia “extinct” yet went on to describe the existence of “ 700 mixed bloods of the Powhatan stock” living in scattered bands in the state, and included detailed listing of dominant family names among the remaining tribes and a careful listing of population figures. Mooney (1907:145) argued that in all the bands of the remaining Indians “blood of three races is commingled” yet he uses the term “Indians” when referring to the descendants of Powhatan and observed that the “Indian blood” was significant enough to “give stamp to physiognomy and hair characteristics.” The discovery of the scattered families of Indian descent was made when Mooney undertook a study of Indian history and tribal remains along the south Atlantic region (1907:144). Mooney’s methodology involved sending out 1,000 “circular letters” or questionnaires in

the region. However, it is unclear to whom the circulars were sent. Replies to the circulars resulted in Mooney's fieldwork among people of Indian descent in Virginia during the years 1889 and 1901. While Mooney may be criticized for his imprecise use of the terms "band" and "tribe" in his writings, his fieldwork in Virginia and the 1907 article have become an important reference point in recent decades for individuals claiming Virginia Indian descent.

Frank Speck's research into the status of American Indian communities in Virginia, undertaken in the 1920s, was initially driven by his desire to connect the apparent "complexities" of Powhatan culture to influences from the Indian cultures of the Gulf area (1928:227). Speck estimated that there were two thousand descendants of the Powhatan confederacy remaining in eastern Virginia but indicated with alacrity that little ethnographic work had been done on them since some people denied their existence "under the implication of there being no longer pure-blood Indians" in the region (1928:236). Speck argued that to eliminate Powhatan descendants according to a pure-blood criteria would result in a great deal of confusion, as numerous other Indians groups with "active tribal governments" would necessarily fall into the same category.

I will argue that Speck's direct confrontation of the blood quantum issue regarding Virginia Indians was an attempt to meet head-on the growing racist climate fostered by the Eugenics Movement in the 1920s and 1930s. Some of my consultants told me that their parents remembered meeting Speck and they spoke of him and his work with fondness. A few people showed me their own personal copies of his 1928 monograph (Fieldnotes 1996). The Virginia landscape is littered with hard feelings, bad memories, and people

suspicious of researchers' intent predominantly generated by one of the most publicly racist campaigns against people of color in the twentieth century.

The amount of Indian blood quantum remaining in the Virginia Indian population has been a sensitive issue for all of this century. The amount of black and white admixture in the contemporary Virginia Indian community was no doubt impacted by the type of response which individual Indian families made to the pressures on them to assimilate and/or vacate the colony in the seventeenth and eighteenth centuries. Some of the participants in the racial purity debate have argued that the Indian and colored populations have been thoroughly mixed for centuries, thereby minimizing the remnant's claims of Indianness both culturally and biologically in the twentieth century.

Calvin Beale (1957:187) described the "biological legacy" of the remnants of Indian tribes of the Atlantic Coastal Plain who interbred with whites and Negroes as "American tri-racial isolates." Beale and others (Berry 1963, Dane and Griessman 1972) described the descendants of these people using derogatory names, such as "Brass Ankles," and "Red Bones," or what Beale (1957:188) called "local colloquial name[s]." The studies of these peoples consistently present them as "peculiar," generally being a group of low achievers and people with high instances of "illegitimacy..petty larceny, and other socially disapproved practices" (Beale 1957:188). Physical anthropologists (Pollitzer 1972) have been interested in the demographic and morphological characteristics of the tri-racial population.

I maintain in Chapter III that the so-called tri-racial isolate studies undertaken forty years ago were heavily influenced by the Eugenics Movement and therefore represent

biased agenda-oriented social science. In addition these works did not consider the contexts in which the Indian and African populations were trying to survive. There clearly is a high degree of black admixture among some Indian families, but it cannot be said to be true of every family. There is too much variability in appearance of Virginia Indians to claim heavy black admixture for each family or tribe. Other Indians have told me that the remnants of Indian peoples kept to themselves and did not intermarry with blacks. Such claims may come from the stories of small groups of Indians living on their own in inaccessible locations to avoid contact with blacks and whites, and these have some basis in fact. The presence of the reservations would have served as a refuge and reminder of the pre-reservation Indian way of life. However, these reservations were small and could support only modest populations, thereby limiting their value as refuge areas.

Additionally, this reservation land, while located in a rural area, should not be viewed as comparable to the isolated marshlands and swamp lands avoided by the settlers. The reservation land was a minute legal refuge; the swamps were de facto refuges. The location of the Pamunkey and Mattaponi reservations close to a riverine habitat afforded residents the possibility of making a livelihood by exploiting the riparian resources adjacent to reservation lands. At present the Mattaponi Reservation is threatened by a proposal to construct a dam to provide fresh water to support burgeoning development on the James River peninsula. This will be examined more closely in Chapter IV.

Part of the Powhatan's Tsenacomaco lies within what is today called Virginia's Historic Triangle, a resort area which markets the sanitized history of colonial spirit and nation building. There is little room for subaltern stories that reflect harsh reality of the

lives of the enslaved or the not-so-noble savage who refused to vacate the landscape in a quiet manner. This land of the Historic Triangle is congruent with the peninsula between the James and York Rivers, the site of intense Revolutionary War and later American Civil War activity. It is also the location of several federal and state museums reflecting the settlement of English-speaking North America, the American Revolution and to a lesser degree the Civil War. The more famous of the area's museums include Jamestown National Park, Jamestown Settlement, Colonial Williamsburg, and the Yorktown Battlefield National Park. The emphasis on historical museum displays, Virginia plantations, and living history presentations make the Historic Triangle of Virginia by some counts the fourth most visited area of the country, after Disneyworld, Disneyland and the Grand Canyon.

The same early colonial sources used to present Powhatan Indians are also used to recreate the heroic, early British and later Anglo-American world edging toward political freedom in the tobacco-wealthy Commonwealth of Virginia. The history of Virginia is presented to the larger American public with only a very brief Indian backdrop that depicts the early years at Jamestown Fort, and showcases the supposed adoption/love story between Pocahontas and John Smith, our country's first homegrown romance. The reconstruction and representation of this episode of Anglo-Powhatan history has taken on mythic proportions.

The production of American history includes the realm of the Virginia Indian only as a romantic interlude and expression of popular culture. The difficult task of the reconstruction of Powhatan Indian society, both pre-contact and post-contact, has to be

undertaken on the historical landscape that had been created by non-Indians. Indians struggle against an onslaught of superimposed Anglo-American constructs of historical accuracy and categories of peoplehood. These constructs often portray Indians in brief snapshots which re-enforce stereotypes and ignore the harsh realities of racism which were part of the lives of Virginia's minority population.

Paradoxically, the glorious past of Indian life is also the basis for the shared memories, feelings of kinship, and attachment to a homeland; sentiments expressed by contemporary Virginia Indians. These expressions may be viewed as key characteristics of ethnic groups (Hutchinson and Smith 1996). Drawing on the shared memories of past experiences as once-powerful people who played important roles in the founding of the United States, contemporary Virginia Indians have developed a sense of solidarity with one another, and are attempting to re-define their past in order to re-create and validate their present sense of Indianness. However, between the glorious past and the re-created present lay the era which I call "administrative genocide." In 1924, with the passage of the Racial Integrity Act, a forty-two year period began during which the Commonwealth of Virginia attempted to deny the very existence of Virginia Indians. Supporters of the Eugenics Movement led the fight against all minority persons in Virginia, but most especially those of African and Indian descent.

Chapter III

When two races come into contact, one will expel the other from the commonly occupied or desired territory, or the races will adjust their differences through a process of inter-race breeding creating a mongrel race differing from the parent races but with a tendency to re-establish the characters of the lower party of the crossing.

Earnest Sevier Cox

White America 1932:59

The Eugenics Movement in Virginia

The stated aim of the so-called “science of eugenics” was nothing short of the racial improvement of humankind through the production of a race of physically and mentally superior human beings utilizing the biological principles developed from the study of genetics and the practices of animal breeding. The Eugenics Movement developed in the latter part of the nineteenth century in England and spread, in the early decades of the twentieth century, to other areas of the world, taking hold most strongly in the United States, Scandinavian countries and Germany. Within the United States the ideology of eugenics became firmly entrenched in the Commonwealth of Virginia and was formally expressed in a growing body of legislation enforcing racial segregation, establishing a system of racial classifications and placing restrictions on universal access to free education and state-recognized mixed-race marriages.

The most obvious victims of the Eugenics Movement were Africa Americans. However, American Indians, Asians, and some immigrant groups were casualties of the racial politics of the early to mid-twentieth century. The ideology of the Eugenics Movement led adherents to target Virginia’s Indian population in a vicious and relentless

manner. Supporters of the movement gained access to the press and the Virginia Bureau of Vital Statistics to promote their racist agenda in the public arena (Sherman 1988). Persons allied with the movement used their political and administrative powers to deny the very existence of Virginia Indian people and to influence the adoption of legislation consistent with the tenets of the Eugenics Movement, most notably the Racial Integrity Law of 1924.

The emotional damage which resulted from the Eugenics Movement is still felt by members of the minority communities in Virginia. Reticence to discuss Indian ancestry and suspicion of the intentions of outsiders are some the more insidious and long-lasting legacies of the racial purity agendas and racial legislation, fostered by the Eugenics Movement. I call this twentieth-century attack on Virginia's indigenous population "administrative genocide;" a state-sponsored policy carried out by the Bureau of Vital Statistics against Virginia Indians for over four decades. I am grateful for openness shown to me by members of the Virginia Indian community and access to restricted documents at the University of Virginia which I received from the donor of the collection.

The progenitor of the Eugenics Movement was the famous architect of the theory of natural selection, Charles Darwin. Although Darwin apparently never spoke directly to the issue of human genetics, he was most certainly aware of the developing eugenical sentiments influenced by his research and the more extreme hereditarian doctrines being espoused by members of his own family. A cousin of Charles Darwin, Francis Galton, defined the terminology of eugenics and formally established eugenics as a science in 1883, while Darwin's son, Leonard Darwin, was a prominent leader of the nascent

Eugenics Society (Fasten 1935).

Galton and his philosophical associates championed the cause of eugenics tirelessly, arguing passionately for societal and legal controls to assist in the racial improvement of humankind. Francis Galton's early eugenical studies centered on a life history of twins, which led Galton to conclude that heredity dominated the forces of environment. Galton increasingly advocated an extremist position within the eugenics community and argued strongly that nature, or heredity, was the primary force in "human character and civilization" (Freeman 1996:10).

The implications of the eugenical position were fully expressed in the concepts of social Darwinism. Galton's ideas had sprung from a growing perception in the nineteenth century that mankind could not escape the pressures or forces of natural selection which worked on all living things. Prior to the 1859 publication of Darwin's On The Origin of Species, Herbert Spencer developed his own brand of evolutionary theory, best summed up as "the survival of the fittest." In practical terms Spencer was opposed to programs of social intervention, free public education, and providing aid to the unfit of society, as he believed these programs would upset the forces of nature at work in society. For Spencer and those in his philosophical sphere, nothing should be permitted to interfere with the mechanisms of natural selection, which led to progress and the betterment of humankind. Permitting the unfettered pressures of natural selection to work on society resulted in the elimination of the feeble-minded, physically impaired, and the culturally inferior. Spencer attempted to apply a positivist scientific model to all aspects of human society. Even destructive human activities such as warfare and armed conflict were viewed as beneficial

mechanisms for removing inferior societies from the breeding pool. Like Galton and Leonard Darwin, Spencer was vehemently opposed to intermarriage between races because he believed this practice resulted in the degeneration of the overall population (Smith 1993). Members of the Eugenics Movement began to advocate restrictions on human breeding as an aid to natural selection in humans. Galton noted that man directed the evolution of lower organisms but gave no attention to humankind's evolution, with the result that human "defectives" were increasing in number and threatened the welfare of all humans (Fasten 1935:283). Therefore it had become necessary to control the breeding of human populations and supporters of the Eugenics Movement, like Galton, set out to make their case to the scientist and the common man. As the ideology of the Eugenics Movement spread beyond England, Galton both popularized and professionalized the field by giving lectures and encouraging the acceptance of the so-called science of race betterment or improvement, as a factual course of study at universities (Freeman 1996:15).

Derek Freeman (1996:9) has argued that Galton was the first evolutionist to apply the concepts of "natural selection to [the study of] human races and cultures" and we may therefore attribute to Galton subsequent racial interpretations of human history, an idea greatly opposed by Franz Boas, the father of American anthropology. It has become apparent to me in the course of this research project that Boasian anthropology had little impact on the public's perception of racial issues in the early part of this century. During the 1920s Boasians within the discipline of anthropology fought the ideological battle for racial equality and spoke out against a growing climate of racism. Unfortunately they

failed to stem the tide of eugenical thought in the public arena and its resulting racial purity legislation in the public domain.

In 1921 an International Congress of Eugenics was held in New York City under the guidance of the former director of the American Museum of Natural History, Henry Fairfield Osborn (Fasten 1935). Prestigious organizations such as the Carnegie Institution, which initially studied and funded plant and animal evolution, began to expand the scope of their research to include human genetics and the sponsorship of human degeneracy studies. The forces in the American Eugenics Movement echoed the fears expressed by their English counterparts and went on the offensive by publicly expressing concern at the differential birth rates exhibited among various racial and socio-economic groups. They expressed alarm at what they saw as the large increase in the abnormal or defective populations and a declining birth rate among normal and superior people, especially persons who were well-educated. Most of the prominent early birth control advocates, such as Margaret Sanger, Winifred Scott Hall and William J. Robinson, were associated with the Eugenics Movement, and sought to reduce the population growth among the lower classes. Fitness according Sanger was a function of class not race, but nevertheless was a desired objective which required selective mating (Hoover 1976:244).

The growth of the Eugenics Movement in the United States was aided by the founding of a Station for Experimental Evolution on Long Island, New York in 1904. Charles B. Davenport was appointed as the first director of the station and funding was provided by the Carnegie Institution of Washington. Davenport was a believer in “innate racial differences” and a strong advocate of racial segregation, immigration restriction and racial

purity (Hoover 1976: 242-3).

In the United States the Eugenics Society was formally established in 1922 and its loyal membership quickly began the dissemination of their views on racial inequality. Franklin Giddings, a member of the philosophy department at Columbia University, New York attorney Madison Grant, and Lothrop Stoddard of Boston became outspoken advocates of the U.S. movement (Powell Collection). In Virginia the Eugenics Movement became a powerful political force that successfully influenced the passage of legislation consistent with their agenda. Three men were dominant figures in the Virginia Eugenics movement; John Powell, Earnest Sevier Cox, and Walter Asby Plecker.

John Powell was born in Richmond in 1882, graduated from the University of Virginia 1901, and traveled to Europe to concentrate on a career in music (Smith 1993). From my examination of his personal papers, at the University of Virginia, it is clear that John Powell had a long and distinguished career as a concert pianist in the United States and abroad. However, it is unclear how Powell became influenced by the doctrine of the Eugenics Movement. In 1922 Powell and fellow Virginian Earnest Sevier Cox were sufficiently involved in the Eugenics Movement that they founded an organization called the Anglo-Saxon Clubs of America, which was dedicated to the “preservation and maintenance of Anglo-Saxon ideals and civilization in America” (Richmond News Leader 1923).

At the conclusion of their first convention in Richmond during October of 1923, the Anglo-Saxon Clubs unveiled their newly written constitution. Surprisingly, the pamphlet containing the group’s constitution was dedicated to Marcus Garvey, a Jamaican and

founder of another organization, the Universal Negro Improvement Association. Marcus Garvey, John Powell, and Earnest Cox formed a strange alliance supporting the concept of racial integrity. Each of these men was convinced that the only true solution to the “colored problem” was the repatriation of Negroes to a separate country in Africa. Cox, the author of the Anglo-Saxon Clubs’ pamphlet, embellished the dedication to Garvey with the words:

“from white men who wish to keep the white race white to black men who wish to keep the black race black, including the terms of alliance between these two groups against whites who wish to mix with Negroes and Negroes who wish to mix with whites” (Cox 1925).

Leaders of the Anglo-Saxon Clubs courted Garvey’s support for those aspects of the eugenical movement’s ideologies on which they were in agreement. In August of 1925, Anne Jaques Garvey, the wife of then jailed Marcus Garvey and de facto head of the Universal Negro Improvement Association, visited the Richmond office of Vital Statistics and declared her support for Virginia’s laws to keep the black and white races pure. Newspaper accounts of the visit indicate Mrs. Garvey was in agreement with the state of Virginia’s restrictive racial legislation, but in reality Mrs. Garvey was agreeing with separatist’s assertions that Negroes should have their own country (Richmond Times-Dispatch 1925). Certainly, Garvey’s organization would not have condoned views espousing Negro inferiority. Supporters of the Eugenics Movement found Mrs. Garvey’s visit to be a superb opportunity to manipulate publicity and generate support for Virginia’s Racial Integrity Law by show-casing a prominent member of the Black community who opposed the National Association for the Advancement of Colored People’s integration

efforts. The NAACP was trying to speak out against the explicit racism of racial integrity legislation and the repatriation of Negroes to Africa.

The constitution of the Anglo-Saxon Clubs was adopted in Richmond on October 13, 1923 and it declared in Article I, the club was not to be “a secret or fraternal organization.” Article II stated the “principle object of the organization is to the maintenance of Anglo-Saxon institutions and ideals, a free press, free public schools, eternal separation of church and state, and for the supremacy of the white race in the United States of America *without racial prejudice or hatred*”[italics mine].

Despite the disclaimer regarding the lack of racial prejudice of the Anglo-Saxon Clubs, membership, according to the club’s constitution, was restricted to white males, all native-born American citizens. The term “Native American” is used frequently in the Anglo-Saxon Clubs’ literature and it is employed to refer to native-born whites not American Indians. [My fieldwork in Virginia has made it clear to me that there is a great deal of ambivalence surrounding the use of the term “native American” to refer to a person of Indian descent. Most Virginia Indians have told me privately that they prefer being called American Indians even though that term is also somewhat problematic. I would argue that the way in which the term native American was used by advocates of the Eugenics Movement in the 1920s has made Virginia Indians uncomfortable with its current usage as an ethnic designation.] Anglo-Saxon Clubs were organized throughout the state of Virginia, typically on college campuses. This included the establishment of chapters or “posts” at such prominent schools as the University of Virginia, and Virginia Military Institute. Racial Integrity files, part of the Powell Collection, which I examined at the

University of Virginia, indicate the College of William & Mary had its own active Anglo-Saxon Club, designated as "Post Number 6." The officers in 1923 were: President Otto Lowe, Vice President James Jenkins, and Secretary Robert Blanton.

Thomson (1978:121-23) stated that the Anglo-Saxon Clubs controlled membership by using secret balloting and relatively expensive membership fees. The yearly membership dues for the Richmond Post No. 1 was \$10. College posts had somewhat reduced fees.

The agenda of the clubs was straightforward and was presented to the public in an article which appeared in the Richmond News Leader on June 5, 1923. The organization pressured the Virginia General Assembly to enact a new racial code which was to include the following components:

1. A system of birth registration to be instituted indicating racial composition for every resident in the Commonwealth of Virginia.
2. No marriage license will be issued without the presentation and attestation under oath, by both parties of said birth certificate or registration papers.
3. White persons may only marry white persons.
4. The term "white person" applies to only those individuals who have no trace of any blood other than Caucasian.

It was John Powell himself, as founder of the Anglo-Saxon Clubs, who presented the above motions, in the form of a petition to the General Assembly of Virginia, in 1924, asking for the enactment of a law guarding race integrity (Smith 1993:18-20).

The agenda of the Anglo-Saxon Clubs appears to be suspiciously similar to the ideology of the Ku Klux Klan (Monteval 1924). Thomson (1978:123) estimates that active Klan membership in Virginia, during the 1920s, approached 35,000 persons.

However, Powell publicly denied that he or the Anglo-Saxon Clubs were connected to the

Klan. Much of the ideology behind the petition for racial integrity legislation was articulated in a book entitled, White America written by Earnest Sevier Cox and published by the White America Society of Richmond in 1923. Cox was a self-described well-educated, well-traveled man who informed his readers that he had devoted years of his life to studying the question of the Negro problem which, according to Cox, had been an on-going problem throughout recorded history. Broadly speaking White America traces the contact between the white and colored races for approximately 6,000 years, through the observations and interpretations of Earnest Cox, who pleads the cause of racial superiority of the Caucasian race.

Cox offered readers racist explanations for the collapse of Rome, Egypt and India which he referred to as “Civilizations that have perished through contact with colored races” (Cox 1923:137-9). According to Cox, the scenario has always been the same; all civilizations were founded by whites and most of these civilizations were destroyed in large measure due to the thoughtless absorption of inferior (physically and mentally) or colored people by superior groups of people of Aryan descent; “contact of the white race with a colored produces a colored problem” (Cox 1923:16). The eugenical mantra delineated by Cox was Negroes became enslaved because they were inferior, the poor became poor because of their heredity, and American Indians were close to extinction in North America because they were inferior and stood in the way of progress. This was a mantra which fell on receptive ears.

While firmly espousing the doctrines of the Eugenics Movement in his book, Cox does introduce the idea that “environment has played an important part in determining the

differences between races such as racial traits and potentialities.” But according to Cox environment was a factor only in the “remote period when the races were young and plastic” (Cox 1923:17). Thus for Cox, like Galton and others, environment could not be considered as a factor in the eugenics debate. Cox believed whites were the only race since the remote past capable of acting as molders of the environment. Thus to Cox’s way of thinking whites modified their surroundings and were not modified by the environment, and this placed the colored peoples in a relationship of indebtedness to the white race. Incredibly, Cox viewed this indebtedness as significant enough to make the “preservation of the white race the chief aim of the colored” races if they could only be made to understand their debt (1923:19). Cox tried to argue that colored people had as much to gain from racial separation as did whites, as this separation conferred benefits on the colored peoples, chiefly such things as inventions and the civilizing affects of government. According to this logic therefore, it followed that the colored races should desire that the white race remain racially pure for the continuing benefit of all peoples.

Also delineated in Cox’s book is the racist terminology of the Eugenics Movement complete with definitions. For example, “Negrophilists” are Negro lovers, and “ethnology” is said to be the science that deals with the natural races of man. The term “white” is used synonymously with the term Caucasian. According to Cox “Caucasian” actually encompassed three races; Nordics, the “Master Race” represented by sailors, soldiers, explorers, and inventors; the Alpine Race, credited with initiating the use of metals; and the Mediterranean Race, composed of people with a keen wit often distinguished in the arts.

People vaguely defined as “Aryans” were said to be descendants of early Nordic stock (Cox 1923:43-44). Cox is no doubt drawing on the works of Otto Ammon, and William Ripley, men who wrote in the latter part of the nineteenth century about the eventual success of the racial superiority and the divisions of the European races (Hannaford 1996). Traces of racial superiority explanations that the Eugenics Movement associated with Nordic explorers and early Viking settlement of North America linger today in the stories of rune stones and light-eyed Indians. An example of this occurred in the summer of 1997 when self-appointed ritual practitioners of so-called Norse religions held a ceremony to honor the skeletal remains of the controversial Kennewick Man. The latter are currently being contested under the 1990 Native American Graves Protection and Repatriation Act by American Indians and the anthropological community (Washington Post April 15, 1997). [I find these ideas have spread throughout the hemisphere. During a visit to Paraguay in 1995, the Guarani-speaking people in the remote village which I visited spoke of “Veekings” and pointed to some nearby petroglyphs. Amazingly, such bazaar explanations of Viking authorship of native-made art, objects and architectural features, have found their way into the interior of South America. I believe this fascination with Vikings in the Paraguayan setting may be the remnants of eugenics ideology linked directly to Nazi Germany and the Third Reich’s own eugenics-oriented propagandist ideology. Paraguay, like Argentina, became a hiding place for Nazi officials seeking refuge at the close of World War II, and Nazis may have spread the stories of Viking visitors among the Guarani.]

In a magnanimous gesture, Cox acknowledged that no continent was entirely

populated by a single race; there had been movement of people throughout history. However, this population movement was always in response to the migrations of white people. The eugenics proponents argued that the careless intermixing of whites and nonwhites had brought about the hybrids and remnants of races seen in the twentieth century, and the resulting social problems could not be “altered by educational programs, legislative decree or any amount of philanthropic work” (Cox 1923:59). For Earnest Cox there were only two possible solutions to the race problem which came about by the dwelling together of whites and non-whites: separation according to racial classification or amalgamation and miscegenation.

Separation of races with the support of legislative enactments became the sought-after goal of Cox and his cronies. The Eugenics Movement never entirely relinquished the idea of repatriating the Negro population to Africa, and to that end sought alliances in the Black community which also supported a return migration to an African homeland. The Negro problem was the most severe, but according to Cox it was not the only problem; there was “danger from beyond the Pacific--yellow peril.” At the time of the publication of *White America* more than eleven million immigrants were living within the borders of the United States and Cox saw them as being “wholly alien to our race and institutions” (1923:8-9).

Madison Grant, a prominent New York attorney and mouth-piece for the eugenics’ propaganda machine, wrote in 1924 that the United States realized during the Great War [WWI] they were no longer a homogenized whole, but a “jumbled-up mass of undigested racial material” (Powell Collection). According to Grant, Cox, and Powell, even the

English language was under threat from so many foreign tongues and non-Protestant religions appearing in the United States. Immigrants from southern Italy were suspect and believed to have had their blood tainted by close proximity to the African continent. Three hundred years of contact with the Indian and the Negro and the “Teutonic type” was barely preserved in North America.

The ideologues of the Eugenics Movement felt they no longer had time on their side. Madison Grant and some of his supporters began to lobby for the repeal of the Fourteenth Amendment of the Constitution, forming a group called the League to Annul the Fourteenth Amendment. League members argued that Negroes must be ousted from public office and in no instance should Negroes have legal authority or act in an official capacity over whites (Grant 1924). Posters and evening lectures and rallies were organized throughout Virginia and parts of the eastern United States (Powell Collection).

Cox’s book dealt with American Indians in a cursory manner, as they were a secondary target of the Eugenics Movement. Nevertheless, Cox opposed the absorption of remaining populations of American Indians into the white race, believing this would lower the intelligence of whites. Yet in a further confused attempt at logical thinking Cox looked toward the Spanish experience in South America and blamed the free intermixing of races as the cause which drove the Spanish to lose their empire; yet the mixing of Negroes and Indians in Brazil was not able to “make the Negro more like the Indian” (Cox 1923:18). Cox closed his diatribe with an appeal to the reader to support the repatriation of the Negro to Africa and to enact laws to exclude Asians wishing to immigrate to the United States. The attack on persons of African descent laid the foundation for the attack

against the American Indian community in Virginia as a mixed-race population.

I contend that the Eugenics Movement in the Virginia Commonwealth built its case against Virginia Indians by manipulating historic documents and reports which stated that Virginia Indians had interbred with runaway slaves and free blacks since colonial days. It was a small leap for the eugenical supporters to associate the two communities with one another and in doing so subsume American Indians under the category “Negro.” It occurred to me in reading Cox’s book, if Virginia Indians were to be categorized as “Negroes”, would Cox and his cronies move to repatriate them to Africa on the basis of their supposed blood ties to the Negro community? This level of detail was not addressed in any of the papers that I examined for this research project, but it seems to be a logical extension of the proposed solution to the race problem.

When Cox spoke about American Indian populations in his book, he meant Indian people living west of the Mississippi and not the Virginia Indian population. However, once miscegenation had occurred, what degree of black blood could be permitted to be carried in the mixed blood population without creating future problems of re-strengthening the blood quantum in individuals and populations? The adherents of the eugenical movement never actively addressed such a question because the initial thrust of their efforts centered on formulating a doctrine of racial purity and crafting legislation to stop legal miscegenation or mixed-race marriages.

The eugenics case against the Virginia Indian population was perpetrated by Walter Plecker. The strong alliance between John Powell and Earnest Cox was further strengthened by the addition of Dr. Walter Ashby Plecker into the Virginia Eugenics

Movement. Plecker was born in Augusta County, Virginia in 1861 and, like Powell, attended the University of Virginia. Dr. Plecker's medical training was undertaken at the University of Maryland and he practiced medicine in Alabama and Virginia.

In 1900, Plecker was made the health officer of the Elizabeth City County Health Department, near Norfolk, Virginia, and began a scientific study of the colored death rates in the county, which were twice the rate of white deaths. His work caught the notice of Dr. Ennion G. Williams, Health Commissioner of the Virginia State Health Department. In 1912 Williams asked Plecker to assist in the drafting of legislation pertaining to the creation of a new department of vital statistics for the Commonwealth of Virginia (Smith 1993:60). The newly created Bureau of Vital Statistics was established under the Virginia State Board of Health and Plecker was asked to direct the office, which was to be located in Richmond. Unhappily for African Americans and American Indians, Walter Plecker held this position for 34 years until his retirement 1946 at 85 years of age. Papers, notes, letters of correspondence and newspaper clippings, in the Powell Collection at the Alderman Library at the University of Virginia, indicate the way in which Walter Plecker actively used his position to advance the policies and perceptions of the Eugenics Movement and the Anglo-Saxon Clubs of America. Sadly, I find no evidence of a public outcry against the Anglo-Saxon Clubs, nor was the accuracy of the racist ideology of the clubs questioned. The leadership of the Anglo-Saxon Clubs spoke with authority and they went unchallenged, influencing the minds of young and old throughout the state.

The piece of legislation of which Powell, Cox, and Plecker crafted and promoted, was eventually enacted into law as the 1924 Virginia Racial Integrity Law (See Appendix).

Originally the legislation was to be called, “To Preserve the Integrity of the White Race” but was amended to read “Racial Integrity Law.” Powell and Plecker wanted the law’s title to reflect its main thrust which was the preservation of white racial integrity.

However, Plecker and Powell became convinced, at the urging of Madison Grant, that a bill with such a blatantly racist title would not pass the Virginia General Assembly (Powell Papers). The legislation was nearly identical to the agenda of the Anglo-Saxon Clubs of America.

The main accomplishment of the legislation, as far as Plecker was concerned, was the provision enabling him to register the entire population of Virginia according to carefully constructed categories of racial classifications. These classifications of race were constructs of the Eugenics Movement and perceived by followers to represent biological reality supported by the exhaustive quantitative data of nineteenth-century craniometry. Adherents of the Eugenics Movement drew on the theories of physical geographers such as William Ripley whose work Races of Europe, published in 1899, linked the establishment of racial typologies, according to brachycephalic measurements and other morphological indices, with generalizations regarding family, class, and religious affiliation (Hannaford 1996:329).

As Stephen Jay Gould has argued (1981:31) the biological justification of “intrinsic” racial inferiority precluded “redemption by conversion or assimilation.” Therefore the inflexible racial classifications were not simply a reflection of biological heritage, but an indicator of moral character, intelligence, capabilities, and a predictor of one’s future place in the society. In point of fact classificatory racial schemes were more than an integral

part of the Racial Integrity Law; they were the foundation of the Eugenics Movement.

Excerpts from Section 1 of the 1924 law read:

“The State Registrar, as soon as is practicable...may prepare a form whereon the racial composition of any individual, as Caucasian, negro,[not capitalized in the legislation] Mongolian, American Indian, Asiatic Indian, Malay, or any mixture thereof, or any non-Caucasic strains and if there be any mixture, then the racial composition of the parents and other ancestors, in so far as ascertainable, so as to show in that generation such mixture occurred, may it be certified by such individual, which form shall be known as a registration form.” (Code of Virginia 1924 c 204)

In its particulars the Racial Integrity Act of 1924 was exactly what the Anglo-Saxon Clubs of America had hoped it would be.

The law made it a felony to file a false registration certificate (section 3), outlawed inter-racial marriage (section 5) and defined colored persons and Indians (section 67) according to blood quantum. [A colored person was any individual having one-sixteenth or more of Negro blood; this was a change from the 1887 legal definition which made persons colored if they had one fourth or more of Negro blood. Indians were persons who were not colored and had one fourth Indian blood.] Chapter 205 of the 1924 state code listed the penalty for miscegenation as confinement in a penitentiary for up to five years (section 4546).

Any person who performed a marriage ceremony between persons of different races was to be fined two hundred dollars and one hundred dollars of the fine was to be given to anyone who informed the state of the violation (section 4547). The enlistment of the citizenry of Virginia as extra eyes and ears of the Bureau of Vital Statistics in the enforcement of this legislation is particularly troublesome. A piece of correspondence in

the Powell Collection reveals that fifteen citizens in Pittsylvania County, Virginia, petitioned the school board to remove children of particular family from the public school because of they were “negroid” in appearance. Walter Plecker argued that the “word of fifteen citizens of that county” be taken as truth “regardless of the attendant who reported [the] births” of the children (Powell Collection July 11, 1940). This may be seen as a contradiction of previous statements by Plecker, who stated that the word of the birth attendant was to be used for purposes of verification of racial categorization.

Apparently, the school children possessed birth certificates indicating they were “white,” but Plecker supported the group of individuals concerned with the administration of the 1924 law. The implications of the above incident and section 4547 of chapter 205 of the Virginia state code point to the role which citizens informers may have had during the years that the Racial Integrity Act was being enforced. As a result, Virginia Indians and other minority groups may have chosen not to draw attention to themselves in the public arena, which included the workplace and schools.

It is notable that Plecker designed the forms to include questions pertaining to the racial composition of parents and ancestors of all applicants. I believe Plecker did this in order to create an extensive data base giving him the ability to cross-check information and bolster any arguments the Bureau of Vital Statistics might have to make against suspicious applicants. If the registrar could compile exhaustive records on the Virginia population it would be more difficult for light-skinned individuals-- Indian or Black-- to try to “pass” as white. The 1924 legislation gave Plecker the authority to provide local registrars with the race registration forms which were made to his specifications. Plecker

had copies of all the registration forms sent to him in Richmond.

Unfortunately, Plecker's access to all of the registration forms was to have unforeseen and disastrous consequences for the American Indian population of Virginia. My examination of the Powell Papers indicates that Plecker checked the accuracy of the forms sent to him and often challenged and changed racial designations of his own accord, especially when individuals attempted to register as "Indian." New birth records were written with the designation "colored" and old birth records which listed "Indian" as a person's race were marked or changed (Rountree 1990:222). One of my Indian consultants, Chief Oliver Perry of the Nansemond Tribe, showed me Indian birth records for which racial classifications had been changed by Plecker or members of his staff. These records are tangible evidence of the administrative genocide which Plecker and the Virginia Bureau of Vital Statistics attempted to wage against Virginia Indians. The issue is still so sensitive among Virginia Indians that Chief Perry asked me not to describe in detail the records shown to me nor identify the names of people on the birth records. He did give me permission to state in this dissertation that I was shown examples of the changes made to Indian birth registrations. I saw that ink lines were drawn through the word "Indian" and "Colored" was written above the crossed out designation on documents dated as early as 1925 (Fieldnotes 1997).

Shortly after the 1924 legislation was enacted, Plecker wrote and distributed a Virginia Health Bulletin, Vol. XVI. The bulletin gave strict instructions to the local registrars regarding the procedures involved in the administration of the Law to Preserve Racial Integrity. The bulletin encouraged registering agents to work with "great care" in seeing

that the registration cards were carefully and accurately filled out with fountain pen ink so the information would not fade on the cards. Notation of color was said to be the most “important feature of the form of registration” and all agents “must be sure that there is no trace of colored blood in anyone offering to register as a white person.” The bulletin stated that the local registrar was encouraged to have the doctor’s signature on the cards as further proof of race. When in doubt of a person’s honesty “it is better to say no than to accept a certificate that a person is white when you are not sure of it.”

Plecker approached his work as a zealot checking the forms for accuracy. As previously stated, Plecker made his own changes to the racial classifications, most often changing the designations of American Indians to Negro. Also Plecker asked to be notified personally regarding any “suspicious” claims. A careful reading of the law indicates that persons were not required to register but it should be seen as an “opportunity” for persons to do so (Powell Collection).

The tenets of the Eugenics Movement were clearly delineated in a public speech delivered by Walter Plecker on October 13, 1925 to the fifty-sixth annual meeting of the Medical Society of Virginia. Plecker argued that it was the duty of the well-educated to produce at least four children in order to maintain their numbers in the face of increases in the populations of the “insane, feeble-minded and criminals.” Plecker praised charity as a humane endeavor but stated that charity should not “be so directed as to extend to degenerates the privilege...to propagate others of their kind,” people who would become “a burden and a menace to society” (Powell Collection).

Proponents of racial betterment claimed in their public speeches to have solid data to

support their statements on population trends. The eugenics backers also began to attack the beliefs held by more liberal members of society who viewed the broader social and political environment as the chief cause for the social ills of early twentieth century society. The eugenics doctrine was straightforward and clear, a “bad social environment is the product of individuals possessing bad heredity and a good social environment is the creation of those with good heredity” (Fasten 1935:296). To the advocates of the Eugenics Movement modification and improvement of the environment did nothing to advance the cause of racial betterment and such efforts were a waste of time and energy. Rather than spend money on education or medical care, the answer to societal problems was simply the elimination of the problem in a direct manner...by eliminating the afflicted population. However, to substantially impact the race problem in American society the Eugenics Movement sought to establish organizations in the U.S. and to identify those “problem” racial groups and place them in clearly bounded, easily identifiable categories. This would allow racial supremacists to establish the proper controls over these populations and influence their “legal” breeding practices. Thus the focus on racial classification was the basis for controlling the issuance of marriage licenses, and ultimately legal mating and the birth of mixed-race individuals.

Firstly, it should be noted that in Virginia marriages licenses were not granted between 1924 and 1967 without checking documents of racial classification. Secondly, the state did not permit the issuance of marriage licenses without the county clerk’s re-examination of the registration forms and his assurance that all designations were correct. For all those seeking legal marriage in Virginia there was no way around the new law. Couples who

could not obtain a legal license because to do so would violate Virginia's ban on mixed-race marriage would either have to forego legal marriages within the state or travel to another state which did not have laws prohibiting miscegenation.

Numerous individuals told me that they knew of relatives who left the state of Virginia in order to enter into a legal marriage in another state (Fieldnotes 1996). Most of these couples did not return to Virginia, for to do so was a violation of Virginia law and would invite prosecution of a felony charge. Plecker complained in speeches and some of his correspondence that the nineteen states which permitted intermarriage between races were undermining Virginia's attempts at race improvement (Powell Collection). I saw documents in the Powell Collection which indicated that Plecker wrote to every state Governor asking them to sponsor or introduce legislation to prevent the "monstrous" wrong of racial intermarriage and thereby not provide a haven for couples seeking to evade Virginia's law (Racial Integrity File, loose papers and Plecker to Kissenger May 17, 1939). Apparently, John Powell was able to influence politicians in the state of Georgia to enact a law in 1925 which established clearly delineated racial categories and defined "who are persons of color and who are white persons." Newspaper clippings indicated that the Georgia legislation was enacted in part due to the efforts of John Powell (Richmond Times-Dispatch 1925).

The 1924 Racial Integrity Act made it a felony, punishable by one year in jail, for an individual to make a false registration of color or race. County clerks had the authority to challenge applicants if they didn't look white. Plecker and the supporters of Racial Integrity were trying to stop "legal intermixture," or state sanctioned miscegenation, and

they were proud that “Virginia has made the first serious attempt to stay or postpone the evil day when [the United States] is no longer a white man’s country” (Paper read in Detroit 1924). Cox spoke of the 1924 law as, “The most perfect expression of the white ideal, and the most important eugenical effort that has been made during the past 4,000 years” of human history (Powell Collection). Excerpts from Section 4 of the legislation read:

“If there is reasonable cause to disbelieve that applicants are of pure white race, when that fact is stated, the clerk or deputy clerk shall withhold the granting of the license until satisfactory proof is produced that both applicants are “white persons” as provided by this act.”

A piece of undated correspondence from Plecker to a local registrar regarding a request for a marriage license indicates Plecker was challenging the local official by stating the applicant “appears to be mixed blood but [has] made an application to marry a white girl. Can we establish his racial descent?” (Powell Collection).

The legislation indicates that similar care would be taken to assure that applicants were colored when they said they were. To accomplish this goal Plecker enlisted the aid of persons in the community. In a letter to a Mr. W.B. Hesselin dated August 21, 1924, Plecker wrote; “We have written to all of the physicians, midwives, local registrars and undertakers of the state urging them to be accurate in designating color on certificates.” (Powell Collection)

Plecker issued a thirty-one page pamphlet in 1924 entitled *Eugenics In Relation to the New Family and the Law on Racial Integrity*. The publication was made available throughout Virginia. However, the second edition targeted “high schools, colleges,

physicians, dentists, ministers and Virginia teachers” (Bureau of Vital Statistics 1924:2).

In all 65,000 copies were printed as a propaganda tome espousing the ideology of the

Eugenics Movement. In a vicious attack on inter-racial marriage Plecker wrote:

“The worst forms of undesirables born amongst us are those when parents are of different races...The variation in races is not simply a matter of color of skin, eyes, and hair and facial and body contour, but goes through every cell of the body. The mental and moral characteristics of a black man cannot even under the best of environments and educational advantages become the same as those of a white man. But even if the negro’s attainments should be considerable, these could not be transmitted to his offspring since personally acquired qualities are not inheritable...Virginia has therefore acted wisely when through her legislature she has declared that no white person shall intermarry with one containing a trace of any other than white blood.” (Bureau of Vital Statistics 1924:6-7).

Using the pseudo-science of the Eugenics Movement, Plecker sought to convince citizens of Virginia that they should act to prevent the deterioration of the races by selective marriage and breeding practices. Plecker declared his statements were not based on “sentiment or prejudice” but on “indubitable scientific fact” and “ethnological studies” (1924:14). Arguing against the “amalgamation” of races which produce mongrel people, Plecker wrote that “mongrels are superior in mental power to the lower race...and they are more cunning...but they lack the creative power of the higher race, and cannot sustain a lasting civilization that will rank with the best of the world” (1924:16). In an attempt to persuade and shape public opinion against the persons of American Indian descent Plecker presented his version of history stating that it in the past mulattoes, the product of white men and Negro servants, were not desirable to “retain...on the place” and “a number from one county were given their freedom and colonized in another county” (1924:19).

The free mulattoes, also known by the terms “Issues” or “Free Issues,” intermarried

with persons of “Indian-negro-white descent” and gained an “additional infusion of white blood” and Plecker highlighted the troublesome situation occurring during the 1920s namely that mulattoes were “claiming to be white or Indian” (Ibid). Plecker maintained his usual position; people who couldn’t be classified as white were trying to be classified as Indian. Such an attack by Plecker was calculated to make any individual asserting American Indian ancestry suspected of being a mulatto trying to pass as a white. It is probably impossible to gauge the full psychological and societal damage which this type of pamphlet, printed as authoritative and scientifically accurate, had on the general population of Virginia. Plecker indicated that the pamphlet was used in biology classes and I would argue that targeting students in an academic setting served to validate the materials and poisoned the minds of many Virginians creating a climate of ‘legitimated’ [italics mine] racial bias against African Americans and people of Virginia Indian descent.

As previously stated, persons of African descent were the main victims of the Eugenics Movement but Indian people were a secondary target. It is possible that Plecker and his cohorts thought the Indian population was statistically insignificant and that they might be administratively dispatched rather easily by linking Indians with the genesis of the mulatto population during colonial times. However, a problem soon became apparent to Plecker when he tried to eliminate the racial classification of “Indian” from the Virginia racial landscape. The key aspect of the Racial Integrity Law which pertained to American Indians was included in Section 5 of the law and reads as follows:

“It shall be unlawful for any white person in this state to marry any save a white person, or a person with no other admixture of blood than white and American Indian. For the purpose of this act, the term “white person” shall

apply only to the person who has no trace whatsoever of any blood other than Caucasian; but person who have one-sixteenth or less of the blood of the American Indian and have no other non-caucasian blood shall be deemed to be white persons.”

At first glance it may appear that the American Indian is being put into the same category as white persons but that was not the intent of the law. The allowance of the one-sixteenth or less of American Indian blood for the category “white” was made in order to permit the descendants Pocahontas and John Rolfe, and the lineal descendants of their son Thomas Rolfe, to remain classified as “white.” A small but vital part of Virginia’s most elite and aristocratic class claimed to be blood relations of the famous Indian princess. Plecker and Powell knew the Racial Integrity Act would not be passed by the General Assembly without such a provision for the Pocahontas descendants. It had to be narrowly constructed and written, to register a very select group of mixed white and Powhatan Indian descent as the category “white.”

Plecker’s papers indicate that he was concerned that the allowance of a mixture of one-sixteenth Indian and white to be designated as racially “white” would leave a loophole that other Indians would try to use to resist being registered as colored. Plecker articulated his concerns about this aspect of the legislation in a letter to the Honorable Harry E. Davis in Cleveland, Ohio in 1924:

“We had considerable trouble in establishing the position of the American Indian and admitted those of a one-sixteenth or less of Indian blood to accommodate our Pocahontas descendants and one or two other cases in the state. This clause has given us much trouble as a number of groups who have but a trace of Indian blood are claiming exception under that clause. In at least one county “free negroes” with a considerable admixture of illegitimate white blood are claiming themselves Indian and seem to have been meeting with success.” (Powell Collection)

English colonial documents provide us with some of the circumstances leading up to the marriage between Pocahontas, who took the Christian name of Rebecca, “rightly called Amonute alias Matoaka” and John Rolfe, a widower. The marriage ceremony took place within the confines of the Jamestown Fort on April 5, 1614 (Strachey 1953[1612]). Pocahontas was the nickname or public name for the daughter of Powhatan and the name is said to have been a derivative of an Algonquian word said to mean “playful, sportive, frolicsome, mischievous, frisky” (Mossiker 1976:41).

In the spring of 1615 a son, named Thomas was born to the couple. The following year the Rolfe family traveled together to England where the Lady Rebecca Rolfe took ill and was unable to return to Virginia. Due to her condition Pocahontas was removed from the British ship “George” as it was getting underway to sail back to the Colony of Virginia. The records which verify her death are sketchy but the Parish Register at Gravesend, England reported on March 29, 1617 the death and burial of a “Virginia Lady Borne” and it is presumed that his notice refers to Pocahontas (Brown, Meyers and Chappel 1994:2).

After the death of his wife John Rolfe returned to Virginia and shortly thereafter took another wife. The young son of Rolfe and Rebecca was left behind in England to be raised by his father’s relatives. Thomas Rolfe returned to his birthplace in 1635 at the age of twenty. His stepmother, John’s third wife, financed his voyage and possibly as many as nineteen other persons to the colony. For her sponsorship of new immigrants Mrs. Rolfe received headrights, or land grants, for each person she brought to Virginia. It is said that

upon Thomas' return to Virginia he met members of his mother's family. His grandfather, the powerful Powhatan, also known as Wahunsenacawh, had died and a Opechancanough, great uncle of Thomas Rolfe, was the paramount chief. Records indicate that Thomas Rolfe died in 1658 and therefore we know that he survived the 1644 Indian uprising during which hundreds of settlers were killed in a surprise attack which occurred simultaneously at multiple locations throughout the colony.

It is not possible to say if Rolfe's Indian ancestry saved his life and protected his home from attack. On his death Thomas was survived by a single child, a daughter Jane, a woman claimed by hundreds of Virginians as a direct ancestor. Jane Rolfe married an English settler named Robert Bolling and this union produced one son named John Bolling. It appears that Jane Rolfe Bolling did not survive the birth of her son. Robert Bolling remarried a woman named Anne Stith. Thus the line of Pocahontas continued through John Bolling and in Virginia this lineage is popularly known as the "Red Bollings" and the children and descendants of Robert and Anne Bolling are known as the "White Bollings" (Mossiker 1976:318).

In 1887 a book by Wyndham Robertson entitled, Pocahontas and Her Descendants was published listing the full names, genealogical information, and spousal information for all of the individuals said to be descendant from the Rolfe-Pocahontas line. It is safe to assume Plecker had access to this genealogical list when he undertook the task of identifying the true line of Pocahontas in order to avoid confusion of the possibility of some people jumping the color line established by the 1924 Racial Integrity Law. This book was never mentioned to me by any of my American Indian consultants, but I met a

small light-eyed senior citizen in the course of my research who told me she was a descendant of Pocahontas. I was prepared to dismiss this information as an equivalent to the widespread “Cherokee princess” phenomenon that I have encountered on numerous occasions in Oklahoma. The woman must have sensed my skepticism and said proudly, “I’m in the book!” and thus I learned of the existence of the “list” (Fieldnotes 1996). A revised and updated version of Pocahontas and Her Descendants was published in 1994 (Brown et al. 1994).

It is interesting to note that part of the 1888 Collections of the Virginia Historical Society Volume 7, which is contained in the 1994 version of Pocahontas’ Descendants indicates that there is a group of individuals in Kent, England who also allege to have a blood relationship with Pocahontas. They claim that Thomas, son of Pocahontas and John Rolfe, fathered a daughter, Anne, prior to leaving England for Virginia. Anne Rolfe was left behind in Norfolk by her father when he migrated to the colony of Virginia. This “branch” of the Rolfes claimed to have owned the portrait of Pocahontas which now hangs in the National Gallery of Art in Washington, D.C.

The portrait of Lady Rebecca had been painted from life during Pocahontas’ visit to London and the painting had been left behind with the infant Thomas when John Rolfe returned to Virginia in 1617. The painting was said to have been sold or lent to Americans by Thomas’ English descendants at the time of the World’s Columbian Exposition in 1893. Explanations about this incident are unclear. Members of this line of Rolfes claim to have a copy of the painting and have been quoted as having said they “have always been proud that [Pocahontas’s] blood ran in their veins and the “pronounced

nose” and “rich brown eyes” of the family are said to closely resemble those features of the Princess Pocahontas (Brown et al. 1994:310-12).

It would seem that the English relatives of Pocahontas are extremely proud of their “royal” heritage and were unaware of the eugenical postulates regarding the damaging possibilities of mixed-race marriages. Royal blood seems to have been granted an exception to the negative stereotypes associated with miscegenation. The mythic image of the Princess Pocahontas in early colonial history could not be shattered by the racial legislation of 1924. As we have seen, allowances had to be made for her descendants to be classified as white. It is clear that an enormous effort had been put into recording and tracking her lineage. I will argue in Chapter V that this effort may be tied to a growing image of Pocahontas as a “bridge” between two worlds and accompanying images of her as a heroic and royal woman. However, I believe the long-standing effort on the part of Anglo-Virginians to carefully delineate her descendants is based in more practical terms as a guard against racist codes which developed in Virginia long before 1924.

In addition to the Cox book, the Racial Integrity Act, and the establishment of the Anglo-Saxon Clubs, another publication attacked mixed-race people in Virginia. In 1926 the department of genetics at the Carnegie Institute of Washington funded a study of a group of people who claimed to be of American Indian descent and resided in Amherst County in the western part of Virginia. The infamous study published under the title Mongrel Virginians: The Win Tribe was written by Arthur Estabrook of the Carnegie Institution and Ivan McDougale of Goucher College. The authors claimed to have interviewed “all living members of the tribe” and “every known white, colored or Indian

person in the county, state or nation” who could provide information on the study population (Estabrook and McDougale 1926:8). The “Win Tribe” was used as a fictitious name for the Monacan Indian Tribe, today one of the eight state recognized Virginia Indian tribes. Berry (1963:40), writing about the book, stated that Estabrook and McDougale used the term WIN from their view that the people were descendants of a White-Indian-Negro ancestry. Ethnohistorians and the Monacans themselves maintain the tribe was not part of the seventeenth-century Powhatan chiefdomship (Rountree 1989). The writings of John Smith (1612) indicate the Monacan tribe was located to the west of the Powhatans. Some scholars maintain that the Monacans were a Siouan-speaking people who nevertheless shared most aspects of culture with the Powhatans (Rountree 1989, Hantman 1990).

It is unclear why this group of Indians was chosen as the study population by Estabrook and McDougale. Possibly the researchers found they had easier access to the Monacan people than Indians in the tidewater area of Virginia. Monacan tribal members have told me that between 1923 and 1925 the Monacan people were frank and open with the researchers, and the community provided a great deal of hospitality to the authors and their team of assistants. Monacan families invited Estabrook and McDougale into their homes, allowed photographs to be taken of their families and their dwellings, and shared information pertaining to family genealogy with the research team.

The Monacan people did not know that Estabrook and McDougale’s study would result in an attack on their racial and biological heritage, community morals and mental capabilities until the book was published. Using pseudonyms the authors described

individuals of the “Win” tribe as “unambitious, dishonest, weak in character” (1925:28).

Other descriptions for Win individuals include the following: “ignorant,” “so dull in academic matters that she cannot even make change in money in a store,” “dirty,” “an imbecile,” “shiftless,” “licentious,” “generally repulsive looking,” “a low grade moron,” and “defective mentally,” (Estabrook and McDougale 1925: 36, 40, 44, 50, 53, 66, 75).

Many of the Win children were said to be “illegitimate” (1925: 69, 89, 93, 98, 110, 111) and at least once the authors referred to a child as “a bastard” (1925: 620). Females are typically described as being “prostitute[s]” (1925: 50, 61, 68, 96, 99, 106, 112, 129, 133 136) and the authors stated, ‘practically all the women were immoral before marriage” (1925:155). Estabrook and McDougale invested a great deal of effort in providing graphic physical descriptions of the Win tribe, for example; “half-breeds,” “Agnes...born with dark, slightly kinky hair, brown eyes, skin light but spotted like a mulatto,” “whiter than any of the others,” “Timothy...shows colored blood and a yellow complexion,” “copper color,” (1925: 17, 39, 44, 76, 113).

Fascination with skin color is apparent throughout the book. A non-Indian woman told me that her cousin was paid to travel to the western part of Virginia, in the 1920s, to “grade the color of people’s skin” according to a color graph (Fieldnotes 1997).

According to the authors, Indians, because of their somewhat dark skin color became subject to the racial prejudice directed against Negroes, which intensified in the early nineteenth century and resulted in Indians being classified as free persons of color.

In the book’s summary, Estabrook and McDougale assert there has been a significant amount of “mating” among Indians, Negroes and whites in the American South

(1925:198). Estabrook and McDougle claim that the tri-racial mixture of the Wins has resulted in “below average mental stock” and “crude social relationships” (1925: 199-200). Oddly enough the study claims that the racial mixture has bred a group of degenerates yet “the persistency of Indian traits among the Wins is remarkable” (1925:201). The so-called Indian traits referred to are “walking single file down a road,” displaying a quiet nature (non-communicative behavior) and having “no sense of rhythm even in the lighter mulatto mixtures” (1925:201). For Estabrook and McDougle blood and heredity are capable of carrying behavioral and cultural traits. Without giving any biological explanation for the domination of Indian characteristics in this study population, the entire Win community is declared a social problem by the authors and the reader is referred to the 1924 Racial Integrity Law, which appears in the appendix of the book.

Plecker and his cohorts used the Estabrook and McDougle book to further the aims of the Eugenics Movement and cited the so-called study in both his writings and public speeches (Powell Collection). My examination of the book has led me to a single conclusion, that Estabrook and McDougle did not engage in any objective research; this work has no anthropological or sociological merit. It is solely a racist diatribe against the Monacan people. The research was conceived and executed with the pre-set agenda of identifying the Monacan nation as mixed-blood Indians and as racially inferior to whites due to miscegenation. I believe this book should also be viewed as a propaganda attempt on the part of the Eugenics Movement to garner support for the 1924 Racial Integrity Law and influence the thinking and consciousness of the general public regarding the evils of mixed race marriage. Furthermore, this book should be seen as a blight on the Carnegie

Institute which provided funding for the research. Mongrel Virginians remains a source of pain and anger for the Monacan people, who still feel a sense of betrayal by its vitriolic intent and the way in which Plecker used the biased information to discriminate against the Monacan community in particular and the Virginia Indian community more broadly. Additionally, the publication has made the Monacans and other persons of Virginia Indian descent wary of the intentions of anthropological researchers. An understandable attitude of distrust exists in the Indian community at large regarding academic studies and Virginia Indian research (Fieldnotes 1996-1997).

A measure of justice and recompense was given to the Monacan Indian Nation in 1989 when the state of Virginia granted official recognition to the tribe. The Monacan people are actively seeking an accurate representation and retelling of their history and culture. Recently, the Monacan people have produced a documentary video entitled “Reclaiming Our Heritage” in an attempt to clarify the historical record (Monacan Indian Nation 1997). In a bold move the Monacan people openly discuss the Estabrook and McDougle book’s attack on their identity. Heretofore, Plecker and Mongrel Virginians had been a taboo subject. The production of the Monacan video and the frank discussion of state-sponsored racism against Virginia Indians marks a departure from the previous strategy of non-engagement on the part of the indigenous people of the state of Virginia. I would argue that the public dialogue on Virginia Indian identity signals a new beginning for Indian and non-Indian people to address Virginia’s past racial history.

Returning to correspondence between Plecker and his supporters indicates they feared legal challenges to the 1924 legislation. Shortly after the passage of the Racial Integrity

Act Plecker's worst fears were realized in the few court cases in which the 1924 law was challenged on the basis of incomplete or inaccurate historical documents. I believe that Plecker, Powell and others knew that their carefully compiled documentary evidence could not stand up to thorough scrutiny and they feared challenges to their position based on the *quality of evidence* [italics mine] that the Department of Vital Statistics claimed to possess would force a repeal of the Racial Integrity Act.

What is surprising is the few legal challenges that were mounted against the law in the years following 1924. In the course of my fieldwork I was shown historical documents, in the possession of Indian families, which I believe could have been used to mount a legal challenge to Plecker and the racial integrity law. However, the targeted population of Indians preferred for their own reasons to keep a low profile during this period of what I call "administrative genocide." Seventy-five year old Chief Oliver Perry, of the Nansemond, summed it up best when he told me that the older generation kept quiet during the time the law was being enforced because Indians were afraid they would lose their jobs and make matters worse for themselves and their families (Fieldnotes 1997).

Typically, early twentieth-century Indian communities were small, poor, isolated and therefore powerless to halt the propaganda machine or contest the racist laws of Virginia. This suggests to me that Indian people and possibly other Virginia minority populations had retreated to the relative safety of their rural environs, where they made their living fishing and farming. I have argued earlier that this tactic of retreat and apparent invisibility was a strategy which had permitted the remnants of the Indian population to survive the ravages of the European invasion and the ensuing three centuries of occupation by non-

Indians. While economic, social and political conditions were deplorable for most Virginia Indians, they were nevertheless survivors and they returned to implement the proven survival strategies employed by the previous generations.

I can find only four direct challenges to the law. The few direct challenges to the law may be seen as a contrast to the widespread behavior of quiet retreat. However, even the challenges which will be discussed below, did not generate large-scale resistance to the Racial Integrity Law on the part of Indian people. This was due to the powerless situation of the community *vis a vis* the resources of the non-Indian community. The paucity of legal challenges to the 1924 legislation should not be viewed as tacit acceptance of the law but as a reflection of the differential access to educational resources, knowledge of the workings of Virginia legal system, and general inability to finance a court challenge.

The first challenge was a case brought by a Virginia Indian woman, Dorothy Johns, in 1924. Jones was denied a marriage license to marry a white man. The Clerk of Rockbridge County claimed Johns was of racially mixed heritage and therefore the new legislation prohibited the issuance of a marriage license. Plecker himself appeared as an expert witness against Johns and produced documents which stated her ancestors were "colored." The state of Virginia also produced a witness who stated that Johns had Negro blood. Johns and her attorney countered by arguing that in old records the designation "colored" referred to Indian/white mixtures. The judge in the case, Henry Holt, ruled in favor of the County Clerk but he nevertheless raised an objection to the racial integrity legislation saying that some individuals might be incorrectly classified since documentary evidence was incomplete and fragmentary (Smith 1993:71).

The law was challenged a second time, interestingly enough by the same county clerk over the issuance of a marriage license by a white man wishing to marry a woman named Atha Sorrels, a person classified as “colored.” Once again the attorney for Sorrels argued that his client did not have Negro blood but was mixed Indian/white ancestry.

Corroborating witnesses did not testify in the Sorrels case as they did in the Johns case.

Judge Holt ruled in favor of Atha Sorrels and stated that a marriage license should be issued by the county clerk.

The judge’s comments were delivered in late 1924 and he also criticized what he saw were poorly articulated racial categories and said there can be “no prohibition against intermarriage of those unable to prove absence of a trace of blood of stock prohibited” (Smith 1993:72). A handwritten draft by John Powell composed in response to Judge Holt’s decision in the Sorrels case appears in the Powell Collection papers. It is clear that Powell attended the proceedings of the Sorrels case as a anxious observer. Powell’s draft indicates that he was very concerned by the ruling and it reads in part:

“If judge Holt’s decision is allowed to stand, it will mean the complete nullification of our most precious possession, our race records, 1853-1896, our greatest protection against infusion of negro blood. If this decision is to stand, any negroid in the state can go before a court and say; “My ancestors are recorded as colored but that does not mean negro, they were Indian.” He may then be declared whiter and may marry a white woman. Many negroes are already attempting to claim the status of Indians as Dr. Plecker has pointed out. Indians are springing up all over the state as if by spontaneous generation. We can not suffer this outrage to continue. If we are to preserve our civilization, our ideas, the soul of our race, we must call a halt...The Sorrels case must be appealed.”

The concern expressed by Powell in the above draft casts doubt upon the quality of Plecker’s race records. I would argue if these men had the documentation they claimed to

have collected they would not have feared Judge Holt's ruling.

The handwritten draft became the basis of a booklet authored by Powell entitled *The Breach in the Dyke*, and the Anglo-Saxon Clubs distributed it widely in Virginia.

Interestingly enough, Powell and club leaders decided not to appeal the decision of Judge Holt in the Sorrels case because they feared they would not succeed and this would encourage others to challenge the Racial Integrity Law. It is clear that the Sorrels case did more than challenge the 1924 legislation, it called into question the accuracy of historic documents and the inconsistent use of racial designations in past records. Plecker and his supporters did not want their use of historic Virginia documents to be undermined. Two letters which I found in the Powell Collection clearly depict Plecker's thinking and his reliance on selected historical documents to support his relentless work in classifying Indians as coloreds. What is astonishing is the following letters were written in 1936 and 1940, years after the ruling in the Sorrels case. We can see that the 1924 legislation is still being implemented and Plecker is prevailing in the enforcement of the racial integrity law. In a letter dated April 16, 1936, from Plecker to an Elizabeth Tyler of Bristol, Tennessee, the chief of vital statistics wrote:

"We have your letter of March 28th requesting the names of negroes (popularly known as Indians) living on the Pamunkey and Mattaponi Reservations...After making a careful study of the various groups and families of so-called Indians in Virginia we have arrived at the definite conclusion that there are no native-born people in Virginia calling themselves Indian who are unmixed with negro blood. According to the Virginia classification of a negro, anyone with any ascertainable degree of negro blood is to be classified as a negro, regardless of whether there is an admixture of Indian or white or the two together, as is the case in a few of the families on the reservation. A large percentage of the families, however were negroes who were adopted into the reservation from the surrounding

counties. The title of Chickahominy Indians was assumed by a group of negroes about 1902 at the time when the "Jim Crow" law for the separation of the races in public conveyances was passed. These negroes, seeing that the Pamunkey group was receiving special favor under the law, decided that they were just as eligible as their brethren on the reservation. They gave a big "fish fry" which is now a historic event in Charles City County, and invited a number of white people, including two or three lawyers whom they served bountifully. Afterwards they requested to be known as Indians...they wanted cards to be used on trains. The lawyers received \$2.50 for each card [issued]. The main families are Adkins, Bradby, Steward, Canaday...Indians in the past were not under state supervision in former years and paid no taxes, there are no public records. In 1843, 144 citizens of King William County petitioned the legislature to abolish the reservations because all of the occupants under the law at that time were more than one-fourth negro and therefore they were classified as mulattoes."

By reading the Plecker-Tyler letter it is apparent that Walter Plecker is attempting to argue that the Indian tribes of Virginia (excepting the Pamunkey and Mattaponi) were formed in the early years of the twentieth century as a response to the Jim Crow legislation. The specific example which Plecker uses is of the Chickahominy tribe and their fish fry.

Aspects of Plecker's letter are correct. However, there is a great deal of distortion of the facts as stated above and certainly I would disagree with the interpretation of events which Plecker has provided to Ms. Tyler. As has been previously noted, the Pamunkey and Mattaponi tribes each had retained small reservations into modern times. The two tribes had been considered by the state of Virginia as a single political unit existing in two locations, or reservations, which had been administered by a board of white trustees. The trustees were appointed in 1748 by the General Assembly to oversee tribal business transactions such as the sale and leasing of Indian lands.

In 1894 the state formally recognized the Mattaponi, “formerly ...a branch of the Pamunkey Indian tribe” with the appointment of trustees for the Mattaponi reservation (Rountree 1990:211). At the turn of the century some of the other Virginia tribes had begun to organize themselves in a more formal way. Rountree (1990:213) argues this was in response to encouragement from anthropologist James Mooney and individual tribal leaders.

Mooney stated (1907:145) that the biggest fear expressed by the Virginia Indian people he encountered during his fieldwork was that due to “wasted numbers [Virginia Indians] may lose their identity by absorption in the black race, and against this they have struggled for a century.” Mooney apparently advised Indian leaders to draw up tribal rolls as part of their effort to organize themselves. Rountree (1990:207-8) argues that Mooney’s visits and interest in the Indian population on the part of the Smithsonian Institution encouraged ‘activism’ among some of the tribes.

I have examined the papers at the Virginia State Corporation Commission which are on file for the Chickahominy Tribe, Inc. and the Chickahominy Indians-Eastern Division. The papers filed for the main body of the tribe date to January 1975, while the Eastern division papers are dated April 27, 1925. The Chickahominy Tribe originally filed papers of incorporation in 1907 but the tribe was lax about renewing their legal status and at present the earliest papers on file for the Chickahominy date to 1975 (Rountree Personal Communication). Earlier papers were not kept on file by the Richmond Office. However, if we review the 1925 records of the Eastern Chickahominy Tribe, we may generalize about the incorporation papers of the main tribal body.

It is reasonable to assume that the Eastern group's incorporation was modeled on the papers for the main body of the Chickahominy Tribe. Therefore, an examination of the Eastern Chickahominy records may tell us what the incorporation records emphasized and the way in which they described the function of the corporation. Requirements for tribal membership are not delineated in either of the filed papers, but the papers do state that the purpose of the "association" [tribe] is "purely benevolent and literary, being for the general improvement and uplift of all persons of Indian blood." The words "of Indian blood" may have been carefully chosen to reflect the wider society's obsession with "colored" blood at the time of the filing of the papers. The papers of incorporation were filed just a year after the passage of the 1924 Racial Integrity Law. The Chickahominies, relatively speaking, have been the most populous of the Virginia tribes (Rountree 1989). The tribe had begun to organize themselves with tribal rolls by 1901.

It is not unreasonable to argue that the pressure of Jim Crow legislation in the South hastened the need for the Chickahominies and other Indian groups to distance themselves from the increasing black/white categorization of the society. Plecker may be correct with his linking of the Jim Crow laws to the group's attempt to establish an ethnic and/or racial boundary between themselves and "coloreds," but the thrust of his accusation is that the Chickahominy Tribe had no political, ethnic or racial foundation prior to the enactment of the Jim Crow laws. This is an absolutely false and baseless allegation.

The Chickahominy Tribe was numerous and powerful at the time of European settlement. In fact some scholars argue that the Chickahominy Indians were so powerful that it may be incorrect to place them within the Powhatan chiefdomship. English

documents state that the Chickahominy people refused to be subject to any of Powhatan's sub-chiefs, and furthermore they refused to pay tribute to Powhatan. The Chickahominy tribe might be more properly identified as allies of the Powhatan chiefdomship than tributary subjects (Rountree 1989:8).

Regarding Plecker's assertions about the train cards, Rountree (1990) has discussed the importance of train travel for people at the turn of the century in Virginia. The trains were a means for Indians to bring fish and produce to Richmond markets. With the advent of the Jim Crow laws separate coaches were provided for whites and blacks traveling on trains. The Indian population in general, and the Chickahominies in particular, argued with the railroad officials to obtain permission to ride the trains as whites. The Indian population prevailed with the railroads and were able to travel as whites. However, as Rountree has stated, it therefore became necessary for Indians to travel with tribal identity cards to obtain seats in the whites-only coaches. This train travel situation is obviously being referred to by Plecker in his letter to Ms. Tyler, although Plecker chose to leave out the Indian side of the story which Rountree's discussion provides. As for the comments about the tribe's treating the railroad officials to a fish fry...fishing for shad and other riverine resources on the Chickahominy, Pamunkey and Mattaponi Rivers, along with agriculture, had been a main subsistence activity for Virginia Indians. It does not seem out of the ordinary for people who make their living by fishing to host a fish fry. I have attended the annual Chickahominy Crab Fest, held each July on the grounds adjacent to their tribal center. The Chickahominy tribe has been holding an annual fall festival pow wow since 1951. The fish fry became an annual event somewhere

close to the turn of the century (Rountree, Personal Communication 6/17/95). It was probably nothing more than good manners on the part of tribal members to invite the railroad officials to a scheduled gathering to meet members of the tribe, since they were trying to negotiate with the railroad regarding travel regulations rather than being a staged event to impress railroad officials.

In July of 1940, Plecker responded to an inquiry by Ethel Magmer of Estes Park, Colorado regarding the registration of the Virginia population by race by using the half-truths which had become his standard practice. In discussing mulattoes Plecker wrote:

“The problem with mulattoes is they declare themselves as Indian and after shouting for a generation or two that “We are Indian” the white population becomes indifferent to the truth. The old records kept however, going back to 1853 and others to the Revolutionary War show that the claim of “Indian” is unfounded and that there are no natives-born people in Virginia with unmixed blood...any ascertainable degree of negro blood [makes] an individual colored or mulatto...In spite of this there are two reservations Mattaponi and Pamunkey in King William County still occupied by mixed breeds, white-negro with a small trace of Indian in a few cases with none at all. Most are mulattoes born outside the reservation of negro parentage. These reservations were set aside in colonial days for the benefit of those two vanishing tribes. In 1845 [historians wrote]”There is the remnant of Mattaponi- fifteen or twenty souls. Further up the Pamunkey-Indian Town there are about one hundred descendants of the Pamunkey. Their Indian character is nearly extinct by intermarrying with whites and negroes.”...after the War Between the States the United States Army of Occupation secured lists of all the negro men of the state eligible to be placed upon the voting list. Practically all those mulattoes who are now clamoring to be classified as Indians signed up as negroes at that time. In the 1830 US Census the progenitors of the reservation mulattoes appear as mulattoes.”

I have endeavored to examine the U.S. census records for the Commonwealth of Virginia for the dates mentioned by Plecker as well as other dates in an attempt to evaluate the quality of data available . I wished to analyze the population aggregates,

view the schedules where possible, and compare data from two Virginia counties. By an examination of the census materials I wished to determine if Walter Plecker had access to the types of census data that would have been necessary in order to maintain the state's case for racial integrity. Do the U.S. censuses from the eighteenth and nineteenth centuries contain definitive information which could be used to link past populations with twentieth-century Virginia Indians? More specifically, could Plecker use the census materials from past centuries to associate family surnames and racial designation with the fixed racial categories defined by proponents of the Eugenics Movement in 1924?

The first census of the United States was conducted in 1790. The U.S. government maintains that a complete set of schedules for many of the original thirteen states and in particular Virginia were destroyed by fire during the War of 1812 (GPO 1908:3). The 1790 Census asked general information such as: name of head of house; numbers of persons in the household according to gender and age criteria, such as: free white males of age 16 years and upwards including heads of families; free white males under 16 years of age; free white females including heads of families; all other free persons; and slaves. The 1790 Census does not list "Indians" as a racial category. If they were counted at all Indians would have been listed as "other free persons" or "slaves." The data collected in the 1790 Census makes it impossible to trace the names of slaves or free persons of color. However, other census-like lists were compiled in Virginia for the years 1782, 1783, and 1785. These lists indicate the names of "Heads of Families," assembled by county. Adjacent to the name of each head of the family is a column to indicate the number of "White" or "Black" persons in the household. I have examined these lists, by county, for

common modern Indian surnames and have found that such names are associated with the “white” box. There were a few exceptions to this pattern. A few surnames had the word “mulatto” written next to the name, yet the adjacent column indicated that the persons in the household were “white.” It is not possible for me to state with any accuracy the relationship between present-day Indian surnames and eighteenth-century surnames. While I cannot say with certainty that the names indicated “mulatto” represent Indian people, finding some persons listed as both mulatto and white highlights the ambiguities inherent in attempting to implement a fixed racial classification scheme.

Since the 1790 Census was the first U.S. census, there may have been confusion over assigning Indians a place on the census forms as most Indians were not considered citizens nor did they pay taxes. Rountree (1990) has stated that the category “free persons of color” is the category that represented the Indian population. We therefore must examine the “free persons of color” category to look for information about American Indians prior to the 1880 census, which was the first census to count Indians. For most of the decennial censuses there are aggregates or summaries of the population which are listed by county. Nevertheless, it is difficult to tease useful information out of the schedules regarding the Virginia Indian population. In 1790 Virginia was the most populous state in the union. General population aggregates for the country and Virginia according to 1790 Census are displayed below in Table 1.

Table 1. U.S. and Virginia 1790 Census Data

| | | |
|---------------------------|-----------|------------|
| United States | | |
| Total U.S. Population | 3,893,635 | |
| Number of Free Whites | 3,140,207 | |
| Number of Slaves | 694,280 | |
| Other Free Persons | 59,150 | |
| Virginia | | |
| Total Virginia Population | 747,610 | |
| Number of Free Whites | 442,117 | |
| Number of Slaves | 292,627 | |
| Other Free Persons | 12,866 | (GPO 1908) |

In 1790 Virginia had the largest population of enslaved persons; Maryland had the second highest number of enslaved persons with 103,036 persons. Virginia also had the largest population of “other free persons,” and once again Maryland was second with a population of 8,043 persons. Plecker claimed to have data from the fifth United States census in 1830 linking Indians with mulattoes. The data which I have examined for the 1830 census is arranged by county, according to gender, age, and categories such as “free white,” “free colored,” and “slave.” Neither the word “Negro” nor “mulatto” is used to identify a racial category for this census. Additionally, the word “Indian” is not used as a category and therefore either Indians were not counted or they appear in the census as “free colored” persons. In principle it was the policy of the United States government to

omit Indians from the census as Indians were not taxed if they lived on reservation lands (GPO 1908:4).

Aggregates for the 1830 Census in Virginia are shown in Table 2.

Table 2. 1830 Virginia Census Data

| | |
|---------------------------|----------------------------|
| Total Virginia Population | 832,980 |
| Number of Free Whites | 373,655 |
| Number of Slaves | 416,320 |
| Free Colored Persons | 41,005 (Greer 1832: 86-87) |

Additionally, microfiche copies of the 1830 Census schedules for Virginia were examined. The schedules are difficult to read but family surnames are listed. Plecker's statement implies that persons of Indian descent were selecting the category "mulatto" to describe themselves. As has been mentioned previously, the 1830 Census did not have a category for "Indian" nor was there a category for "mulatto" and therefore Indians were counted in the eastern United States as "free persons of color" if they were counted at all. Indians did not fit neatly into the bipolar categories of black and white. It may not be accurate to describe this period of the early nineteenth century as one in which the identities of American Indians were overtly contested since there is no concrete evidence for such a statement. However, the subtext of the historic documents may be viewed as an emerging contest to describe and categorize all individuals by a standard of whiteness. The vagueness of the racial categories which emerged out of the colonial experience laid the groundwork for the twentieth century dispute centering on the state's desire to control the identity of Virginia's Indian population.

In addition to the 1790 and 1830 Census materials, I have analyzed other census data in order to make a diachronic examination of the type of data sets which Plecker would have had access to during his tenure as head of the Bureau of Vital Statistics. I selected two counties in Virginia to make comparisons of the data sets for the 1820, 1840 and 1860 Censuses. Census data from King William County, the location of the two Virginia Indian reservations, was compared with Amherst County. King William County was selected because it is the location of the two remaining Indian reservations and I am assuming that King William County has had a relatively high number of American Indians in its population because of the presence of these reservations.

I made a similar tally for Amherst County, Virginia for 1820, 1840 and 1860. Amherst County was chosen as the other data set because Amherst county would have been the home of the Monacan Indians and therefore like King William County would have had a relatively high Indian population. I am making an assumption that the Monacans would have been counted in the census since the Monacan people did not retain any tribal lands during this time period. It is therefore feasible that the Monacans would have been counted as “free coloreds” by census takers. By comparing the data from the two counties it might be possible to observe trends among the racial categories. Again it is very likely that the category “free coloreds” included former slaves, mixed-race persons, and American Indians.

Interestingly, during the 1860 Census the free and slave populations were listed according to the categories “white, black, and mulatto” and this additional breakdown of the data highlights segments of the population. Nevertheless, few definitive points can be

made using these data sets. The free persons of color category was consistently the smallest segment of the overall population; although in each county between 1820 and 1840 numbers of “free persons of color” increased while both “free whites” and “slaves” declined in numbers. In 1860 as the census categories brought into focus the free and enslaved segments of the population, what was formerly the category of “free persons of color” was broken down into “blacks” and “mulattoes.”

Free mulattoes are overwhelmingly the bulk of the free persons of color and it may be safe to assume that this was true for past censuses which did not separate the data in this way. Also if Indians were being counted they might have been counted as “mulattoes” but only because there was not a way to count Indians who were living off the reservations without placing them all in the other category of non white persons. It is impossible to use census data prior to 1860 to track trends in the Virginia Indian population or to make any statements about their condition. I believe Plecker and his supporters had constructed a fallacious argument against persons claiming Virginia Indian descent using nonspecific nineteenth-century census data to support the mandate of the racial integrity legislation of 1924.

Plecker was never called on publicly to substantiate his premise that there were no true persons of Virginia Indian descent in the state nor to prove that he in fact possessed the corroborating historical documents and irrefutable evidence to support his claims. The aggregate numbers for the population by age and racial designation appear below for both counties.

I have compiled census data from the years 1820 through 1860, by county, King

William and Amherst Counties respectively. These data appear below in Table 3. It appears that the populations for both counties remained relatively stable over time, with the exception of a decline in the slave population in 1860 in Amherst County. The numbers of individuals counted as “Free Persons of Color” does not change significantly during the forty year period for which records were kept. While the numbers do not point to major population trends in the two counties, we see that the slave population is larger than the free population for both counties throughout the time period shown.

Table 3. Census Data For King William and Amherst Counties 1820-1860

| KING WILLIAM COUNTY | | | AMHERST COUNTY | | |
|----------------------------|-------------------------|-------|-------------------------|-------|--------------|
| 1820 | Free Whites | 3,523 | Free Whites | 5,492 | |
| | Slaves | 6,010 | Slaves | 7,400 | |
| | F/P of Color | 238 | F/P of Color | 187 | |
| 1840 | Free Whites | 3,150 | Free Whites | 3,278 | |
| | Slaves | 5,780 | Slaves | 5,777 | |
| | F/P of Color | 328 | F/P of Color | 373 | (Allen 1841) |
| 1860 | <u>Free Population</u> | | <u>Free Population</u> | | |
| | White | 2,569 | White | 6,123 | |
| | Black | 38 | Black | 27 | |
| | Mulatto | 240 | Mulatto | 240 | |
| | <u>Slave Population</u> | | <u>Slave Population</u> | | |
| | Black | 5,489 | Black | 4,992 | |
| | Mulatto | 378 | Mulatto | 1,286 | |

We can see in the 1860 Census that separate tallies were made for the mulatto population in both free and slave conditions. The Census Bureau stopped keeping a separate count of mulattoes after 1920 (Murray 1987:216).

A federal document from 1860, noted 112 Indian persons resided in the state of

Virginia. The locations are listed as follows in Table 4:

Table 4. Indian Residence Locations, 1860

| | | | |
|----------|----|------------|--------------|
| Henrico | 19 | Norfolk | 63 |
| Lee | 10 | Preston | 18 |
| New Kent | 1 | Washington | 1 (GPO 1864) |

The foregoing is interesting but difficult to assess, leaving many unanswered questions regarding the list. The locations are a combination of cities and counties. I do not know if this list refers to Virginia Indians or individuals from western tribes. However, it does indicate the acknowledgment of persons in Virginia identified as “Indian” during this time period. The 1880 Census did count “civilized Indians,” but they were included in the general “colored” category along with persons of Chinese and Japanese ancestry. The Virginia aggregates for 1880 indicate a “colored” population of 631,707 out of a total population of 1,512,565 persons (GPO 1883). We may conclude the Indian population was categorized in inconsistent ways throughout this period. Plecker chose to ignore the limitations of the available data on the Indian community and presented a false case to the people of Virginia. Other pertinent census data are presented below.

A third indication of a challenge to the 1924 law found in the Powell Collection was a brief note referring to a legal case in which a Justice H.B. Gregory issued an opinion on September 19, 1935. Apparently an individual named Bascomb Keith was indicted under Virginia Code Section 4546 as having traceable colored blood and marrying Reda Keith, a white. Plecker wanted Keith to be convicted on felony charges. However, the judge ruled that Keith did not violate the code because his ancestry was not proved by the Bureau of Vital Statistics (Powell Collection). This must have greatly upset Plecker and his cohorts

and caused them to redouble their efforts at controlling documentary evidence and disseminating racial propaganda. Walter Plecker did not believe that any pure-blood or full-blood Indians remained in Virginia and he therefore was adamant in his mission to categorize as colored all remaining Indians or part-Indians who were not the lineal descendants of Pocahontas's son Thomas Rolfe.

However, by 1926 Plecker had been forced to admit to the existence of a few Indians from the western U.S. who were living in Virginia. Papers in the Powell Collection indicate that Plecker located two Indians living in the western part of Virginia and he believed them to be free of Negro blood. After an examination of the files at the University of Virginia one is struck by the tremendous effort Plecker and his staff had invested into issues of racial purity. To locate two individuals as exceptions to the rest of the Indian population is equivalent to finding a needle in a haystack. In a 1926 letter to New York State Senator J. Griswold Webb a disgruntled Plecker wrote:

“We were compelled to also admit descendants from pure Indians from Oklahoma.... We have many very troublesome groups in Virginia under various designations which we are endeavoring to protect the white race against. Our Indian feature is the most troublesome as some of these claim to be pure Indians which is difficult to disprove in law.” (Powell Collection)

The existence of this letter in Powell's papers indicates to me that Plecker did acknowledge the existence of American Indians when they were “pure” in blood and that he perceived Indians from out west as falling within that category. However, to Plecker, Virginia had no pure-blood Indians in the state and hadn't for centuries.

On July 2, 1925 Plecker spelled his beliefs for the public in the Richmond New Leader

and made clear his agenda. Plecker also cited sources in the anthropological community to support his views about the nonexistence of pure bloods, thus damaging the discipline of anthropology in the eyes of Virginia Indian people. Excerpts from the article follow:

“Dr. Plecker today took the position that the 3000 Indians of Eastern Virginia-the Pamunkeys, the Mattaponis and the others are negroid....Plecker emphasized this point; that his opinion was based not simply on his own research, but on authorities who are recognized nationally....Dr. Plecker asserts that proof of their negroid background is to be discovered in historical and ethnological records, birth, death, ethnological records in Dr. Plecker’s bureau and in statements of white people who today live among them..A white person is one who has not a trace whatever of any blood other than Caucasian; but persons who have 1/16 or less of American Indian blood, non-Caucasic blood-shall be deemed to be white persons. This clause was intended to provide for the descendants of Pocahontas and not for our present race of native mixed Indians. All of these people are of negro descent... my only duty and zeal in this manner is to establish the truth as to whether these people have any negro blood. It is not a question of the amount or of the proportion of negro, Indian and white.”

Interestingly enough Plecker’s letter has revealed that he was using what has come to be called the one-drop rule. A person having one drop of Negro blood, regardless of other admixture and the dominance of other ancestry, would be considered Negro.

Plecker stated that Virginians who call themselves Indians were mixed with Negroes in several ways: first, Plecker referenced Howe’s History of Virginia [1845] which stated the Indians were mixed with blacks; second, the United States Bureau of Ethnology was said to have written that Virginia Indians were mixed with blacks’ [this is a probable reference to Mooney’s 1907 article]; and last, an article by Professor Chamberlain, of Clark University, which appeared in the Encyclopedia Britannica and said the Pamunkey, Chickahominy and Mattaponi are heavily mixed with Negro blood (1925). It is difficult to

imagine that the foregoing references were considered substantive enough and so authoritative that they could be used in such a negative manner.

Other papers in the Powell collection written by Plecker indicate that he referred to a non-specific list compiled in 1853, before the Civil War, that list does not indicate the existence of Indians in Virginia. Apparently it lists the names of slaves, free negroes and free colored people. I was anxious to locate this 1853 list that Plecker referenced with some frequency. Chief Oliver Perry permitted me to examine his photocopy of an entry book entitled *Register of Free Negroes and Mulattoes, December 25, 1809 to May 19, 1852, Norfolk County*. Agreeing not to cite anyone by name nor to discuss this document in detail, I am able to say that the register shows names and other information such as age, height, and distinguishing marks of free Negro and mulatto persons in Norfolk County. In a column adjacent to name persons may be classified as "Negro" or "Colored." Some last names which I recognized as being common Indian surnames have no designation, in other words they are left blank without any racial classification. A few have been registered as "Colored."

It was the practice to list Indians as free persons of color, and, sometimes as mulattoes. As I have stated above, many known Indian surnames were not classified according to the prevailing scheme (Fieldnotes 1997). Although to Plecker the surnames were in the book with the title "Free Negroes" etc. and he did not need any further clarification about racial designations or differences in the historical uses of the terms "colored" and "mulattoes." Apparently these registers were compiled by county and it is likely that Plecker is referring to these registers in some of the correspondence which I

have cited in this research. Again it must be emphasized that many Virginia county courthouses were burned or suffered damage during the American Civil War; therefore these registers are difficult to locate and at best they are incomplete. Additionally, Chief Perry also showed me copies of “certificates” issued by the state of Virginia in 1855 verifying and indicating Indian descent and ancestry for some of his own relatives.

On February 25, 1833, the General Assembly of the Commonwealth of Virginia (chapter 80) enacted a law which granted county courts the right to issue certificates to individuals, “*descendants of Indians and other persons of mixed blood, not being free negroes or mulattoes.*” In other words these certificates were issued to persons of Indian descent or mixed white-Indian descent to “protect and secure such person from and against the pains, penalties, disabilities and disqualifications, imposed by law upon free negroes and mullatoes.” The significance of this chapter 80, 1833 law is that the state of Virginia was recognizing Indian people and mixed Indian-white individuals separately and issuing certificates to them to protect them from restrictions placed on free Negroes and mulattoes.

This issuance of the “Indian” certificates was documented in county “minute books” and certificates were issued at a time when Plecker was stating that there were no longer Indians in Virginia. Chief Perry showed me these certificates dated 1855, two years after the “Register of Free Negroes and Mulattoes” was drawn up. Yet, Plecker used the register to corroborate his anti-Indian claims. It seems there are conflicting historical documents pertaining to the Indian population and Plecker chose to ignore the serious inconsistencies and selectively cite only those documents which supported his propaganda

assault on Virginia Indians.

It is most unfortunate that no one familiar with historic documents became an advocate for Virginia Indian people and challenged Plecker with the Indian certificates. However, it is likely that Chief Perry is correct when he says with sadness that Indian people would not have been able to successfully challenge the 1924 law. In the 1920s the elders thought it was best to remain silent and not to say much about being Indian. People were raised to know they were Indian but were told to keep quiet about it. As previously stated, the Indians of Virginia had survived the centuries since the 1607 invasion by keeping quiet and not drawing attention to themselves (Fieldnotes 1997).

Plecker was eager to present his case for racial purity to a wider audience whenever possible. Writing in 1939 to E.B. Ford, Esq., Honorable Scientific Secretary of the Bureau of Human Heredity, in London, England, Plecker discussed his methodology:

“Our task is to determine the degree of ascertainable [negro blood]...This is done by [consulting] old birth, death and marriage records in our possession going back to 1853, old tax records, to 1800, and U.S. Census records through 1830. Recently we discovered in [the] state library a complete roster of the negro male population made by federal military authorities during reconstruction. [The roster] gives a list of a large group of mixed breeds who are locally known as “free issue” striving to enter the white race through [the] Indian route. Our office, however, is an insurmountable barrier, and we are all prepared to give facts when called upon.”

I would argue that Plecker’s “insurmountable barrier” was mere bluff and propaganda on his part and on the part of supporters of the Eugenics Movement.

In a letter to an Ethel Magner in 1940, Plecker once again referred to the historic records and documents he was citing to aid his decision-making process regarding the

oversight of the registration of the population according to racial designations. According to the letter to Magner the careful use of records, which long predated the 1924 legislation, was the basis for denial of the existence of Virginia Indians. Plecker wrote:

“after the War [B]etween the [S]tates the United States Army of Occupation secured lists of all the negro men of the state [of Virginia] eligible to be placed upon the voting list. Practically all of those mulattoes who are now clamoring to be classified as Indians signed up as negroes at that time. In 1830 the U.S. Census the progenitors of the reservation mulattoes appear as mulattoes.”

At the time of this writing I have not located the untitled roster supposedly compiled by the “U.S. Army of Occupation” which Plecker found to be so useful to his work.

The terminology which Plecker utilized to talk about the American Civil War and the post-war reconstruction efforts was quite telling. I have concluded that the “old birth, death, marriage and tax records” referred to in the Ford letter most likely were the lists of “personal property” which Virginians were required to make for tax purposes and household inventories. I have located and examined some of the lists. Eighteenth century lists include such things as; “cattle,” “wheels,” “billiard tables” (there is one listed in the property lists for Richmond in 1782), and of course “slaves” (VA Records 1782 in GPO 1908). The names of slaves are not always listed and when they are surnames are almost never indicated.

Personal property lists were also compiled on the death of heads-of-household for estate and inheritance purposes. Such records were very detailed and most often listed slaves (which were considered to be personal possessions) by name. Once again these data do not appear to be definite evidence for stating that Indians were no longer a viable

racial group in Virginia.

In 1930 the Commonwealth of Virginia (section 67) passed the final definition of racial categorizations . The statute stated:

“Every person in whom there is ascertainable any negro blood shall be deemed and taken to be a colored person, and every person not a colored person having one-fourth or more American Indian blood shall be deemed an Indian; except that members of Indian tribes living on reservations allotted them by the Commonwealth having one-fourth or more of Indian blood and less than one-sixteenth of negro blood shall be deemed tribal Indians so long as they are domiciled on such reservations.” (Code of Virginia 1930)

The foregoing clarification of racial categorization permitted an individual living off either of the two reservations to be classified as an “Indian” as long as he or she did not have any Negro ancestry, but allowed for a reservation Indian to have some amount of African ancestry and keep the designation “Indian” as long as he or she resided on the reservation.

The definition set up a dual standard of “Indianess” in the state and must have resulted in tension between the two reserved peoples, the Pamunkey and Mattaponi, and non-reserved Indians. Again it is worth noting that the extant reservations are so small that few people can be accommodated within their boundaries. I can only speculate on the impetus for the 1930 adjustment to the Virginia racial definition of “Indian.”

Plecker exchanged letters with the Census Bureau in 1925 and 1926 in an attempt to influence the structure of questioning for the 1930 United States Census. As may be predicted, Plecker claimed that true Indians did not exist in Virginia and that persons listing themselves as “Indian” should be counted as “colored” (Rountree 1986:200).

Frank Speck tried to counter Plecker’s argument at the Census Bureau. The final result

was that the category “Indian” was left in the Virginia schedule but was qualified with an asterisk which indicated this category was “uncertain” (GPO 1933).

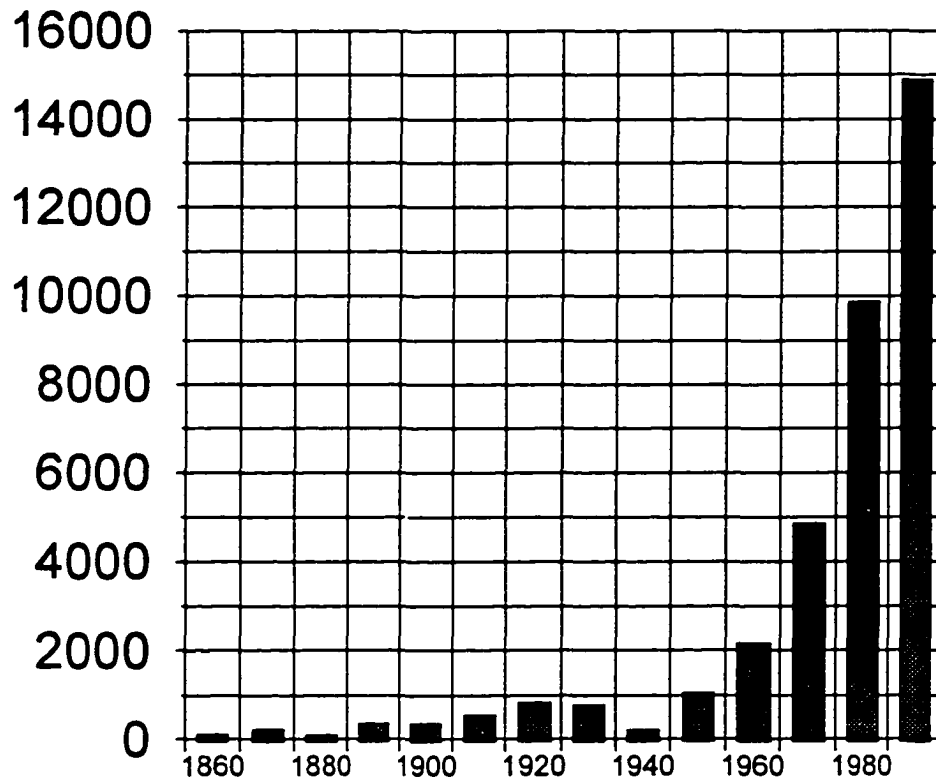
I have examined census data for Virginia for the decennial censuses between 1860 and 1990 in which the racial categories were broken down according to “whites,” “Negroes,” and “Indians.” The later included persons of Chinese, Japanese and Filipino ancestry. I located a document which separated the aggregates of “Indians” and other Asians from one another for the state of Virginia (GPO 1943:134). The aspects of the category “Other races” were not differentiated in the data; figures for Chinese and Japanese persons were given as totals. We may assume that the remaining numbers in the “other races” category include may different groups of people. An asterisk indicates the Indian category. These population figures for Virginia have been arranged in Table 5, and are displayed below. The most pronounced changes in the population data are shown in the category “Indian” where the numbers of persons identifying themselves as “Indian” has doubled every ten years since 1950. This may be attributed to in-migration of Indians into Virginia, people becoming more comfortable with the self-identifying as “Indian,” and the repeal of the Racial Integrity Act in 1968. The data for the Indian population has been displayed separately, below, in Figure 1. The dramatic change in the numbers of persons claiming to be American Indian in the Commonwealth of Virginia is depicted in this figure.

Table 5. Virginia's Population by Racial Classification 1860-1990

| Year | Whites | Negroes | Indians | Chinese | Japanese | Eskimo & Aleut | Asian | Others | Total |
|------|-----------|-----------|---------|---------|----------|-------------------|---------|---------|-----------|
| 1860 | 1,047,299 | 548,907 | 112 | No data | No data | No data | No data | No data | 1,596,318 |
| 1870 | 712,089 | 512,841 | 229 | 4 | No data | No data | No data | No data | 1,225,163 |
| 1880 | 880,858 | 631,616 | 85 | 6 | No data | No data | No data | No data | 1,512,565 |
| 1890 | 1,020,122 | 635,438 | 349 | 55 | 16 | No data | No data | No data | 1,655,980 |
| 1900 | 1,192,855 | 660,722 | 354 | 243 | 10 | No data | No data | No data | 1,854,184 |
| 1910 | 1,389,809 | 671,096 | 539 | 154 | 14 | No data | No data | No data | 2,061,612 |
| 1920 | 1,617,909 | 690,017 | 824 | 278 | 56 | No data | No data | 103 | 2,309,187 |
| 1930 | 1,770,441 | 650,165 | 779 | 293 | 43 | No data | No data | 130 | 2,421,851 |
| 1940 | 2,015,583 | 661,449 | 198 | 208 | 74 | No data | No data | 261 | 2,677,773 |
| 1950 | 2,581,555 | 734,211 | 1,056 | No data | No data | No data | No data | 1,858 | 3,318,680 |
| 1960 | 3,142,443 | 816,258 | 2,155 | No data | No data | No data | No data | 6,093 | 3,966,949 |
| 1970 | 3,761,514 | 861,368 | 4,853 | No data | No data | No data | No data | 20,759 | 4,648,494 |
| 1980 | 4,236,345 | 1,008,665 | 9,867 | No data | No data | 202 | 70,569 | 21,170 | 5,346,818 |
| 1990 | 4,791,739 | 1,162,994 | 14,893 | No data | No data | 389 | No data | 217,343 | 6,187,358 |

The Indian population in Virginia grew from 112 in 1860 to 15,000 in 1990. The impact of the Racial Integrity Act of 1924 can be seen in the change between the years 1920 and 1960 for the category designated as "Indian." Sources: GPO 1908, 1926, 1933, 1943, Department of Commerce 1992.

Figure1
Virginia Indian Population 1860-1990



The Virginia Indian population remained relatively constant between 1860 and 1940. A marked increase in the Indian population, post-World War II and after the repeal of the 1924 Racial Integrity Act, is reflected in the census data shown above.

In the eighty-year period shown above the number of persons classified as “Indian” has greatly fluctuated. Figure 1 presents the data in the form of a bar graph. The Indian population of Virginia remained below one thousand persons until 1950. The American Indian population nearly doubled between 1970 and 1980 with the next largest increase

occurring between 1980 and 1990. However, the significant Indian population growth has been in the urban areas and the bulk of the population increase is tied to an in-migration of non-indigenous Indians into the state. Post-World War II and continuing to the present, American Indians from other parts of the country have been relocating to Virginia. Most of this population growth has been due to the strong military presence in the state and the increasing number of Indians who remain in Virginia to work after the conclusion of their military service or who work in government jobs. Virginia Indians represent slightly over 3,000 persons of the nearly 15,000 American Indians in the 1990 census (Fieldnotes 1996). I would anticipate the American Indian population will be significantly larger at the next census.

There is some concern among Virginia Indians regarding the discussion of a census category labeled “mixed race.” Nearly every Virginia Indian I have spoken with believes identifying oneself as mixed race is yet another way to remove Virginia Indians from categories of race (Fieldnotes 1997). Virginia Indians will resist being forced into generic racial groups after their experiences under the Racial Integrity Act .

In order to examine the “Indian” category more closely and to try to determine the results of the Racial Integrity Act on the population of Virginia Indians, I gathered data from King William and Amherst Counties. I sought census data from the 1920, 1930 and 1940 census records in an attempt to review the numbers of individuals declaring themselves as “Indians” prior to the 1924 Racial Integrity Law and through twenty years of the enforcement of the legislation as shown in Table 4.

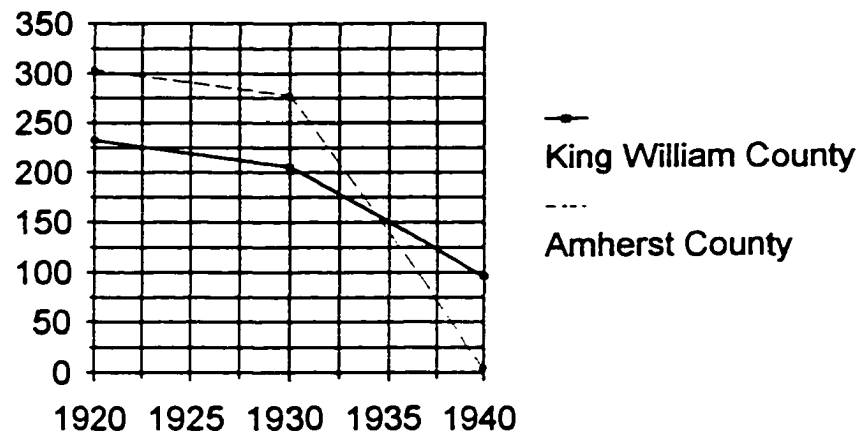
Table 4. Populations of King William and Amherst Counties 1920-1940

| 1920 | King William County | Amherst County | |
|------------------|----------------------------|-----------------------|------------|
| Total Population | 8,739 | 19,771 | |
| Whites | 4,728 | 12,580 | |
| Negroes | 4,603 | 6,840 | |
| Indians | 233 | 304 | (GPO 1926) |
| 1930 | | | |
| Total Population | 7,929 | 19,080 | |
| Whites | 3,918 | 13,021 | |
| Negroes | 3,805 | 5,721 | |
| Indians | 206 | 278 | |
| 1940 | | | |
| Total Population | 7,855 | 20,278 | |
| Whites | 3,994 | 11,028 | |
| Negroes | 3,795 | 6,179 | |
| Indians | 96 | 4 | (GPO 1941) |

Figure 2 (below) displays the data and graphically represents the demographic collapse of the American Indian population in the two counties post Racial Integrity Law.

During this time the category Indian included Asians. It is doubtful that either King William or Amherst Counties had high numbers of Chinese, Japanese or Filipino persons in their populations as these are two rural Virginia counties. Neither county has a major metropolitan area which might provide employment opportunities for non-rural gainful employment. Therefore, I would argue that the startling demographic collapse of the Indian population could only be due to an out migration of people and/or pressure from the 1924 Virginia Racial Integrity Law to not identify oneself as an Indian. Indian people may have left these rural counties during the height of the depression and pre-war years but it appears more likely that people were unwilling to identify themselves as Indians. Census enumerators may have altered the data since they had the authority to do so.

Figure 2.
Indian Demographic Collapse



In Figure 2 it is clear that the passage of the 1924 Racial Integrity Act negatively impacted the numbers of persons in King William County and Amherst County, Virginia, identifying themselves as “Indians” on the 1930 and 1940 U.S. Census. This trend does not begin to reverse itself until 1950.

Rountree (1990:230) states that Plecker provided enumerators with lists of names and instructed the census enumerators to use the lists as the basis for racial classification. It is possible that the Indian population was absorbed by the Negro category. However, as the census data show, this category also underwent a population loss in King William County. King William County shows an overall population loss of 884 persons during the twenty year period. Amherst County’s population has fluctuated but has gained 507 persons by 1940 with a gain of 458 persons in the Negro category between 1930 and 1940. The time period between the late 1920s and World War II was a difficult economic time and in

addition the period seemed to have been one in which Plecker and his policies of administrative genocide dominated Virginia's political and racial landscape. Both of these forces would have had a negative impact on Indians and African Americans in the state of Virginia.

The fourth direct challenge to the Racial Integrity Act occurred in 1955 with the case known as *Naim v Naim*, 197 VA 80. The Supreme Court of Appeals of Virginia ruled that laws against miscegenation and racial classifications were valid in the Commonwealth of Virginia. The case involved a marriage which had taken place in North Carolina in 1952 between a Chinese person and a white person. The state of Virginia ruled that the couple was ineligible to be married due to prohibition of miscegenation. It seems the couple was forced to leave the state of Virginia.

I found no other direct challenges to the state's prohibition against miscegenation and indirectly to the racial integrity law until the infamous case of *Loving v. Virginia* (1966) which is discussed below. However, through conversations with Virginia Indians I became aware of another type of legal challenge to racial classification which took place during World War II. A small number of Virginia Indian men challenged the procedures of the Selective Service System when they were called to register for the draft. Like the society which had developed in Virginia and most of the United States, the Selective Service System was inducting men according to a biracial, white and black, classification. Whites and blacks were trained and deployed in segregated units. The 1937 War Department's Mobilization Regulations stated that black soldiers should be included in the armed services in equal proportion to their percentage of the civilian population, or about

9% (Murray 1987:217).

The Selective Service System had not established national standards for the classification of men by race and therefore the Selective Service relied on local draft boards to make racial determinations regarding the applicant pool. The Virginia draft boards, following the lead of Plecker and the Bureau of Vital Statistics, pressured local draft boards to register Indian men as "Negroes." Many Indian men were vocal in their refusal to accept this classification as they were not willing to be inducted into Negro units and give up their Indian identity. During World War I, Indians had fought in white military units, and with the granting of citizenship to Indians in 1924, the majority of Indian draftees were inducted into white military units. Virginia Indians and some North Carolinians began a series of legal contests against the induction policies and the litigation process often took years to settle (Berry 1963). In January of 1942 the War Department issued a ruling about the induction of American Indians which read in part:

"Members of the Indian Race will be inducted as White trainees. It is for the Local Board to determine whether or not these Registrants are Indians, and it will, of course, take into consideration whether their associates are Negroes and whether they are treated as Whites in the social pattern of their community and State."(Memorandum No. 336)

The memorandum provided for the registrant's sworn statement as to his ethnic origin to be included in his record and registrants were given the right of appeal and a postponement of induction in "questionable or border-line" cases. In most instances Virginia Indians refused to be inducted as Negroes.

As far as the Virginia tribes were concerned there was no unified or combined effort to challenge the power of the local draft boards to rule on racial classification. However,

men from the different tribes resisted with varying degrees of success. Rappahannock consultants told me that some of their men did not fight induction into the service as Negroes but others did; some men went to prison and others were assigned duties in hospitals along with non-Indian conscientious objectors. The Rappahannock men with the war-time hospital experience found employment in the medical field in their respective communities at the conclusion of the war. The Rappahannock people are proud of these individuals and their accomplishments in the medical field (Fieldnotes 1997).

The men of the Pamunkey and Mattaponi tribes, as state reservated Indians, were drafted as whites. The men of the populous Chickahominy tribe fought a contest of wills against the local draft boards and the Selective Service. Several Chickahominy men were inducted as Negroes and refused to leave their barracks until they were reclassified as whites. Their chief, O. Oliver Adkins, made a successful personal appeal to the War Department in 1942 (Murray 1987). The present chief of the Chickahominy told me that the old chief visited the men in the barracks to "help straighten things out." The Chickahominy effort in the World War II draft resistance is still remembered and the current chief of the Potomac band told me that Indian resistance in general, and Chickahominy resistance in particular, to Negro classification in the military service was a critical factor leading to the resurgence of Virginia Indian identity. Virginia Indians believe the Chickahominy Indians resisted the draft on behalf of all Virginia Indian people and they are remembered with honor for this effort (Fieldnotes 1997).

In one of the more famous World War II draft resistance cases, a nineteen-year old Monacan man named William Branham, from Amherst County, filed an appeal with the

United States Circuit Court of Appeals on June 1, 1943, after refusing to be inducted as a Negro into the U.S. military. In copies of court transcripts and proceedings, generously given to me by the Monacan Nation for inclusion in this dissertation, the plaintiff, on June 30, 1942, asked for an injunction against induction as a Negro in the United States Army. Attorneys for Mr. Branham argued that their client's civil rights had been denied and that "the Selective Training and Service Act made no provision for classification of prospective trainees according to race or color." And furthermore Branham's attorney argued that the classification of the local draft boards was not binding but could only have the effect of an advisory recommendation" (Court of Appeals Brief 1943:12-13). Mr. Branham provided the court with exhibits including copies of the marriage license of his parents dated 1911, indicating the parents were of Indian and white ancestry. In addition Branham produced marriage licenses for his older brothers and sisters, each showing legal marriages to white spouses.

I would argue that one of the more disturbing points of the appeals case centered on the question of "association with Negroes." In his court papers Mr. Branham denied having any social relations with Negroes and stated that all his associates were white or mixed Indian/white. As noted above in the War Department Memorandum No. 336, personal "associations," or entering into friendships with Negroes, could be used as evidence against an individual's claim of Indian ancestry. The inclusion of testimony regarding the appellant's association with people of color into the decision-making processes and judicial rulings on draft board racial classifications permitted public testimony by prominent people in the community, usually whites, to potentially influence

the outcome of these appeals cases. The implications of this type of imposed segregation are significant. I had wondered why Indian consultants would sometimes say to me we [our tribe] didn't associate with black people. I have come to believe such statements are remnants of the enforced standards for multi-racial association and interaction from this time period and earlier time periods. In other words, racial classification was not just a matter of blood, as was being claimed by the establishment, but also a matter of personal networks and alliances. People of Indian ancestry had to maintain this position of isolation or risk being tainted by association with blacks. It may have been part of a hidden agenda by whites to keep blacks and Indians from forming political and community alliances which would have threatened the hegemony of white domination in the American South. By pitting the two communities against one another whites found them easier to control. [Unfortunately, aspects of this denial of association with persons of African American ancestry has lingered in the American Indian community and is currently reeking havoc on the Rappahannock Nation (see Chapter IV).]

In the June 28, 1943 ruling in the case of Branham vs. Burton, the draft board was denied the right to force the induction of seven Monacan Indians into the army as Negroes. US District Judge Barksdale, granted a motion dismissing all charges against the Indians and in a summary judgement stated that the Selective Service System could not assign a racial designation to an inductee against his own assertions pertaining to race (Civil Action 101, 1943). This in effect legally upset the racial balancing act which the Selective Service board had become adept at maintaining. The ruling did not, however, immediately change the racial dynamics of the U.S. army nor make the induction process

less contentious for other Virginia Indian men. However, sociologist Paul Murray (1987) has argued that the success of the Branham case effectively broke the barriers of racial segregation in the United States military. I would argue that the Indian draft resistance at the local and national level began to reverse the effects of the administrative genocide, attempted by Plecker and supporters of the Eugenics Movement, on the Virginia Indian community.

In the 1950s and 1960s some eugenics research continued to focus on remnants of American Indian populations in the eastern United States. Calvin Beale (1957), an agricultural marketing service employee of the U.S. Department of Agriculture, published an article in the *Eugenics Quarterly* on an “obscure” population identified as American Tri-racial Isolates, a group of people of Indian-white-Negro ancestry. The origins of the group were not delineated other than to describe the tri-racial isolates as a people formed through miscegenation during the colonial and early Federal time periods.

For Beale (1957:189) these people represented an isolated breeding population which offered limited options for marriage partners and consequently a “relatively small number of surnames.” Beale claimed the population of tri-racial isolates totaled 77, 000 persons, and thereby exceeded the population size of pure-blood Indian people remaining in the eastern U.S. Beale wrote about tri-racial isolates using the disparaging language which had become the standard mode of describing non-white and non-racially pure people.

Brewton Berry (1963:40) in his book Almost White advocated calling the tri-racial isolates “half-castes,” “half-breeds,” “raceless people,” or “mystery people,” “mestizo” or mixed peoples. Berry (1963:87) described mestizo life as “dull and dreary” and their

living conditions as 'squalid.' In a further discussion of the mestizos Indian status, Berry (1963:136) writes that the mestizos are "obsessed with the wish to be accepted as white" but if that doesn't work they will "settle for status as Indians." In an attack against the Chickahominy Indians of Virginia, Berry (1963:161) refers to the Chickahominy as "self-appointed Indians" whose goal is to be white but settle for Indian, "It is better to be red than black-even an off shade of red." Berry (1963:173) blamed James Mooney and Frank Speck for "prying into American's prehistoric past," which he believed led the mestizos to begin thinking about being Indian. Beale's vicious words hang like a cloud over the contemporary Virginia Indian population which is trying to distance itself from these disparaging sentiments and attack on their credibility as a community.

The Racial Integrity Law of 1924 remained in full force until 1968 when the Virginia General Assembly quietly repealed the statute not by name but by a "repeal of section 20-50 through 20-60...relating to Bureau of Vital Statistics and racial requirements" (Act of Assembly 1968 c. 318). The repeal of the repressive legislation must be linked to the October 1966 ruling by the United States Supreme Court in the case of *Loving v. Virginia*. The *Loving* case dealt with two residents of Virginia, a Black woman named Mildred Jeter and a White man named Richard Loving. The pair were married in the District of Columbia in June of 1958; they returned to Virginia to establish their residence. In October of 1958 the couple was charged with violating Virginia's Racial Integrity Law, specifically the ban on interracial marriage and the infringement of sections 20-58, 20-59, which deals with leaving the state for the purposes of entering into an illegal marriage and the violation of the law pertaining to miscegenation.

The Loving's were sentenced to one year in jail on January 6, 1959 but received a suspended sentence on the condition that the couple agreed to leave the state of Virginia and not return for 25 years. The Circuit Judge of Caroline County issued the ruling and stated the following opinion:

“Almighty God created the races white, black, yellow, malay and red, and he placed them on separate continents. And but for the interference with his arrangement there would be no cause for such marriages. The fact that he separated the races shows that he did not intend for the races to mix.”
(Loving v. Virginia 1966:3)

Mr. and Mrs. Loving moved to the District of Columbia and in 1963 they filed a court motion in the Virginia state trial court requesting that the judgement against them be overturned on the basis that Virginia's decree had violated the Fourteenth Amendment of the United States Constitution.

Nearly a year later their appeal had not been adjudicated and the Loving's filed a class action in the United States District Court for the Eastern District of Virginia specifically requesting that a three-judge court be convened to declare Virginia's anti-miscegenation laws unconstitutional and to bring a halt to the enforcement of the sentence against the Loving's. The Virginia Supreme Court upheld the state's anti-miscegenation laws and the convictions against the Loving's, and the couple made an appeal to the United States Supreme Court on December 12, 1966, 385 U.S. 986.

Robert Button, Attorney General of Virginia and two Assistant Attorneys General argued on behalf of the Commonwealth of Virginia. Persons representing groups which urged the U. S. Supreme Court to repeal the Virginia statutes and the conviction against the Loving's were; William M. Marutani of the Japanese American Citizens League,

William M. Lewers and William B. Ball for the National Catholic Conference for Interracial Justice et. al., Robert L. Carter and Andrew D. Weinberger for the National Association for the Advancement of Colored People, and Jack Greenberg, James M. Nabrit III and Michael Meltsner for the N.A.A.C.P. Legal Defense & Educational Fund, Inc.

Firstly, the state of Virginia argued that the regulation of marriage was the legal domain of the states and not the Federal government. Secondly, Virginia representatives argued that the prohibitions were applied equally to persons of all races. Chief Justice Earl Warren delivered the opinion of the Supreme Court in which he discussed the prohibitions of Virginia's Racial Integrity Act of 1924 and rejected the validity of Virginia's equal application argument. Warren declared that the Racial Integrity Act was designed to maintain white supremacy and that the Virginia statutes were in violation of the due process clause of the Fourteenth Amendment, which the court interpreted as granting persons the right of choice in marriage without restrictions of racial discrimination (*Loving v. Virginia*, U.S. Supreme Court, 1968:1-13).

The *Loving* ruling signaled the end of the legalized enforcement of administrative genocide in Virginia. However, as stated above, the Racial Integrity Law of 1924 was not repealed for an additional two years following the *Loving* decision. Racial definitions for access to educational opportunities remained in force until 1975 when the General Assembly repealed racial definition laws which dealt with education opportunities and waiting room access (Acts of Assembly 1975). The American Indian population benefitted from the legislative repeals of the racial statutes which had been enforced in

Virginia for 48 years. However, justice in the legal arena was only the first step on the road to political re-emergence. Persons of Indian descent had to engage non-Indians and fellow Indians in the arena of public perception. Overcoming the de facto perception that Indians did not exist in Virginia would be a battle equal in difficulty to the task of surviving the de jure pronouncements on the non-viability of Virginia Indian people.

It never seems to have occurred to Powell, Cox, Plecker, Berry, Beale and others that individuals wished to identify with their Indian heritage not as a path to escape assignation to another racial group, but because being Indian was an important part of their personal identity. People in Virginia have told me that Plecker's extensive files and racial lists of former mulattoes, former slaves, et al were destroyed by his successors in the Vital Statistics Bureau (Fieldnotes 1996). I have no way to confirm these stories, but I wonder if such lists every really existed. Might not Plecker and his staff have been bluffing about the possession of their so-called historic documents? After all, Plecker was never asked to produce the materials for public scrutiny. Maybe the documents were part of an elaborate propaganda plot. It seems to me that state officials could not legally destroy legitimate historic documents. However, it would be easy enough to make claims to have destroyed papers which never existed in the first place. The rumors of the destruction of the racial integrity files may be fact or fiction, but the actual papers which were said to be compiled by Plecker and culled from nineteenth century documents are not to be found at the present time.

The period of time discussed in this chapter is part of the living memories of tribal elders. It is neither an "imagined" period of history nor part of a mythic past. From 1924

to 1968 legally enforced laws made the daily lives of persons of Virginia Indian biological heritage a contested domain. Virginia's Indian population is still engaged in the contest to control and shape their identity. The granting of state recognition to eight tribes in the 1980s transferred a measure of political control to persons of Indian descent from the state to the Indian communities.

From the 1920s through the desegregation era and up to 1975, when Virginia repealed its segregation laws and racial definitions, persons of Virginia Indian descent were the victims of a state-sponsored and highly organized attack on their legal right to exist as a definable racial group. The attempts at "administrative genocide" against Virginia Indians damaged the community's external image in the minds of Virginians in general, but may have solidified the internal dynamics of the remnants of the Powhatan Chiefdom and its allies and the Monacan Indians of the western part of Virginia.

During the 1980s people of Indian descent re-emerged in Virginia with a strengthened political consciousness and a more confident Indian self-image. The end of Virginia's attempt at enforcing "administrative genocide" on the state's indigenous population has permitted Virginia Indians to strengthen their bonds with one another. Since the repeal of the Racial Integrity Act, increasingly Virginia Indians have become more politically powerful and confident by taking control of the shaping and presentation of their own identity. The establishment of the Virginia Council on Indians in 1983 provided Virginia Indians with the first public voice since the collapse of the Powhatan Chiefdom in the seventeenth century.

Chapter IV

I Am A Nansemond

I am a Nansemond!
I walk proud and tall.
I am an American Indian,
But other names I have been called.
I am a Nansemond!
I am true to my country and God,
And what I've gotten in my life time
I earned it, honest and hard.
I stood by the white man in battle,
And shared in his fear and his tears.
I am a Nansemond-
An American Indian,
And I go back in history many years.
I am a Nansemond,
And I won't hang my head in shame.
I'll hold it high and walk tall,
And will always be proud of my name.
I am an American Indian!

Nansemond Tribal Poem
Virginia Bond
May 20, 1986

Introduction

Every Nansemond tribal meeting opens with an invocation, pledge of allegiance and the solemn recitation of the tribal poem. The heartfelt declaration, "I am an American Indian!" is a stirring way to begin the task of dealing with tribal business (Fieldnotes 1996-97). Tribal by-laws delineate the purpose of the Nansemond Indian Tribal Association, and one of the primary functions of the organized tribe is to provide an "organized image" for the tribal members with which Nansemonds "and their descendants may identify" (NITA by-laws 1984). However, the effort to organize a public and identifiable image for any of the

Virginia Indian tribes was not systematically undertaken until after the repeal of the Racial Integrity Act in 1968. During the fifteen years between the repeal of Racial Integrity legislation, and the granting of state recognition to six Virginia tribes in 1983, and subsequently to two other tribes in 1985 and 1989, a gradual but steady re-engagement with a public portrayal of Indianness occurred. With the establishment of renewed links with American Indian networks, both within and outside the Commonwealth of Virginia, the Virginia Indian community became more confident in declaring and acknowledging Indian ancestry. Additionally, a re-engagement with traditional aspects of Indian culture, as defined by Virginia historians, and the adoption of supra-tribal images which spread across the United States during the 1970s and 1980s as part of the Pan-Indian movement (Schusky 1970), impacted the formation and expression of Virginia Indian identity. Working in concert with individual members of federally-recognized tribes Virginia Indians grew more secure in the public expression of Indian identity and became more active in defining a political purpose.

However, the legacy of the Eugenics Movement and Plecker's implementation of a state-sponsored attempt at racial genocide did not go unremembered. Tribal strategies, such as non-engagement in the public arena and maintaining a code of silence about their respective communities have lingered into the late twentieth century. Moreover, inter-tribal networks among the Tidewater tribes, once the hallmark of the Powhatan Chiefdom, had not been maintained for several centuries and therefore required re-building from the ground up. The fragmentary nature of inter-tribal linkages, social, and political networks, meant Virginia Indian people were not accustomed to working in concert, even on issues

which impacted them directly. Repeatedly, when asking informants about their memories and relationships with members of other Virginia tribes, I would be told that Indian people would occasionally visit with Indian people from other tribes, but that such visits were rare. There was limited contact among the respective tribes until the mid-point of the twentieth century (Fieldnotes 1996-97).

Since the repeal of the Racial Integrity Law in 1968, and the subsequent granting of state recognition to eight Virginia tribes, Indian people have sought to establish inter-tribal networks. Once established, these networks have been used to mobilize support for the passage of desired legislation and to achieve goals which are perceived to be advantageous for the Indian community as a whole.

However, this has given rise to an undercurrent of tension among Virginia Indian tribes. It has become somewhat problematic for the tribes to struggle with the question, "To what degree should the individual tribes emphasize unity and common heritage and to what degree should emphasis be placed on individual tribal endeavors, history and identity formation?"

Nevertheless, having been linked together for purposes of social action, and having had some success in recent years with impacting Indian-approved legislation, and asserting Indian opinions into the Virginia political arena, it has been difficult for the eight Virginia tribes to disengage from their inter-tribal networks. Severing links with other Virginia tribes, and more broadly indigenous people throughout the country and the world, to return to the comfort of small isolated Indian communities, is not seen as a desirable path either. During the past fifteen years, the building of inter-tribal alliances and working

towards common purposes has been the goal of several tribal leaders. Yet, it must be noted that a degree of resistance exists regarding the growth in power of the inter-tribal alliances at the expense of the individual tribal power structures. The two reserved tribes, the Pamunkey and Mattaponi Tribes, are the most resistant toward inter-tribal alliances. In contrast, the non-reserved tribes are more comfortable working in an inter-tribal setting. The tribal structures of the reserved tribes have been in place for a much longer period of time than those of the non-reserved tribes. An outgrowth of this difference is that the reserved tribes have been less eager than the more recently incorporated tribes to share power in alliances.

The inter-tribal alliances, most particularly the Virginia Council on Indians, are not overtly hierarchical. The composition and structure of the Council will be discussed more fully below. However, precedence is not given, at Council meetings, to one tribe over another, and the decision-making process allows for each tribal representative to express the views of his or her respective tribe. Decision-making by consensus is always the desired goal.

During my fieldwork observation I have noted times when disagreements regarding decisions and a course of action arose. In those instances the chairperson sought to bridge any disagreements by noting common areas of agreement, suggesting the tabling of particular issues, and, in extreme cases, holding a closed-door session with only Council members present and note-taking prohibited. The primary positions are the chairperson and vice-chair of the Council. The chairperson of the Virginia Council on Indians is appointed for a term of three years by the Governor of the Commonwealth (Code of

Virginia, chapter 20.1, section 9-138.1). The vice-chair serves at the pleasure of the Council chairperson. Thus it may be argued that the formalized structure of the Council, the links which the Council has to the state government, and the appointment of the Council chairperson by the Governor of the Commonwealth, has altered the balance of power within the American Indian community with respect to reserved/non-reserved tribes. Additionally, the current Council chairperson, an American Indian woman, is a member of a federally recognized tribe from Massachusetts. The chairwoman's personal networks extend outward to include non-Virginia Indians and other well-established links to political circles in Virginia and the District of Columbia (Personal Communication 5/97).

The post-Plecker era Virginia Indian networks may be viewed as an outgrowth of a shared experience of institutionalized racism and joint work efforts toward receiving state recognition. Prior to the repeal of the Racial Integrity Act, the individual networks of Virginia Indian people typically were closed systems which brought people together based on similar lifestyles, residence and kinship relationships, and on tribal memberships. Hannerz (1992a:42) has argued that networks which display these characteristics also bring together people with common concerns and shared views of cultural expression. Such relatively closed systems of personal networks are undergoing modification in the late twentieth century. Post-modern "small-scale" networks, based on shared experiences, have become part of a larger "network of uniformity" which links persons to a larger global network via the mass media.

In recent years, linkages between local, small-scale networks are being made to what

Appaduri (1996:52) has called the “global ethnoscape.” Appaduri has argued that the mass media and the world wide web have begun to change the nature of the experience of individuals at the “locality.” I would argue that similar modifications are occurring in the Virginia Indian context. Typically, Virginia Indians remained relatively isolated in their day-to-day lives, and were unable to influence the outcome of political events which directly impacted them. Since 1983 and state recognition, members of the respective tribes have been forced to open their networks to other Indians in the state and increasingly to non-Indians.

For some tribal members the gains made in achieving recognition and a more public status have come at the expense of being able to exert control of over meaning, history, and authority, at the local level. Questions of identity and the public presentation of Indianness, always a contested issue for Virginia Indians, are now played out in front of a wider audience. Prior to receiving state recognition the Virginia tribes were fairly isolated and powerless vis a vis state and national institutions. Yet being able to withdraw into small isolated pockets of rural Virginia offered them some limited protection and security. The “management of meaning” and cultural perspectives, in pre-recognition Virginia Indian networks, could be tightly controlled at the local level. Since these networks were “encapsulated,” or comprised of individuals whose lives and circumstances were similar to one another and whose networks were fairly closed and relatively isolated from other sets of networks, a measure of control was retained by those in the network (Hannerz 1992a:44, 1992b:70).

As previously stated, the post-recognition period has enlarged the networks of

Virginia Indians to include both inter-tribal components and links with the non-Indian community. The move away from an encapsulated network toward a more integrated, or open network, has at times created tension over the control of the local or separate tribal networks and the larger, more integrated inter-tribal linkages. This may best be exemplified by the refusal of one of the reserved tribes, the Pamunkey, to send a representative to serve on the Virginia Council on Indians and to participate fully in the state-sponsored Indian organization. Some Indians have told me that the Pamunkey, “don’t want to work with others because they’re afraid they’ll lose something” (Fieldnotes 1996-97).

While this tension over control of the local Virginia Indian network does exist, I would argue that the supra-tribal network is growing more powerful, even as one or two tribes try to resist the trend. The tradeoff of enlarging the power and prestige of the inter-tribal networks at the expense of maintaining power and control over the local, encapsulated networks has paid visible dividends. Working as a group resulted in being granted state recognition for eight Virginia Indian tribes, a wider say in state politics, and a more public Indian identity for Virginia’s indigenous people. Furthermore, I would argue that one of the most successful responses by Virginia Indians to their collective experiences under the Racial Integrity Law was the building of supra-tribal networks in which the Virginia tribes could multiply their political strength and receive validation as Indian people.

The dominant supra-tribal network in Virginia, since 1983, has been the Virginia Council on Indians. It is through the collective efforts of the seven Virginia tribes and representatives of non-Virginia Indians and non-Indians, working in concert with the

Virginia Council on Indians, that most of the recent attempts to control Virginia Indian history and shape contemporary Virginia Indian identity have occurred.

Cornell (1988) has discussed the historical contexts and modifications to tribal organizations and political structures which occurred with the incorporation of American Indian tribes into the larger society. In general terms Cornell has argued that the resurgence of a confrontational style of Indian politics, which typified the 1960s and 1970s, had its roots in particular sets of social relations which have been modified and conditioned by the administrative structures of the dominant society, from Indian-European colonial interactions to the present. Cornell views tribalization, the process by which tribes formed and became the focus of Indian identity, as the consolidation and politicization of Indian people into groups or categories by non-Indians. In time the organization of the tribe became accepted by Indians and non-Indians as a viable category of identity and a defensible political unit. The tribes were built upon pre-contact sub-tribal groups which were most typically united by bonds of kinship and language. However, over time, tribes became organized political structures and the basis for collective action. In this capacity tribes grew in political authority and power, thereby replacing and usurping the power base of the sub-tribal units.

Cornell has argued that tribal structures lacked a distinct traditional institutional structure and came to replicate a non-Indian organizational structure because the process of tribalization was a direct response to the administrative policies of non-Indian society. As mentioned above, power had been shared by clans, religious and military sodalities, in pre-contact societies. Tribalization heightened fragmentation and factionalism since the

process of tribalization tended to consolidate power in the hands of a few individuals thereby decreasing the power of kinship groups and other sub-tribal units (Cornell 1988:84). The European colonial administrations and later the United States government sought diplomatic and treaty relationships on a tribe to tribe basis thereby strengthening American Indian tribal structures and formalizing the role and authority of the tribe as a political unit.

Given the rapid destruction of Powhatan political and cultural life in the seventeenth century, the modification of Powhatan sub-tribal units and the forging of a non-Powhatan tribal structure did not begin to occur until the twentieth century. In the period of post-Racial Integrity Law politics, people of Indian descent were influenced by the cross-currents of American Indian political movements on the national level and the need to organize and validate themselves on the local and state levels. The validation process had formal aspects which centered on the establishment of legal and political structures and bilateral relationships with the Commonwealth of Virginia and more informal aspects which had to do with the production of history and linking of Virginia Indians to a non-Indian, state-sanctioned version of history.

The granting of formal state recognition to Virginia Indians and the establishment of the Virginia Council on Indians marked a turning point in the resurgence in Indian identity state-wide, as well as an increase in the public presentation of Indian identity in the Commonwealth of Virginia. The growth of political power among Virginia's indigenous population was expressed initially through the recognition of six tribal entities and the establishment of the Virginia Council on Indians in 1983. A growing confidence in the

public expression of Virginia Indian identity was demonstrated by the sponsorship of tribal powwows and other festivals. Moreover, there was an increased willingness on the part of persons of Virginia Indian descent to display the symbols of their Indian identity and publicly acknowledge and present themselves as Indian people. These events may be viewed as a reversal of the on-going decline of status and political power which had begun with the establishment of the English settlement at Jamestown and had continued for nearly four centuries.

State Recognition and the Establishment of the Virginia Council on Indians

The political resurgence of Virginia's indigenous Indian population may be linked to the establishment of the Virginia Council on Indians, and the granting of state recognition to non-reservated and reservated Virginia tribes. I maintain that the Virginia Council on Indians is an example of a supra-tribal organization, which has fulfilled the role of a political advocacy group for Virginia Indian people. The increase in power of the Council has come at the expense of power of the individual tribes. The majority of the Virginia tribes have been willing to transfer power to the Council as their respective power bases have been relatively weak and the tribes have gained a political advantage by consolidating their strength in a supra-tribal organization. However, the two reservated tribes have been somewhat more resistant to the shift in power which the Council has created. I will discuss the background to these events using the existing state documents and my own fieldnotes to reconstruct the proceedings and circumstances which lead to changes in the political landscape for Virginia's Indians.

The Impact of the 1970s on Virginia Indians

During the decade of the 1970s some of Virginia's Indian community leaders became increasingly involved in supra-tribal organizations which were pro-active in promoting Indian rights and issue-oriented agendas. Virginia Indians were aware of the national civil rights movements and the way in which social issues impacted the genesis and growth of the American Indian Movement. AIM's social protests at the Bureau of Indian Affairs in Washington, D.C. were viewed from close proximity by Virginia Indians. The sympathies of Virginia Indians were divided regarding the militant stand of the organization and AIM's BIA take-over. Some of the more conservative elders believed the uprisings to be "un-Christian" while others were publicly supportive of AIM's militant stand to uphold the provisions of Indian treaties (Rountree 1990:247). The era of the 1970s ushered in a modification of Indian-state and Indian-United States relationships. This change was most clearly exemplified on a national level by altered Indian legal arrangements, most notably the events which resulted in the construction of the Alaska oil pipeline, the Alaska Native Claims Settlement and other land claims settlements such as those brought by the Passamaquoddy and Penobscot Indians in the Northeast and Taos Pueblo in New Mexico (Prucha 1985).

Following suit, other tribes attempted to negotiate more advantageous mining leases or modify previously disadvantageous arrangements to secure tribal rights or in some cases affect the restriction of the exploitation of natural resources on Indian-held lands (Sorkin 1971, Lyden and Legters 1992). Change was also expressed through the movement toward self-determination, pan-Indian activity and an "increasing

sophistication” on the part of tribal governments in dealing with federal and state agencies (Prucha 1985:80). However, Virginia’s indigenous Indian population was not directly impacted by these changes during the decade of the 1970s since Virginia tribes lacked both federal and state recognition. Enrolled members of federally recognized tribes living in Virginia were the potential beneficiaries of Indian advances made on the national level; and as Virginia’s indigenous population became aware of these advantages they began to become more confident in expressing their Indianness in public settings. The social change engendered by the activism of the 1970s altered the political expectations of Virginia’s indigenous Indian population as the plight of other Indian people, replete with Indian symbols such as tepees, regalia and traditional symbols such as eagle feathers and sacred pipes, was played-out in a confrontational manner on national television. Virginia’s Indian population did not want to remain on the side-lines observing the gains made by other tribes (Fieldnotes 1996).

The pan-Indian political action of the American Indian Movement came to be seen by Virginia Indians as an effective mechanism for airing grievances and affecting political change. Pan-tribal cooperation and supra-tribal organizations and alliances were seen by some to harken back to the days when the pre-colonial Powhatan chiefdom dominated the landscape of coastal Virginia. Cooperative efforts were deemed to be a logical course of action for Virginia Indians wishing to advance their case for legitimacy, respect and recognition.

Realistically, the ability of the non-recognized Virginia tribes to exert influence at the state level was limited by their recognition status. Collectively, the Virginia tribes

approached membership in pan-Indian organizations and the formation of inter-tribal Indian alliances gingerly. While the political landscape for Indian people was changing at the national level, the Virginia Indian community was reluctant to join forces with politically pro-active tribes and thus draw attention to themselves as a distinctive racial and cultural group. This reticence is understandable when viewed against the memories and post-colonial experiences of Indian people in the Commonwealth of Virginia. Moreover, the strategy of not calling attention to their cultural heritage or racial heritage was well-established and had served them admirably during Walter Plecker's tenure at the State Bureau of Vital Statistics. With few exceptions Virginia Indians had learned to be quiet and avoid calling attention to their communities.

During an interview with a Monacan woman, I asked what effects did of the repeal of the 1924 Racial Integrity Law have on the Monacans living in rural Amherst County. To my surprise I was told, "There was no change in our lives. We didn't know the law was repealed until years later" (Fieldnotes 1997). In the course of my research I had noted that the repeal of the racial integrity legislation had been done very quietly. However, I had failed to connect the absence of public proclamation of the law's repeal with a failure to inform members of the Indian community of the change made to the legal code of Virginia. My Monacan friend reminded me that many Indian people had at best an elementary school education, thus making it easier to keep Indians at a disadvantage regarding their human rights. This may further explain the reluctance of Virginia Indians to become involved in pan-Indian organizations in the late 1960s and 1970s. Virginia Indians were very insecure of their political and legal status at the time when federally

recognized tribes and organizations like the American Indian Movement were bringing Indian issues to the forefront of national politics.

However, the political climate for Virginia Indians was beginning to change. The more politically-confident reservated tribes took the lead in joining a pan-Indian alliance. In 1971, the Virginia tribes joined one of the emerging supra-tribal organizations on the east coast. Organized under the names the “Coalition of Eastern Native Americans,” the Mattaponi and Chickahominy chiefs each took an active role in the organization (Rountree 1900:243). This marks a change in Virginia Indians’ willingness to interact with tribes outside the state and to take some political risks in a more visible manner.

The Coalition of Eastern Native Americans, and other supra-tribal organizations such as the Small Tribes Organization of Western Washington, were instituted by tribes which were not powerful enough to influence outcomes in the political arena, on matters of importance to their membership or tribal councils. Typically, such tribes were small in population size and generally lacked resources of either land or money which might have altered their relationships with other Indian tribes, governmental organizations and non-Indians. The coming together of several smaller tribes into a single political organization afforded tribes with less political clout the opportunity of presenting a united front and of having their voices heard and respected. Cornell (1988:181) has argued that such intertribal alliances permitted smaller and less powerful tribes to “maximize their political resources” and focus on “organizational strategies” in an attempt to make political bargains.

However, Cornell has also pointed out an essential difference between Indian and non-

Indian alliances and coalitions during the decade of the 1970s. While similar minority alliances and coalitions were being formed during this time, Cornell (1988:172) has argued that Indian political agendas have a “distinctive character” which distinguishes them from other minority coalitions. Unlike economic and political organizations which attempt to bring the marginalized into the mainstream of American society, Indian alliances have most often sought to preserve the sovereignty and the distinctiveness of Indian culture rather than to seek a place within the broader society.

Assimilation has not been the goal of American Indian political organizations, but rather Indian coalitions tend to form around issues of particular importance to the community, such as the maintenance of fishing and hunting rights, issues of environmental justice, religious freedom and the return of cultural property. Issue-oriented Indian coalitions tend to be short lived and disintegrate when the outcome of a particular issue can no longer be impacted.

The Virginia Council on Indians, a supra-tribal organization, according to Cornell’s criteria, was established in the Commonwealth in 1983. Initially, the Council was composed of representatives from the six state recognized tribes, with a mission to be an on-going advocacy organization for Virginia Indians and other Indian people living in the Commonwealth of Virginia. Additionally, seats on the Council were provided for two representatives from each house of the Virginia General Assembly, a representative from the Indian community at-large, and a representative from the non-Indian community (1983 Code of Virginia. Chapter 20.1) The chair of the Council is appointed by the Governor of the Commonwealth of Virginia, as are the four non-tribal representatives. The tribal

representatives are appointed by the respective tribal councils.

The position of Council chairperson is one of great prestige and political clout within the Virginia Indian community. To be an effective chair an individual must have both community support and the backing of state officials. The present chairwoman of the Virginia Council on Indians, Ms. Thomasina Jordan, has forged the political alliances necessary for being an effective Council leader. Jordan has impressed me with her knowledge of the workings of the state government and her political savvy. She told me that Indian people must realize that “everything is a political act and you can’t get a stop sign put on a corner unless you have political clout, and Indian people must learn how to be political to get things done...get the things they need...and express their interests.” Ms. Jordan, as a strong advocate for Virginia Indians, has said both publicly and privately, “if Indian people will become united on issues, they can affect the outcomes of local elections.” Jordan seeks to forge the Indian people into a unified voting block in which Indian people could impact local elections and thereby force Virginia politicians to take the Indian community more seriously (Personal Communication 5/10/97).

Chairperson Jordan is an enrolled member of the Wampanoag Tribe, and was born and raised in Massachusetts. However, Jordan has lived her adult life in Virginia, and the fifty-two year old woman is arguably the single most influential American Indian in the Commonwealth of Virginia at the present time. Working tirelessly for Virginia Indian recognition and a revival of Indian identity in the state, Thomasina Jordan has been part of the dramatic change in the political landscape for the Virginia tribes. Jordan’s approach to coalition building and her pro-active approach to political change has secured a central

role for the Council, as a supra-tribal organization, in nearly all inter-tribal and Indian-state decision making situations.

During my fieldwork I have seen a tendency for the Virginia tribes to fragment along tribal lines in several situations requiring cooperative efforts. However, Chairwoman Jordan has worked hard to maintain an inter-tribal coalition. I have seen her capitalize on her Wampanoag ancestry during contentious meetings of the Virginia Council on Indians and state to the Council membership that she does not represent any one of the tribes of Virginia but that she is working “for all Indian people.” Witnessing the fissioning of the Rappahannock Tribe over issues of race and membership eligibility, Jordan was able to use her “outsider” status, to say “We don’t need white people to hurt us anymore...as we’re doing a fine job of hurting ourselves” (Fieldnotes 1997).

There have been success stories and some disappointments, but overall I would argue that the Virginia Council on Indians, as a supra-tribal organization, has been a vitally important advocacy group which has provided Virginia Indians with an opportunity to come together, voice concerns, develop strategies, and implement the strategies. While I have observed a tendency toward the Council membership to respond to issues along factional lines, I maintain the Council’s representative membership structure, regular meetings, enforced parliamentary procedures for the meetings, and strong leadership by Ms. Jordan, have all served to unify the tribes and accomplish goals which individual tribes would not have been able to accomplish. Below, I will discuss selected examples of the issues brought before the Council and the outcomes of the issues, based on my fieldwork observations of the past two years. I will emphasize strategic dimensions of the workings

of the Council and highlight its major functions as a decision making organization.

The experiences of the Virginia tribes with Indian alliances and coalitions, in the 1970s, provided Indian people with the opportunity to establish networks outside their respective tribes and work on committees with one another. Chairwoman Jordan has told me that participation in the Coalition of Eastern Native Americans got Indian people from the East Coast together and talking about important issues, most notably the Virginia tribes' desire to begin the process of state recognition. Particularly influential to the Virginia dialogue on recognition were members of the Lumbee Indian Tribe, who came up from North Carolina to discuss the Lumbee's own approach and experience with petitioning the United States government for federal recognition. One Lumbee woman in particular, who held a prominent position in the U.S. Department of Health, Education and Welfare, provided a great deal of guidance and direction to Virginia Indians regarding this issue in the late 1970s and early 1980s (Personal Communication 5/10/97).

Virginia Indians had remained relatively isolated during the first half of the twentieth century, but with the participation of some of the tribes in the Coalition of Eastern Native Americans and the Pan-Indian Movement of the 1970s, the climate changed and Virginia Indians opened themselves to the voices and ideas of other Indian groups. This change in attitude and behavior, on the part of Virginia Indians, allowed the neighboring Lumbees to encourage people of Indian descent in the Commonwealth to organize themselves more formally, and to begin thinking about the state recognition process.

The possibility of receiving money from the government was part of the dialogue. However, the majority of Virginia Indians wanted state recognition not for financial gains

but out of a sense of justice. If gains were talked about it was in the context of educational opportunities and job training (Fieldnotes 1996).

Some federal monies did make their way into the hands of Virginia Indians during 1975 under the Comprehensive Employment Training Act (CETA). Title III funds designated for the purposes of securing employment for Indians from the Southeast were granted to another supra-tribal organization, the United Southeastern Tribal Association headquartered in Nashville, Tennessee. The agency assisted twenty Virginia Indians from Charles City and New Kent Counties in obtaining employment for a period of one year. Most of the jobs were service-industry oriented. Additional CETA funds were secured for purposes of holding Saturday morning craft instruction at the Chickahominy Tribal Center in Charles City County (Rountree 1990:248).

In 1981 CETA funding was discontinued. However, monies continued to flow into Virginia through the newly formed Mattaponi-Pamunkey-Monacan Job Training Partnership, presently known as MPM, Inc. The MPM agency continues to offer services to the Indian community in the form of job searches, resume writing, SAT prep, GED guides, reference letters for job seekers, scholarship applications, and university applications. Additionally, MPM offered counseling services and referrals for drug and alcohol abuse problems and family counseling. A young woman who worked for MPM for a number of years told me that the program had great potential and, while the funds were administered through the three tribes designated by the organizational name, the services were to be given "any Indian person who needed the help." This included assisting Virginia Indians who no longer lived in the state. "If someone had a relative who

needed help finding a job, that person could qualify for MPM assistance. I thought we should be helping all Indian people and that's how I did my job" (Fieldnotes 1997).

Officials in control of the organization tend to define the target community narrowly and as a result they seek to serve the tri-tribal consortium first and other Indians in the Commonwealth second. MPM has remained viable but is dependent on the continued receipt of federal grants for its operation. The tribe with the most clout in the organization, the Pamunkey, has resisted participation in the Virginia Council on Indians most forcefully. As one of the two reserved tribes in the Commonwealth, the Pamunkey are sensitive about maintaining their primacy vis a vis the non-reserved tribes. This translates to a reluctance to work as part of an inter-tribal group, sharing information, and working with non-Indians (Fieldnotes 1997).

Virginia Legislation and Recognition

In keeping with attempts to establish and maintain a separate Indian identity, the primary goal of non-recognized Indians became that of securing of state and federal recognition for Virginia's Indian tribes. In anticipation that numerous groups that had informally identified themselves as "Indians" would wish to certify their tribal status in a legal manner, the Bureau of Indian Affairs (1977) published regulations and procedures for obtaining federal recognition as an Indian tribe. In brief, the procedures required non-recognized indigenous groups to establish their "continual tribal existence" and to document that they have functioned as "autonomous entities throughout history until the present" or without "interruption" (1977, 25 CFR 83.2:259-60). The requirements also stated that "recently incorporated or otherwise formalized" groups, or splinter groups

“may not be acknowledged under these regulations” (Ibid). The 1989 statutory definition of Indian tribe links persons of Indian descent with an organized political entity to a particular location. The federal recognition process is formidable and thus Virginia tribes sought first to obtain state recognition. At the time of the writing of this dissertation none of the tribes has made an application for federal recognition.

The Virginia Council on Indians, originally named the Commission on Indians, was an outgrowth of the political dynamics of the state recognition process. A legislative study commission established to review the Commonwealth of Virginia's relationship with its Indian residents recommended the establishment of the council. The Council was created to function as an advocacy organization for American Indian citizens in Virginia and to act as a conduit of information among the tribes and state governmental agencies. I would argue that the Virginia Council on Indians is itself a supra-tribal organization which acts on behalf of all the Virginia tribes to maximize their voice and impact on the state government. An examination of the Council's reports, documents and my own observations of the way in which the Council approaches problems facing the Indian community in Virginia, supports my assertion.

The Virginia Council on Indians was initially established with the support of several key Virginia politicians, including a stalwart individual named Hardaway Marks, the Council's first chairman, and Harvey Morgan, a long-time non-Indian member of the Council. While serving as an elected delegate to the Virginia General Assembly, the Honorable Hardaway Marks of Hopewell, Virginia, represented a district with a mixed population of whites, blacks and a small constituency of Virginia Indians. Marks was the

main sponsor of the legislation recognizing “certain Indian tribes native to the area that became the Commonwealth of Virginia” (HJR No. 54). When I spoke with Marks to ask him about his motivation for sponsoring this legislation he said the “injustice toward Indian people in Virginia had gone on for too long and it was past time for someone to do something about it.” Although now retired, Delegate Marks has remained a staunch supporter of Virginia Indians and has acted as a financial benefactor for the Council’s cultural and educational efforts (Personal Communication 4/10/97).

Delegate Hardaway Marks along with Delegate Harvey Morgan have provided Virginia Indians with the political support needed to further their goals of obtaining state recognition and re-establishing a public identity for Indians in the Commonwealth of Virginia. Delegate Morgan’s interest in promoting the political agenda of Virginia Indians on the state-level stemmed from his professional contact with Indian people. A trained pharmacist, Morgan told me that he purchased a drug store in West Point, Virginia, in 1964. Morgan got to know many of the Pamunkey and Mattaponi tribal members on an informal basis because of his pharmacy’s close proximity to the two reservations. Delegate Morgan recalled becoming more formally acquainted with the reservated tribes and their respective tribal councils over a period of years, during which he began to “visit with the tribes.” Morgan was elected to a seat in the House of Delegates in 1979 and by that time had become interested in issues of concern to Virginia Indian people, most notably the desire for official recognition for the non-reservated tribes.

By 1983, Morgan agreed to act as co-patron, with Hardaway Marks, for the HJR No. 54, which granted recognition to six Virginia Indian tribes. Delegate Harvey Morgan has

remained active in Virginia Indian affairs and held a seat on the Virginia Council on Indians until September of 1997 (Personal Communication 5/25/97). Morgan's political guidance and dedication to the Council has won him the respect of the Indian community. Few Virginia politicians are held in the high esteem that both Marks and Morgan are among Indian people of the Commonwealth.

The preliminary steps which led to state recognition, legislative act HJR No. 54, and the establishment of the Virginia Council on Indians can be found in House Joint Resolution No. 97, which was sponsored by Delegate Marks, on February 1, 1982. House Joint Resolution No. 97 preceded the 1983 granting of state recognition to the six Virginia Indian tribes and laid the foundation for the momentous political act of recognition. HJR No. 97 authorized the creation of a joint subcommittee to "study the historic dealings and relationships between the Commonwealth of Virginia and Virginia Indian tribes" because Virginia had maintained a "special relationship" with Indian tribes since "colonial times."

Specifically, HJR No. 97 detailed the tasks of and purpose for establishing the joint study commission by stating that "although a special relationship exists between certain tribes and the Virginia government, the nature of that relationship has never been expounded;" therefore the Commission "shall undertake a comprehensive study of the historic dealings between the Commonwealth of Virginia and Virginia Indian tribes" to include but "not necessarily limited to, the Pamunkey Tribe, the Mattaponi Tribe, the Upper Mattaponi Tribe, the Chickahominy Tribe and the Rappahannock Tribe."

The wording of the resolution seems to have left open the possibility that other tribes

not named in the document might emerge during the study commission's exploration of the relationship between Virginia Indian tribes and the "Virginia government." To avoid a narrow interpretation, the term "government" has been disassociated from a particular historical period. Broadly interpreted, "government" may denote colonial government, or the post-revolution time period of the state or commonwealth government. For Virginia Indian people, the Indian-to-government relationship spans the period of time beginning with the establishment of the Jamestown Fort in 1607 and exists to the present day through the successor of the European-established governing body to the Commonwealth of Virginia. The establishment of a link to colonial history has become a critical dimension of the establishment of Indian history and identity.

More significantly, the document goes on to say that Virginia Indian "tribes, who are presently unrecognized by Virginia, even though these tribes have maintained their cultural distinctiveness since colonial times, and were dealt with and recognized by Virginia in the past," are disadvantaged. Since the tribes are presently unrecognized by the Commonwealth of Virginia, they are therefore "deprived of state-acknowledgment of their cultural and political heritage." The words of HJR 97 express in a succinct manner the link which Virginia Indians have with colonial history and highlights the extent to which they are dependent upon colonial history for their current place in Virginia and American history.

Both the United States and the Commonwealth of Virginia are arbitrators of the versions of history to which Virginia's Indian people must demonstrate clear and discernable linkages in order to obtain official recognition and establish their authenticity.

Although world-historical processes have generated the conditions under which ethnic and racial identities emerged, the processes of the production of history have not been part of the public dialogue pertaining to Virginia Indian recognition. As Appadurai (1996:146) has indicated, historical discourse is often about “public and group opinions about the past” rather than historical truth. The expressions of primordial sentiments about the nature of Indianness, and references to an unchanged past, are examples of the pressures which American Indians face with regard to what Sider (1993:9) has called the “antagonism between past and present.” Sider has argued that this antagonism or tension about history and identity cannot be resolved. According to Sider (1993:10), disjunctions or gaps in the history of dominated peoples can lead to the contest over the construction of identity

The gaps in Virginia Indian history have caused Indian people a certain amount of anxiety and discomfort about the past, questions of assimilation, and perceptions about the racial composition of Virginia’s indigenous population. Forced to focus on Indian traditions and cultural continuity, Indian people carry the burden of presenting a changeless image against a background of Virginia history which has waxed and waned in its treatment of native peoples. Sider has further noted that the shifting pressures of non-Indian history on the presentation of traditional Indian culture and history make it difficult for Indians to develop a strategy to deal with the forces of an imposed history.

The acknowledgment of an authentic Virginia Indian heritage was a main goal of the recognition process. However, more importantly the acknowledgment of the existence of Virginia Indians in the post-Plecker era was seen by people of Indian descent to be more

significant. As several Virginia Indian elders told me during interviews, “They [non-Indians] need to be told that we’re still here at all.” Fifteen years after state recognition, I still meet life-long Virginians who are surprised that Indians of any “sort” are living in the Commonwealth.

Proving the cultural distinctiveness of Virginia’s Indian population was one of the more difficult aspects of the recognition process. Within the Indian community cultural distinctiveness was interpreted as keeping separate from other racial groups. This separation was emphasized by endogamous marriage patterns, and the restriction of social interactions through church membership, and in educational settings. Personal identification as an Indian was expressed through membership in an organized tribe and participation in Indian community events which were limited to things such as an annual fish fry or a powwow. Suspicion of outsiders and a tradition of coping with racism by withdrawing from public view has tended to minimize markers of Virginia Indian cultural distinctiveness. At the present time unique expressions of Indian traditional culture are highly valued and, since much of Virginia Indian culture has been lost, pan-Indian traditions are employed as substitutes for traditional Virginia Indian culture. However, lost cultural traditions were not part of the dialogue during the state recognition process.

During my interview with Ms. Thomasina Jordan, the present chair of the Virginia Council on Indians, the dynamics and focus of the study commission were discussed (Personal Communication 5/97). Jordan told that public hearings were conducted for several months following the passage of HJR No. 97, by the subcommittee, which consisted of eleven persons: five members appointed by the Speaker of the House of

Delegates from the membership of the house, three persons from the membership of the Senate and three citizens appointed by the Governor. Expenses incurred by the members of the study commission were reimbursed by the state and a total of \$11,000 was allocated to complete the task and present the commission's findings to the 1983 Virginia General Assembly.

Jordan also told me that in 1983, there was a great deal of concern with gaining the support of the African American community for the proposal to grant recognition to Indian tribes. Jordan said, "The Black population had to be reassured that they were not going to lose anything in benefits or programs if Virginia granted recognition to Indians." Representatives from the Indian community made a special point of talking with one of the members of the study commission who represented the Black community. Indian leaders felt compelled to promise the Black community that state recognition of Virginia Indians would not mean a loss of dollars in programs to Blacks in rural and urban settings.

In point of fact, the Commonwealth made no commitments to establish or fund special programs for its Indian citizens in the event that state recognition was granted. Rather the state hoped that by granting of recognition to Indians living in Virginia, the Commonwealth would gain access to federal funds. Thus it was hoped that the formal recognition of Virginia Indian tribes might lead to more dollars being brought into Virginia. The potential access to federal dollars as grants or set-aside funds should not be underestimated as a motivating factor or rationale used by some to support the recognition process. By granting recognition to Virginia Indian tribes, the Commonwealth of Virginia might benefit financially from potential grants to the tribes from federal funds at no cost to

the state. Additionally, Virginia's tourist industry was growing rapidly in the decade of the 1980s and state recognition might have been seen as boosting tourist dollars. The links between Indian and colonial history were referred to in the subcommittee testimony providing a justification for recognition.

A search for written documentation relating to the activities of the joint subcommittee uncovered two sets of written testimony. In addition, the United Indians of America, an organization heavily influenced by Lumbee Indians, made a presentation for the subcommittee supporting state recognition for Virginia's Indian tribes (Rountree 1994). The two documents are dated November 3 and November 5, 1982 and represent statements made to the subcommittee by the chief of the Eastern Chickahominy Tribe and the chief of the main body of the Chickahominy Tribe. Each chief presented a concise historical overview of their respective tribal histories and made their appeals for state recognition based upon their tribe's interactions with early colonists during the seventeenth century. Thus I would argue they were attempting to link Virginia Indian history to the non-Indian, state sanctioned, highly valued, colonial history.

Remarks citing more recent tribal activities or directly addressing the history of racial categorizations and restrictions placed upon Indian people during the past three centuries are conspicuously absent from these two testimonies. The reluctance to publicly discuss racial prejudice and the possibility of biological admixture with African Americans remains a feature of Virginia's Indian community. This reluctance may be attributed to the way in which the larger society defines ethnic and racial groups. Notions of racial purity and requirements of groups to present evidence of their unchanging cultural institutions and

on-going traditions obfuscate the underlying processes which both destroy and generate ethnic groups. The fluidity of the ethnic landscape is exemplified by the emergence and disappearance of ethnic and racial groups through time. The disappearance and ethnogenesis of peoples are related to the fluctuating ways in which identity and ethnicity are shaped at the local level and are integrated into changing forms of political incorporation and dominance at the local, regional, national and global levels.

Additionally, changes in legal status and treatment of minority people directly impact the categorization and formation of identity groups, be they racial or ethnic. Sider (1993: xvii) has argued that fluidity is a necessary condition of the processes which generate racial and ethnic identity formation, since the “historical career” of an ethnic group may be “punctuated by breaks” and shifts in direction. As previously stated, Sider’s argument appears to be validated by the history of the changing status of Virginia’s Indians. The ethnic and racial dimensions of Virginia’s Indian identity has been marked by interruptions, reversals in growth and contractions in response to changes in laws, such as the Racial Integrity Act of 1924, but also modifications to the legal code of Virginia which, as previously discussed in Chapter II, were initiated in the seventeenth century. With the repeal of the Racial Integrity Act, a change in the legal standing of minority people had opened the door to the further redefinition of identity.

Subcommittee testimony, by the Chief of the Eastern Chickahominy, referred to more recent tribal history in his statement to the HJR No. 97 subcommittee (VSL Papers 1982). The chief cited the tribe’s official incorporation in 1925 and the subsequent establishment and maintenance of tribal membership rolls to bolster his tribe’s claims for recognition.

Noting that tribal members have resided in the area of New Kent County, for "longer than we have records," the chief emphasized the role that the Chickahomines played in the capture of Captain John Smith in December of 1607, linking his people directly to that well-known event in Virginia history which has become a significant event incorporated into United States history. The capture of John Smith and his subsequent "adoption" by Chief Powhatan was made famous in John Smith's own writings (Kupperman 1988).

Recently, there has been renewed interest in this historical event which is related to the 1995 release of the Disney film *Pocahontas*. It is interesting to note that the Eastern Chickahominy Chief cited an historical event for which the Chickahominy acted as a single group, not with the designations of Eastern and main group of Chickahominy tribe. Therefore two formerly united groups were seeking separate recognition based upon their unified actions in past historical events, specifically early Virginia colonial history. Linking Indian identity to the John Smith narrative was a powerful, prudent and politically expedient decision on the part of Indian tribes seeking validation and recognition. Establishing direct links to the "sacred" stories of colonial history required the non-Indian population to treat Indian claims for acknowledgment of an Indian heritage and political recognition in a serious manner.

Virginia's colonial history is a highly valued tourist attraction and industry and a powerful economic and political force in state politics. The once-sleepy town of Williamsburg was transformed and renovated into a recreated eighteenth-century colonial capitol with the financial backing of John D. Rockefeller, Jr. Beginning in 1926 and continuing for more than thirty years, renovation work and millions of dollars of

Rockefeller's investment created the Colonial Williamsburg Foundation which administers the museum site (Olmert 1985). Williamsburg, as an eighteenth-century village, had its roots in the seventeenth-century fort at nearby Jamestown. Barely five miles from the modern-day museum attraction of Colonial Williamsburg, area tourists may visit the archaeological remains of the Jamestown fort's foundation which is overseen by the National Park Service. Less than a quarter of a mile from the National Park location is the state-run reconstructed living-history museum. Known as Jamestown Settlement, the museum includes a reconstructed Powhatan village with costumed interpreters, a replica of the Jamestown fort, replicas of the three ships which brought the first settlers in 1607, and a museum gallery which describes the arduous journey and experiences of the first colonists, including John Smith, by using film and exhibits, and a small gallery devoted to images of Pocahontas. Visitors to the locality are reminded of the querulous relationship which developed between colonists and the Powhatan Indians. It is a short step from one century to another for the twentieth-century visitor.

The state-run historic site is administered by the Jamestown-Yorktown Foundation, which also offers visitors a re-created look at a middling Virginia planter on the eve of the battle at Yorktown. More than 970,000 tickets to Colonial Williamsburg were sold in 1997 and the Jamestown-Yorktown Foundation, which exhibits the reconstructed seventeenth-century Powhatan Village, has projected ticket sales of 650,000 for the 1998 season (Virginia Gazette 12/3/97).

Also mentioned in the statement by the Eastern Chickahominy Chief was that "fishing, trapping, selling of animal furs and game" had played a role in the livelihood of the

Chickahominy people but little was said on the subject of traditional Indian lifeways. The chiefs of both the Eastern Chickahominy and main tribal body noted that the Chickahominy Indian Nation was a signatory to the 1677 Treaty of Middle Plantation. Neither of the chiefs mentioned the Racial Integrity Law of 1924 or the Commonwealth's attempt to legislate the racial category of Indian out of existence.

The principal argument for state recognition put forward by the Western or main body of the Chickahominy Tribe to the study commission centered on the relationship between the Charles City County School Board and the operation of the Samaria Indian School. The Chickahominy Chief cited minutes from the Charles City County School Board meetings which indicated that the county had helped to fund the salaries for teachers at the Samaria Indian School between 1922 and 1925. In 1951 land was purchased by the tribe and donated to the county school board for the construction of the Samaria High School, which became an inter-tribal high school and continued to operate until the late 1960s. Virginia Indian attempts to obtain access to quality education for their children has been an on-going struggle and part of their culture history during the better part of the twentieth century.

It is noteworthy that the Chickahominy testimony did not directly confront the sensitive issues of racism as exemplified by Indian children's experience in segregated schools. I would argue that this omission was a calculated part of the Virginia Indian strategy to gain recognition. Nothing would have been gained by the open discussion of past racial injustices which the Indian community had incurred. The tribes did not want to open old wounds or draw attention to any dialogue which might question the racial

composition of the tribes and this is true at the present time (Fieldnotes 1996-97). Tribal officials and the study commission kept their comments within the boundaries of legal incorporation and linked to the landscape of colonial history and away from any contentious testimony. I am suggesting that painful topics pertaining to racial history and culture loss were avoided by both Indians and the members of the study commission.

Education

During most of the twentieth century children of people claiming Virginia Indian descent were forced to attend segregated schools along with African American children and other minorities. As discussed in the previous chapter, the years when the Racial Integrity Act was enforced American Indian children were labeled "colored," and thus their racial classification denied them access to whites-only schools and relegated American Indian children to the substandard and underfunded schools along with other children of color. Virginia Indian children living on the two small reservations attended "Indian" schools which offered instruction through grade seven.

In the majority of my interviews with Virginia Indians over aged sixty, educational concerns and memories of past racially-based restrictions on Indian access to quality education were two of the dominant themes of conversation. Most of the living tribal elders were limited to an elementary school education and some elders were only able to attend two or three years of school. Those few individuals in the over-sixty age group who managed to attend high school received their secondary school education at the Samaria High School, in Charles City County, Virginia. After 1951, a few Virginia Indians traveled outside of the Commonwealth of Virginia to attend secondary school at either Haskell

Institute or Bacone College. In nearby Hampton, Virginia the Hampton Institute had been established in 1878, for the education of American Indians from the West (Schmeckebier 1972). However, few Virginia Indians attended Hampton Institute. Children of Virginia Indians who were educated in the post-segregation era are aware of the educational restrictions which were placed on the older generations of Indians and the pain which these memories have inflicted on tribal elders.

Prior to desegregation, schooling for the non-reservated tribes was primarily undertaken through the establishment and support of church-sponsored elementary schools. During the mid-to-late nineteenth century, Baptist, Methodist and Episcopal outreach and mission programs built churches and provided the first educational opportunities to Indian people in the state by supplying a physical place to hold school and oftentimes supplied a teacher for the students. Due to declining enrollments and financial constraints, the Pamunkey and Mattaponi reservation schools were combined into one school on the Pamunkey Reservation.

However, the Mattaponi children were permitted to attend school on the Pamunkey reservation, although transportation for the Mattaponi children was an obstacle for many. The Mattaponi children had to travel nearly twelve miles of country roads to attend the Pamunkey school. Kin ties do exist between the residents of the two reservations and attending the same school may have fostered further relationships. I have spoken with a female elder of the Mattaponi tribe who is often approached by members of her tribe and others of the Powhatan remnants to ask about tribal genealogy and family history. This woman, the wife of a former chief of her tribe, acts informally as a tribal historian and also

gives talks to school groups, both on and off the reservation, which focus on the life of the Powhatan Indians at the time of European contact. She spoke with me in general terms about the Pamunkey Indian school, as did some of the female elders on the Pamunkey Reservation. Few records regarding schooling for Indian children exist, but it is clear that it was easier for Indians to acquire some minimal education under the sponsorship of church-run schools than to attempt to obtain access to education at whites-only schools in the state of Virginia prior to 1970.

The theme of educational opportunities for Indian students continues to be a rallying point for the Indian community in the post recognition era. The memories of living elders who were denied full and comprehensive educational access, combined with the desire of elders and members of the younger generation for quality educational opportunities, including college, has forged a sense of solidarity among Indians born of their memory of education injustice from the recent past. An aspect of memory which has become part of the contemporary dialogue is the founding and focus of the College of William & Mary, chartered in 1693. Virginia Indians are aware that one of the original missions of the College of William & Mary was to educate Indian students, which at that time meant young Indian males. The College of William & Mary, with funding from England, established an “Indian school” at Braferton Hall. However, it is difficult to trace the attendance and participation of Powhatan Indian boys at the school during this time period.

An informal publication entitled *Tsen-Akamak, The Voice of the Powhatan-Renapoak People*, edited by anthropologist Jack Forbes, and Mr. Roy Crazy Horse (Vol.1 N.D.) lists the names of 16 male Indian students who were said to have attended the College of William

& Mary between the years 1754 and 1776. No references are provided to substantiate these claims, nor do I recognize the surnames of the individuals listed as common Indians surnames of the present day.

Some of my Indian consultants have expressed opinions to me that it is likely that no local Indians ever really attended the Brafferton Indian school, since no one remembers hearing stories about their young men at the school. Possibly the Indians who attended school at Brafferton Hall were not part of the Powhatan chiefdom and this would account for the general lack of information on the topic. Recently, a Nansemond individual told me that he has the names of several Nansemonds who attended the college several centuries ago but I have yet to receive this information. A local Williamsburg tour company, that provides a guided ghost tour of the historic area of Colonial Williamsburg, brings tourists to the location of Brafferton Hall to tell the story of the Indian ghost who haunts the building. The young Indian man is said to have killed himself because of his unhappiness at being forced to attend the Indian school and now his ghost haunts the building. This story represents the extent of local knowledge about the Indian school at William & Mary. Brafferton Hall still stands, close to the historic area at Colonial Williamsburg, but today the building is used to house administrative offices for the college. The really haunting part of the story, according to the Indians of Virginia, is most often expressed by a question asked of me, "If William & Mary was set up to teach Indians why aren't there Indians at that school today?" This question is being asked with increasing frequency as Virginia Indians attempt to redefine their relationship with the College of William & Mary at the close of the twentieth century (Fieldnotes 1997).

Those persons suspicious of the tales that Powhatan Indian boys attended William & Mary refer in general terms to the existence of a letter in which “chiefs decline to send Indian boys to the school because the boys return home good for nothing.” In fact the letter was written by a representative of the Six Nations (Iroquois) to General James A. Carleton in June of 1744 declining the offer to educate twelve young men from the Six Nations at the College of William & Mary in Virginia. In a somewhat humorous vein the letter suggests that “the Gentlemen of Virginia” should send twelve of their sons to the Six Nations so that the Virginians could receive an education which would “make Men of them” by teaching them the useful skills known to hunters and warriors (Carroll 1997:240).

When discussing educational experiences with current tribal members over the age of sixty some individuals have recounted that prior to World War II whomever in the tribe knew how to read would have been likely to teach a small group of children reading and math, etc. Often this type of educational experience took place at an individual's home. Other tribal elders remembered being taught in a church sponsored facility or "Indian elementary school." These church-sponsored schools have become an important symbol of identity to Indian people and this accounts for the emphasis placed on the recounting of educational experiences as part of the testimony presented to the joint subcommittee. The establishment of these schools by Baptist, Methodist, and Episcopalian denominations demonstrated in a clear and definable manner that the Indian community was separate from both white and African American communities during most of this century, even during the Walter Plecker era when the state was attempting to wage administrative genocide against Virginia's Indian population. Indian communities that were able to document the

establishment and active participation of a church-sponsored school as the sole educational institution available for their children, used this information to bolster their tribe's case for state recognition. For example, the Samaria Indian Baptist Church, organized in 1901, built the Samaria Indian School that educated the children of the Chickahominy tribe until the era of school desegregation closed the Indian school.

Similarly, the Nansemond tribe had a church-sponsored school under the auspices of the Indiana United Methodist Church. While the school has closed, the church is still the location for the tribe's monthly meetings. Both tribes submitted statements pertaining to their separate church and school status to support their requests for state recognition.

A few individuals from other Virginia Indian tribes told me that they had briefly attended segregated schools with black children, because no other educational options were available to them when they were young. However, it was clear to me that discussions of this topic led them to recall some unpleasant memories. Most of those who attended school with African Americans told me they were "picked on at school" for being different and "claiming to be Indians." In response to my question about the quality of their education, one consultant told me laughing, "The only thing we learned at that "colored" school was how to run home fast to avoid being beat up." Others told me that school memories were not happy for them.

I would argue that the memories of Virginia Indians, over age sixty, of being denied educational opportunities when they were young, is associated with their collective experience of racial injustice under the Racial Integrity Act. These highly sensitive memories make it difficult for members of the Indian community to talk about schooling and

past educational opportunities. Refusing to place their children in schools designated for the “colored” population was one of the few ways Indian people had of resisting being denied the right to self-identify as a Virginia Indian. For many the choice was little or no education or admitting to not being of Indian descent. Until the desegregation of Virginia's public schools in the 1970s a comprehensive public education, from kindergarten through twelfth grade, was not available to Indian people in Virginia unless they attended the segregated schools with other minority students. Yet, paradoxically, it is this same memory and acknowledgment of the shared experience of denial of educational opportunities that has served to solidify the Virginia Indian community.

Educational opportunities and the funding of Virginia Indian student scholarships have become a major post-recognition focus of the Virginia Council on Indians. Tribal leaders are aware of the high national rankings of Virginia's colleges and universities and of the Indian community's general exclusion from these institutions. Since the entire Virginia Indian community suffered the same restrictions on access to secondary education, community leaders and elders have made the education of their young people a point of focus for members of all the tribes. This sense of solidarity on the issue of education is expressed today by the Indian community's desire to fund college scholarships for their young people and to provide them with educational opportunities equal to that of all other students in Virginia and the nation.

The issue of access to a quality education for Virginia's Indian people draws on what Hutchinson and Smith (1996:6-7) called a “shared memories of a common past history.” This one issue is expressed more frequently than any other issue since the granting of state

recognition to the eight tribes. The memory of being denied a secondary education because of racial identification has provided a sense of solidarity for Indian people that persists to the present day and is considered to be one of the hallmarks of Indianness in Virginia. Thus the biases and prejudices of non-Indians toward persons of Indian descent have impacted the way in which Indians think about themselves.

Legal Incorporation

During the 1930s, John Collier's attempt to bring reform to federal Indian policy transformed the tribe as a political unit. The original piece of legislation, later modified and known as the Indian Reorganization Act of 1934, sought to end the practice of allotment, aid in economic development, create a court of Indian affairs, and organize tribes into a constitutional form of government on the tribes. The final piece of legislation was greatly changed but retained the provision to promote the writing of tribal by-laws, constitutions and corporate charters (Prucha 1984). The provisions of the IRA applied only to federally recognized tribes and therefore did not directly impact the Indians living in Virginia.

Moreover, the New Deal era was the period of enforcement of the Racial Integrity Act in Virginia and the reorganization of tribal governments was not undertaken in the state. With the intense pressure put on persons of Indian descent during the 1920s and 1930s to deny their ancestry, the formal political tribal structures, more common west of the Mississippi, were essentially non-existent among Virginia's non-reservated tribes.

Among the two reservated peoples, tribal structures were weak, although each tribe had a chief and membership rolls and rules governing the right to live on the reservations. The Pamunkey developed a policy which permitted their men to bring their non-Indian wives to

live on the reservation but the reverse has not been accepted practice. Pamunkey women who took a non-Indian husband had to leave the reservation. In the twentieth century, marriage between African Americans and tribal members of either gender resulted in the tribal member being forced out of the Indian community.

The Mattaponi Tribe was less consistent in enforcing the practice of denying females and their non-Indian husbands the right to live on the reservation, and at this time the practice is not enforced at all. The demographic results of the residence rules have not been clearly documented. However, on visiting the two reservations, it is easy to observe that the Mattaponi reservation, while smaller, has a wider cross section of ages represented on its land. The Pamunkey reservation seems to have an older population, most likely due to the fairly common practice of Pamunkey men leaving the reservation as young men to work in other parts of the state or out of state and returning to the reservation upon retirement. The Mattaponi, while living on a smaller piece of property, have done a better job of keeping the tribe together since they are less strict in enforcing residence rules on the reservation. Additionally, since families leave the Pamunkey reservation to seek off-reservation employment, fewer young people of Pamunkey ancestry grow up on the reservation and this no doubt impacts the formation of Pamunkey identity (Rountree Personal Communication 1997).

Frank Speck, during his brief fieldwork foray into Virginia, encouraged the remnants of the tribes to organize more formally and as a minimum establish membership rolls (Rountree 1990:235). Among the non-reservated tribes, the more numerous Chickahominy Indians took steps to strengthen their power base and formalize their political organization including

seeking legal status as a corporation. Other non-reservated groups maintained the position of chief, and neither incorporated nor held any formal tribal meetings. Group cohesiveness and notions of Indian identity were maintained along familial and kinship lines, expressed by a high degree of in-group marriage, a desire to remain separate from the African American community, and a shared memory of Indian ancestry.

Rountree (1986: 186), following the observations of Mooney (1907) and Speck (1928) regarding the tendency among persons of Virginia Indian descent to practice endogamy, has examined surviving marriage records for persons of Chickahominy descent in Charles City County and New Kent County between the years 1850 to 1929 and found a higher than expected degree of endogamy among the Chickahominy group as compared with a similar data set for a group of Whites in a nearby county. I would add however, that my examination of Rountree's chart, which suggests high rates of endogamy among the Chickahominy, shows the highest number of in-group marriages occurred between 1910 and 1929, with 41 in-group marriages and 13 out-group marriages for the period. This time period includes five years during which the Racial Integrity Law was in effect and the issuance of marriage licenses would have been restricted to persons of the same racial category and may have encouraged the practice of endogamy. While I agree with Rountree's conclusions, I would argue that the practice was encouraged by the racial climate in place in Virginia as a consequence of the Racial Integrity Act.

Aside from the observations of marriage practices in the late-nineteenth and twentieth centuries, Virginia tribal structures remained shadowy constructs, existing primarily through the positions of the chief and what Rountree has referred to as a "core" group of related

persons (Rountree 1990). In their weakened capacity Virginia tribal structures were incapable of providing a political base for engagement in the partisan arena of state-Indian affairs.

Rountree (1986:181) has used the term “citizen Indian” to denote the non-reservated people in the nineteenth century whose lives “had become almost identical with that of non-Indian small farmers.” The question which should follow such a statement is obviously what constitutes Indian and tribal identity among a people for whom their lifeways are difficult to distinguish from the surrounding rural non-Indian people? I would argue that the memory of Indian ancestry, carried in the climate of racial prejudice, by people wishing to avoid being classified as “Negroes,” comprised the essential elements of Indian identity of the non-reservated, or to use Rountree’s approbation, citizen Indians, until the second half of the twentieth century. However, the existence of the two reservated tribes provided a visible link to Indianness as a distinct link to Virginia’s past history and interactions with Indians, most particularly the Powhatan peoples.

As previously stated, formal tribal structures among non-reservated had become greatly diminished. The reservated tribes developed a structure of government during the nineteenth century which reversed the pre-contact form of matrilineal inheritance for positions of leadership. Post-Civil War the Pamunkey began to elect a chief and a number of councilmen for terms of four years. The primary responsibilities of the chief and councilmen were to arbitrate any disputes which might arise among the tribe, preside at tribal meetings, and act as spokesman for the people.

In 1893 the Mattaponi tribe separated from the Pamunkey and replicated the

administrative system utilized by the Pamunkey. Both tribes instituted the practice of male suffrage in tribal government and denied females a political voice in the community (Rountree 1992:18). This practice has continued to the present day and has recently been publicly criticized by Indian women. In a 1997 interview, two women of the Pamunkey tribe spoke out against the reservation practice of barring women from tribal meetings and forcing women who marry non-Indian men to leave the reservation. A White woman is permitted to live on the reservation if married to a Pamunkey man and may even inherit his land rights upon his death. In the fall of 1997 there were five Indian women and nineteen White women, spouses of Pamunkey men, living on the reservation. In the early 1990s a Pamunkey man made a motion at tribal meeting to extend voting and residence rights to the Pamunkey women. The motion received a majority of votes from the Pamunkey men at the meeting but the resolution was voted down by the Pamunkey Tribal Council (Progress-Index 11/28/97).

Since 1983, most of the non-reservated tribes have adopted constitutional structures and codified tribal by-laws. The Nansemond Tribe has graciously permitted me to look at their written by-laws and attend their tribal meetings since 1996. The by-laws indicate the order of events of the tribal meetings, voting procedures, the purpose of the organization, the details of tribal structure, requirements for membership, and the procedures for electing a new chief and tribal council. Nansemond Tribal business meetings are conducted following parliamentary procedure. All members in good standing, with paid dues, have voting rights. Women have voting rights in all of the non-reservated tribes and can attend tribal meetings.

During the November 1996 Nansemond Tribal meeting, formal elections were held for

all of the tribe's offices. A nominating committee had put forward candidates for office and had prepared printed ballots for the membership although nominations were taken from the floor the afternoon of the election. The candidate for chief, Mr. Barry Bass, the grandson of former Nansemond Chief Earl Bass, ran unopposed. Four candidates ran for assistant chief, including one woman. The remaining five positions for tribal council were selected among ten nominees, both male and female tribal members. The five candidates receiving the most votes were given seats on the council. I was pleased to be asked to officiate as one of two vote counters for the election and was surprised to announce that the tribe had elected an all-female tribal council (Fieldnotes 1996).

Among the other non-reservated tribes, women play significant roles in the administration of tribal affairs as council members and on special committees. During 1997 the Rappahannock Tribe fissioned and one of the factions elected a female chief to represent it. Thus among the non-reservated tribes, the position and power of women has been increasing in recent years. Some women have told me privately this trend of the growing prominence of women is a move back toward traditional Virginia Indian society. "We used to have queens and women as chiefs in the days of Powhatan," one woman told me (Fieldnotes 1996).

While all of the tribes have by-laws; the non-reservated tribes are also organized corporations. Articles of incorporation for six of the Virginia state recognized tribes included requests for 501 (c) (3) status as tax exempt organizations. The two reservated tribes, the Mattaponi and the Pamunkey, have not filed with the Virginia State Corporation Commission for any type of incorporation or legal status beyond that which is guaranteed in

their respective reservation by-laws. The reservated tribes have had state-appointed trustees since the seventeenth century and this system has remained in place.

An examination of the incorporation papers of the other tribes indicates that they filed very similar papers of incorporation which reflected the structure of the Virginia tribal organizations as non-profit, non-stock corporations which were to be operated for “charitable, literary, educational and philanthropic purposes” (Monacan Indian Tribal Association, Inc. May 10, 1988). The stated educational purpose of the corporation was to “study of the past and present culture” which included the study of the “language of the Powhatan people” (Nansemond Indian Tribal Association, Inc., December 9, 1984). Each of the corporation papers discusses in some manner that an additional purpose of the corporation would be to improve the education, health and standard of living of the members of the tribe.

The papers of incorporation indicate the requirements for membership in the tribe. However, tribal by-laws are not part of the articles of incorporation. The Commonwealth of Virginia neither oversees nor monitors the requirements for membership in the respective tribes. In the course of my fieldwork, the membership requirements for the Rappahannock Tribe became a contentious issue. This specific case will be discussed in greater detail below. A sampling of the membership requirements are as follows: for the Upper Mattaponi Tribe “any descendant of the Upper Mattaponi Group of Powhatan Indians may become a voting member (June 14, 1976) ; “any descendant of the Nansemond group of Powhatan Indians may become an Active Member of this Organization...upon approval of the membership of this organization by at least two-thirds majority of all members” (December

9, 1984); and, the Monacan tribal membership requirements read as do those of the Nansemond Tribe. Articles of incorporation for the non-reservated tribes were all filed in the twentieth century. The Chickahominy claim to have been the first to file for incorporation in 1901. However, they permitted their papers to lapse and the current corporation papers on file in Richmond for the Chickahominy date from 1975. Corporation papers on file for the other tribes show filing dates as follows: the United Rappahannock in 1974, with amendments in 1981, 1995; the Upper Mattaponi in 1986, the Nansemonds in 1987, the Monacans in 1990, and the Rappahannock in 1997.

Membership requirements for all of the tribes are based on demonstrated proof of genealogical tie to the tribe. During my two years of fieldwork among the Nansemond Tribe, approximately ten persons submitted applications for membership into the tribe. The standard procedure for reviewing membership applications was to circulate the application among enrolled tribal members so that everyone could examine the details of the person's family history. All applications included a photograph of the potential member. Typically, an enrolled member stated something positive about the applicant which demonstrated knowledge of the individual and his or her family. Membership in the tribe is taken seriously and enrolled members do not want to admit an individual solely on the basis of blood relationship if the individual will bring dishonor to the tribe. In each of the instances I was able to observe, the applicant had submitted a successful application for membership to the Nansemond Tribe (Fieldnotes 1996-97).

As stated previously, the Nansemonds require that proof of descent or relatedness to an established line of enrolled Nansemonds be submitted to the tribe. A particular amount of

blood quantum is not a requirement of the tribe and the genealogical link may be on either the maternal or paternal side of the family. Each of the eight recognized Virginia tribes has the authority to determine the requirements for membership in the tribe. It is my understanding that generally a specific amount of blood quantum is not required for membership in seven of the tribes. The exception is the United Rappahannock Tribe which is trying to enforce a blood quantum requirement of one-quarter Rappahannock blood and disallows any amount of African American blood in the family genealogy of the applicant. This very narrow view of blood quantum and racial purity has caused the tribe to fission in 1997. The United Rappahannock Tribe amended their Articles of Incorporation in 1981 to read:

Article Fifth, Paragraph 6, Section B: "Any person who is not American Indian descent in whole or part Indian or White and who applies for membership, will not be accepted in the United Rappahannock Tribe." and

Article Fifth, Paragraph 6, Section C: "Any person of American Indian descent, in whole or part Indian and White, who marries a Rappahannock and applies for membership will be accepted into the Tribe."

I have spoken with members of the Rappahannock Tribe who have expressed genuine dismay with the 1981 Amendments to the Articles of Incorporation and describe the change as an attempt to remove people with Negro blood from the tribe. The United Rappahannock have approximately two hundred enrolled persons, but it is unclear how many person would no longer retain membership in the tribe if the amended membership rules are actively enforced. In April of 1997, a re-organized group naming themselves the

Rappahannock Tribe submitted Articles of Incorporation with the State Corporation Commission stating that Active Members “shall consist of every person who is of one-quarter or more of Rappahannock Indian descent and who applies for membership.” The group dropped the reference to “American Indian descent in whole and in part White” which appears in the United Rappahannock papers. The particulars of this situation are discussed in greater detail below.

The 1983 Report of the Commission on Indians

With the July 1, 1983 establishment of the Commission on Indians, later to be renamed the Virginia Council on Indians, the Commission undertook its duties to “gather information, make studies, and conduct research” on Virginia’s Indian tribes and “to assist Virginia’s Indian population in reaching its full economic and social potential.” The careful examination of the initial Commission on Indians Report, submitted to Governor Charles Robb, in December of 1983, provides an opportunity to observe the early workings and goals of the commission (VA Doc. IC YR 29/983).

Initially, the Commission on Indians was composed of ten members, five Indian and five non-Indian participants. At the commission’s first meeting, non-Indian member and key supporter, Delegate Hardaway Marks, was elected the chairman of the organization. Mr. Stephen Adkins, then Assistant Chief of the Chickahominy Tribe was vice-chair of the Commission. The remaining members of the 1983 organization were, Chief Oliver Adkins of the Chickahominy Tribe; Dr. Robert Austin of Richmond; Ms. Nikomis Fortune of the United Rappahannock Tribe; Ms. Kathleen McKee of Alexandria; Delegate Wiley F. Mitchell of Alexandria; Mr. William a. Stewart, Eastern Chickahominy Tribe; Millard Stith

of Chesterfield County, Chief Malcolm Tupponce of the Upper Mattaponi Tribe; and Warren Cook of the Mattaponi Tribe was added as an ex-officio member, to speak on behalf of the two reserved Virginia tribes. Delegate Mitchell represented the African American community.

During the first year of its existence, four public meetings were held by the Commission; each at a different location throughout the state in order to facilitate participation by the Indian community at-large. The Commission Report noted that other states which had commissions or governmental offices responsible for Native American “programs, activities and duties” were contacted to ascertain the range of structures and programs administered by the respective agencies (VA Doc. IC YR 29/983: 3). The report stated the Commission would compile this information and utilize it to aid in the modification of the Commission if this was deemed a necessity. The Commission hoped to look for models of governmental agencies established in other states which had state-recognized tribes in order to replicate a successful construct.

The most revealing aspects of the report are contained in pages 4-7 which are subtitled “Programmatic Goals.” The Commission report stated that the promotion of economic opportunities, job training and educational opportunities are the important responsibilities of the Commission. The Commission believed its task was to “increase Indian awareness of and participation in the economic and business councils of the state.” To meet this goal the Commission proposed several strategies including preparing an “inventory of Indian-owned businesses” in Virginia, and identifying and seeking assistance from appropriate state agencies to gain knowledge and opportunities regarding business practices. It was

suggested that contacts to the state agencies of the Division of Industrial Development, the Virginia Chamber of Commerce, and the Office of Minority Business Enterprise be made by the Commission.

The Commission resolved to identify existing federal, state and private programs which could assist tribes with employment training or the establishment of business enterprises and also called for “action” to “secure” Virginia Indians a “share of federal governmental programs and support.” Page 5 of the report described a dual approach to the call for action with one strategy focusing on advising the Virginia tribes on the “availability of federal programs and enhancing their [Virginia tribes’] ability to qualify or compete for these programs.” It is clear by the wording of the document that the Commission on Indians was committed to the search for federal “set-aside” funds for which Virginia tribes hoped to be eligible as Indian people. The Commission resolved to compile and circulate a “ranked” list of federal programs; to work for a “dialogue” between federal agencies and the Virginia tribes; provide support for grant writing activities; and identify state agencies which could provide assistance to Indians living within the Commonwealth of Virginia.

The second agreed upon strategy by the Commission was to monitor the federal budget process and be aware of pertinent legislation being proposed at the federal level which might impact Virginia Indians. The report noted by necessity that the second focus of monitoring federal programs was on-going in nature and would possibly require the establishment of legislative links between the Indian community and Virginia’s congressional delegation.

Additionally, the Commission called for an increase in inter-tribal cooperation on the part of Virginia’s Indian tribes. The report emphasized that “a sense of common purpose rather

that competition will mutually benefit” the Indian community in Virginia. This brief mention of united purpose and coming together across tribal lines supports Cornell’s (1988) suggestion regarding the underlying purpose of supra-tribal organizations as alliances of less powerful tribes. Following Cornell, I would argue, that the Commission on Indians and later Virginia Council on Indians took on the role of supra-tribal organization from its inception. It is noteworthy, however, that in the Virginia context the supra-tribal organization, initially the Commission on Indians and later the Virginia Council on Indians, emerged as part of the process of state recognition and the VCI predates the state recognition of the Nansemond Tribe and Monacan Tribes.

My own more recent observations of the workings of the VCI, have shown that the stated organizational goals to facilitate tribe to state and tribe to tribe relations, are on occasion subsumed under a state to Virginia Indians relationship. In other words, the interests of the Indian community as a whole may take precedence over particular tribal interests. Given the relatively small population of each of the eight Virginia tribes I would argue that without a supra-tribal organization such as the VCI political relationships, inter-tribal cooperation, and relationships with the non-Indian community would be far less developed than they are at present. However, the VCI members are careful to make statements at meetings that the Council exist to support the interests of the tribes.

Finally, the 1983 Commission report mentioned “other relevant” activities which needed attention of the Commission and the Indian community at-large. The research of Indian history and “cultural projects” were to be undertaken as future considerations for the Commission.

The Commission on Indians' 1983 Report does not address the glaring fact that none of the Virginia tribes had applied for or had obtained status as federally-recognized tribes and that in the absence of formal recognition between Virginia tribes and the United States government, obtaining access to federal programs would be restricted. However, it was suggested that the Commission, as an Indian advocacy organization, be involved with and "consider the case of other tribes which present a case for official [state] recognition." I would argue that it is this point, centering on the role which the Commission and later VCI has asked to play in the future recognition process of other Virginia tribes, which may be seen as the Commission's greatest expression of power and influence. However, actual procedures for state recognition were not adopted by the VCI for several years. Those procedures are discussed below. The optimistic spirit of the Commission report reflects the recent change in political status of the tribes through the granting of state recognition.

The 1984 Commission on Indians Report

In March of 1984, the Commission on Indians released a modest three-page "communication" on the letterhead of the Secretary of Human Resources for the Commonwealth of Virginia. The 1984 document does not appear to be written in the format of a report but more like a communication or press release. Besides listing the six recognized tribes, as of 1984, the Commission emphasized the "need for cooperation among all tribes if goals are to be reached" (page 2). This statement prefigures some of the inter-tribal factionalism that I have witnessed during my fieldwork. The factionalism is expressed more in terms of not pulling together rather than actual working against one another, and an unwillingness to share information and open tribal networks to other Virginia tribes. The

Commission also called for the tribes to develop ways to participate in federal set-aside programs and it encouraged the tribes to make the general public aware of “the cultural and historical contributions of Virginia’s Indian tribes.” The Commission report seems to be reiterating much of what had been stated in the previous year’s report and emphasized the same issues, gaining access to federal funds.

The membership of the 1984 Commission was identical with that of the 1983 Commission. No report was issued for the year 1985. However, the title of the organization was changed from the Commission on Indians to the Virginia Council on Indians in 1985 to reflect a new system of nomenclature for Virginia state agencies.

A second significant event for 1985 was the recognition of the Nansemond Tribe by the Virginia General Assembly, bringing the number of state recognized Indian tribes to seven. There was no mention of specific cultural events or goals for the Commission during the coming year.

The 1986-87 Report of the Virginia Council on Indians

The 1986-7 Report of the Virginia Council on Indians, issued to Governor Gerald Baliles and the General Assembly of Virginia, was the most comprehensive report the Council had ever completed. It consisted of eleven pages and represented two calendar years. Delegate Hardaway Marks was still the chair of the Council during this time period. Some changes had been made in the composition of the Council membership; however, the structure of the Council had remained unchanged.

The report opened by stating that the Mattaponi and Pamunkey tribes had retained their reservation lands since the seventeenth century but were “included in the 1983 act” of state

recognition to “avoid confusion.” The beginning paragraph of the report went on to say that the non-reservated tribes were given recognition based on their respective “residence in the same area as their ancestral groups, retention of tribal identity, maintenance of organized tribal government, and operation of tribal, social and religious institutions” (page 2). I would argue this statement highlighted both the sensitive position of the non-reservated tribes vis a vis the reservated tribes and the necessity to express a differential or possibly hierarchical standing among the tribes. By showing that each of the non-reservated tribes had to meet identical requirements for recognition, the Council was attempting to place the non-reservated tribes on an equal footing with the reservated Indians. Bringing tribes together, all as genuine Virginia Indian tribes, and trying to avoid issues of rank or hierarchical standing based on former treaties or the holding of reservation lands, has been a sub-agenda for the Virginia Council on Indians and highlights some of the tensions which can develop among tribes and between tribes and supra-tribal organizations. Some of my consultants have told me the reservated tribes did not want to be named in the HJR 54 which granted recognition to six Virginia tribes. Apparently the members of reservated tribes, felt their status might be threatened or diminished by receiving formal recognition along with the four non-reservated tribes. The tribal councils for the Mattaponi and Pamunkey believed they had retained status, and a measure of sovereignty, in the provisions of the 1677 Treaty of Middle Plantation and consequently their identity as Indian people was never in question.

A manifestation of the issue of reservated vs. non-reservated tribes is publicly expressed during the annual presentation of tribute, deer and beaver pelts, to the Governor of Virginia,

the Wednesday before Thanksgiving. The presentation of tribute by the Mattaponi and Pamunkey represents the payment of taxes to the Governor on behalf of the reservated tribes, as stipulated by provisions in the 1677 Treaty of Middle Plantation. Prior to 1987, the Mattaponi and Pamunkey tribes presented their tribute in separate ceremonies. Now the presentation is done jointly with the support of the Indian and non-Indian communities. Therefore, I would argue that the reservated tribes made a step toward working in concert at this public event and may have decided on a joint presentation to emphasize the dichotomy between reservated and non-reservated tribes.

Since the establishment of the VCI the Council members, representing non-reservated and non-Virginia tribes, have also been attending the ceremony which is now carried on the local news and is attended by a few elementary school classes in Richmond and the event has taken on a more Virginia inter-tribal flavor than merely the public re-creation of an identity marker of two specific tribes (Fieldnotes 1996, 1997). However, in recent years, the chiefs of the Mattaponi and Pamunkey have addressed the crowd of on-lookers at the presentation ceremonies articulating sentiments which spoke to the 1677 Treaty requirements and the long relationship that the tribes had with the government of Virginia. Some of my consultants have discussed the presentation of tribute with mixed emotions. One individual, a member of a non-reservated tribe, said that paying tribute shows “that our people (Powhatan Indians) have been here in Virginia a long time.” Another person who is a member of a federally recognized tribe from another state, but now lives in Virginia, told me “in no way would I ever consent to wearing regalia and bringing tribute to the Governor of Virginia...it’s demeaning to Indian people...the Whites took Indian land and we should

not be paying them for taking our land” (Fieldnotes 1997).

The differing sentiments are understandable in light of the contrasting legal status of Virginia’s state recognized tribes and the non-Virginia federally recognized tribes. The former wishes to highlight and maintain links with a past history which is valued by non-Indians. While the latter views the past as a time of Indian sovereignty and the public presentation of tribute is an expression of sovereignty which has been lost. The term “sovereignty” is used cautiously by all of the recognized tribes and most often refers to the colonial past when English colonists were establishing their settlements in Virginia. As there are no federally recognized tribes in Virginia at the present time, the tribes can only look backwards, nearly four hundred years, to the authentic period of Indian sovereignty.

The 1986-87 Virginia Council on Indians Report once again reviewed the requirements for state recognition. As stated previously, this may have been done to re-enforce the equal standing of all the tribes. The residence of tribal members in the same location as their former ancestral groups was emphasized since the maintenance of reservation or tribal lands could not be deemed a requirement for state recognition. This was a sensitive issue for the two reservated tribes who saw themselves as having stood firm against the onslaught of land-hungry European settlers. Even though the two Virginia reservations are minuscule by the standards of tribes in the western part of the United States, these lands under Indian control are an important symbol of Indian identity.

What constitutes the “retention of tribal identity” is not expanded upon in the report and this point is probably the most difficult aspect of “Indianness” for Virginia’s Indian population to define. Could there be gaps in the knowledge of tribal members regarding

cultural traditions of the tribe without disrupting tribal identity? Could tribal identity be carried in living memory or did it have to be documented in a concrete way? Virginia Indians are uncomfortable with these questions and most Indians choose not to respond directly to these inquiries. As Sider (1993) has noted, breaks in Indian history are unavoidable, yet mentioning any breaks or gaps in historical information of genealogy generate ambivalent feelings in the Indian community.

Some individuals have spoken to me about Algonquian prophecies which pointed to a time “when the elders would be silent and many traditions would be lost.” While these prophecies are from the Great Lakes region of the country, since they have been handed down through Algonquian speaking people, and therefore distant relatives of the Algonquian speaking Powhatans, some consultants have told me that the prophecies have been fulfilled among all Indian people. I have been told by an individual who takes the prophecy seriously that, “We are living in the time prophesied when there will be a renewal of the Indian ways, and this is now occurring.” Few Indian stories survive in the East and the Algonquian prophecy has helped some in Virginia bridge the gaps in culture history and tribal information (Fieldnotes 1996-97).

For some individuals, all tribal identity was lost and what remained was a knowledge of being of Indian descent without reference to a tribe. I spoke with a woman who told me, “I always knew I was of Indian descent but it wasn’t until six years ago that I knew which tribe I belonged to” (Fieldnotes 1997). Someone researching family genealogy informed her of the link to the recently recognized Nansemond Tribe and she is now a very active tribal member.

The maintenance of an organized tribal government was also not defined by the Council's report. In general, maintaining a tribal government has come to mean having a chief, possibly a tribal council and tribal membership roles. None of the Virginia tribes has tribal courts. Moreover, regular tribal meetings were not a condition for being considered an organized tribe. Some of the tribes have monthly meetings while others meet rarely. The Wheeler-Howard Act of 1934, also known as the Indian Reorganization Act, basically forced tribes to write and adopt written constitutions modeled on the United States Constitution. However, the provisions of the act did not apply to the Virginia tribes since they were not federally recognized tribes (Lujan 1990:6). For the non-reservated tribes their papers of incorporation, while not a substitute for tribal by-laws, were an integral part of their presentation of organizational structure and an important argument for their recognition.

As a supra-tribal organization the Virginia Council on Indians is careful not to interfere with, nor suggest that the tribes standardize tribal membership requirements. Each of the Virginia tribes has the authority to devise their own requirements for membership and they vary greatly. In 1997 the issue of membership requirements has caused one tribe, the Rappahannock, to split apart. I would argue that this situation is directly related to the way that non-Indians in Virginia have conceptualized Indianness and it will be discussed below. The final point mentioned as the basis for state recognition for non-reservated tribes was the "operation of tribal social and religious institutions" (page 2). This was taken to mean annual powwows, clam bakes, and having an Indian school or Indian church. It is notable that the 1986-87 Council report, fully four years after the state recognition of six Virginia

tribes, seems to be presenting the justification for the granting of recognition. The vague nature of the requirements for state recognition was necessarily the result of the four hundred years of assimilation, racism and general destruction of traditional Virginia Indian culture that was the by-product of the colonial experience. However, in the years following the 1986-87 report, the requirements for state recognition were modified to reflect more strongly the Bureau of Indian Affairs' requirements for federal recognition and as a result have become a contentious part of Virginia Indian politics as other tribes sought state recognition.

The Council report stated its annual budget for the calendar years 1986-87 was \$3000 and was used to compensate Council members' expenses associated with attending Council meetings. The report noted the Commonwealth of Virginia had neither programs nor benefits which were targeted for the Virginia Indian population. Therefore, in contrast to the previous report that stated the goal of the Council to "identify state agencies which could provide assistance to Indians living within the Commonwealth of Virginia" and gain access to "federal set-aside funds" (1983 report), the Council modified its goals in 1986-87 to read "the Council seeks to make other state agencies aware of the needs and interests of the Indian population in their own programs" (page 3).

Furthermore, the Council stated that it wished to find ways in which Virginia's Indian population could "take advantage of state programs that are available to all citizens"(page 3). Considering the emphasis the report placed on reviewing the general criteria which the tribes satisfied to obtain state recognition and the somewhat modified goals of the Council regarding obtaining federal set-aside funds and state programs to aid Indian people, it may

be argued that the Council wished to reiterate to the General Assembly the authenticity of the tribes while noting that Virginia Indians were not able to obtain a share of federal monies for themselves, since they did not have federal recognition. This should not be characterized as a retreat on this issue, but a more realistic assessment of the position of Virginia Indians given their lack of federal recognition.

Another thrust of the report was the Council's desire to "present an accurate picture of the rich Indian culture which existed in Virginia at the time of European settlement" (page 4). The Council found an opportunity to do this in conjunction with the Jamestown-Yorktown Foundation which operates as a state agency and oversees the operation of the Jamestown Settlement, a living history museum dedicated to the presentation of the initial English colonial encounter at Jamestown. As mentioned in Chapter II, the Jamestown Settlement, opened in 1957, also exhibits a replica of a Powhatan village complete with costumed interpreters and hands-on activities for the visitors, such as hide tanning, canoe making, cooking, and rope making. In 1987 a self-styled archaeologist died and his estate donated approximately 250,000 Virginia Indian artifacts to the Jamestown-Yorktown Foundation. The collection was to be the nucleus for a Powhatan Gallery at the Jamestown Settlement gallery and the Council issued an endorsement of the proposed project. The Council and the Jamestown-Yorktown Foundation inaugurated an annual June powwow which is held on the museum grounds. Since 1994 proceeds from the Jamestown Powwow have been earmarked for the Council's scholarship fund.

The report notes that the 1987 Virginia General Assembly designated the fourth Friday of September "Native American Indian Day" (page 6). The day was created to "recognize

the contributions of Native Americans” (page 7). The Council resolved to ask the General Assembly to designate the last full week of September as Native American Indian Week and sought to encourage observances of the contributions of Native Americans in Virginia’s public schools. Ten years later, in 1997, the Council requested a change of name from “Native American Indian Week” to “American Indian Week”. Virginia’s Governor Allen signed a proclamation designating the month of November as “American Indian Month” in Virginia and the Wednesday prior to Thanksgiving, the date of the presentation of tribute by the reserated tribes, was designated as “American Indian Day” (Fieldnotes 1997).

The goals of the Virginia Council on Indians as stated by the 1986-87 report were to increase the “flow of information” between the Council and the individual tribes and to “foster greater interaction and cooperation” among Virginia’s Indian tribes (page 8). In an attempt to improve communications among the tribes, the Council published the Virginia Indian News, a quarterly newsletter. The newsletter is now defunct. The four issues of the newsletter which I was able to locate, in the Virginia State Archives, talked about cultural events where Virginia Indians showcased aspects of traditional culture such as powwows, parades, state fair exhibits, museum exhibits, educational information and tribal announcements (Virginia Indian News: March 1988, June 1988, Winter 1988, Spring 1989). The printing and distribution of the Council’s publication, and those of two other organizations; the United Indian of Virginia’s newsletter; and one published by anthropologist Jack Forbes, shows that an attempt was being made to strengthen lines of communication among the tribes. The local issues and announcement presented in the publications seem to be attempting to promote a Virginia Indian identity, not particular

tribal identities. The publication by Jack Forbes seems to address Indian issues in a pan-Indian manner. Forbes' sporadic publication also included tidbits of information about Indian history and culture throughout the United States and updates on political issues which affected the folks in Indian country as opposed to presenting a regional picture of Indian cultural events.

The Council held its meetings at different locations to enable tribal members to attend the Council meetings. This practice has not continued and the Council meetings are held monthly at the Virginia State Capitol Building in Richmond.

Page 10 of the Council's report mentioned an issue which has become an on-going focus of the Council in general and former Nansemond Tribal Chief, Oliver Perry, in particular. That issue was and is the reburial of American Indian human remains. In 1986, Chief Perry contacted the Smithsonian Institution and determined the Smithsonian was warehousing approximately 20,000 American Indian skeletal remains of which 1,700 were likely from the Virginia area. As a result of his report to the Council, Chief Perry became the main contact between the Virginia tribes and the reburial issue. During the intervening years Chief Perry has overseen the reburial of two groups of human remains identified as pre-contact Virginia Indians. I would argue his contribution in the area of reburial of human remains has been the most outstanding contribution made by a Virginia Indian leader to the Virginia Indian community as a whole and it has been the occasion of much ceremonial planning which has drawn on the participation of persons from the entire spectrum of the Virginia Indian community, including members of tribes which are not indigenous to the state.

The 1988-89 Report of the Council on Indians

The Council report for the years 1988-89 was given a title, "Keeping the Spirit Alive." The biggest accomplishment for the 1988 year was the granting of state recognition to the Monacan Indian Tribe, which brought the total number of state recognized tribes in Virginia to eight.

Delegate Hardaway Marks continued as the chairperson for the Council. However, in 1989 the General Assembly increased the size and structure of the Council to provide for greater Indian participation and to include a representative from the Monacan Tribe.. The number of Council representatives was increased to twelve persons, all appointed by the Governor of Virginia. Nine of the twelve seats were slated to be filled by members of the Indian community with the other three members selected from the Virginia House of Delegates, the Senate of Virginia and the Commonwealth at-large. The Secretary of Health and Human Resources was designated as an ex-officio member. Of the nine seats from the Indian community the eight state recognized tribes were to be represented; the remaining seat was to be filled by an "Indian-at-large." This was done in order to allow the voice of non-Virginia Indians to be heard at the meetings.

The Indian-at-large delegate is an important position for the Council, as the 1980 United States Census showed that approximately 9,500 resided in Virginia and roughly two-thirds of the Indian population were urban dwelling non-Virginia Indians. For the Council to act as an advocacy group on behalf of Virginia's Indian population it was critical that non-Virginia Indians have a strong voice on the Council. My examination of the membership of the Virginia Council on Indians, from the date of inception, indicates that there has always

been an active representation from the Indian community at-large. In my fieldwork I have noted that a great deal of leadership for the Indian community has been provided by individuals with tribal affiliation from outside the state. In fact, the current chairperson of the Council, Thomasina Jordan, is a member of the Wampanoag tribe of Massachusetts.

Additionally, my research indicates the Pamunkey Tribe never took its seat on the Council, nor sent a representative to the Council meetings. This may be viewed as an attempt by the Pamunkey to counter the growing power of the Council. As a supra-tribal organization, the Council usurps any inter-tribal hierarchy which had existed prior to the establishment of the Council. However, the Pamunkey have been the only tribe to overtly attempt to resist the political encroachment of the Council. I would argue that the Pamunkey have not increased its power-base by refusing to join the Council but rather have increased their isolation vis a vis the other seven Virginia tribes.

During 1988, the six state-recognized tribes, formerly part of the Powhatan Chiefdom, moved to form a second supra-tribal organization to compete with the Virginia Council on Indians. Calling their organization the United Indians of Virginia, or UIV, membership was open only to Virginia Indian tribes, thus leaving out the bulk of the state's Indian population from organizational representation. An undated handout entitled "History of the United Indians of Virginia" states the UIV was an outgrowth of discussions among several Virginia tribes concerning educational issues during the fall of 1988. The goals of the UIV are to promote the interests of the Powhatan tribes, often still referred to by the Indian population as the Powhatan "Confederacy," regarding the sharing of cultural events, economic development efforts, social developments and problem solving techniques. Meetings are

open only to tribal members of tribes holding membership in the UIV. Uninvited guests are not permitted at the meetings.

My knowledge of UIV is second hand through the examination of several newsletters entitled "Voices of the Eagle," and information gleaned about the UIV from reports read at Virginia Council on Indians meetings and conversations with Indians and non-Indians. The editions of "Voices of the Eagle" which I have examined were very professionally printed and highlighted national workshops, conferences, cultural events in the state and region, and listed the names of Virginia Indian artisans and musicians (June 1995, September 1995, March 1996). While the organization and its materials focus on Virginia Indians, many of the articles and advertisements have a pan-Indian feel to them.

Generally speaking, the UIV has not been an organization which has united the Virginia tribes, nor has it been highly successful in promoting Indian education. Over time, problems have emerged regarding the organization's accounting of funding. The organization claims to have given out some scholarship money but I am unable to verify this. It is my understanding that UIV received a federal grant of \$50,000 to help the Virginia tribes prepare applications for the federal recognition process. Unfortunately, public squabbles have occurred among the leaders of the UIV, which include accusations of mismanagement of scholarship funds and grant monies for overhead operations. I have been told during 1997 that several tribes were on the verge of resigning from the UIV and their former office has been closed due to inability to pay rent on the office space.

I attended a Virginia Council on Indians meeting during which the current chairwoman of UIV, a member of the Rappahannock tribe, asked for funding from the VCI in order to

keep the UIV operations a float. The Council chair asked the UIV chair to explain how a recent grant of \$50,000 was used by the organization. The Council was told that office rent and a paid grant writer had been the expenditures which used up all their funding. The Council chair informed the UIV chair that the Council would be unable to provide them with additional funding. The rationale for the denial of funds was that the Council is an advocacy group and are unable to grant monies to other organizations.

The UIV has attempted to engage in fundraising activities most actively by the selling of a poster which features the pictures of the Virginia tribal chiefs. The money raised from the sale of the posters was said to be earmarked for scholarships. As of late 1997, the status of the United Indians of Virginia remains uncertain.

This meeting between the leadership of the Council and the UIV highlighted the present relationship between the two organizations and illustrated that the Virginia Council on Indians is the stronger of the two organizations. Since the Council has the backing of the Commonwealth of Virginia, both politically and financially, I would argue that it has been more successful in meeting its organizational goals, has strengthened its Indian and non-Indian networks, and has been more successful than UIV in avoiding factionalism. Additionally, it is noteworthy that Council meetings are held at the state capitol and include elected representatives of the General Assembly as members, along with representatives of the broader Indian population of the state. This confers a sense of legitimacy on the Council which the United Indians of Virginia is seeking to obtain.

The 1988-89 Council report once again emphasized previously stated goals:

1. Increasing public awareness and education pertaining to Virginia Indians;
2. Informing and advising Virginia's state officials and agencies on issues of importance to the Indian community;
3. Serving as a resource for information on federal, state and private programs which may benefit Virginia Indians;
4. Promoting and preserving Indian culture;
5. Bringing tribes together to work on common goals. (1988-89 VCI Report)

During the two years covered by the report, the Council seemed to make significant progress in the area of the public presentation of Virginia Indian culture. In 1988, with backing from the tribes, the Council organized the construction of a "long house" for the Virginia State Fair. Tribal members participated in planning an exhibit entitled "The Powhatan Indians as Farmers." Individuals from several tribes discussed food preparation and tool manufacturing at the fair. The exhibit was extremely popular and the Council maintained that over 100,000 visitors walked through their exhibit. The state fair long house exhibit was the most visible expression of Indian culture undertaken by the Council at that time.

On the educational issue, the Council was instrumental in two areas. First, they joined with the State Council on Higher Education in sponsoring a seminar for American Indian middle school children and their parents which focused on issues related to college preparation. Second, several Council members and other tribal members partook in the making of a documentary film on Virginia Indians which was scheduled to accompany an exhibit at the Jamestown-Yorktown Foundation.

During this period, the Council began to work with the Department of Historic Resources to devise a plan and formulate regulations for the handling of human remains

uncovered during the course of archaeological excavations. This alliance with the Department of Historic Resources would prove to be beneficial in later years with the reburial of human remains in 1990 and 1997.

The Council report noted their future goals as sponsoring a powwow in June of 1990 at the Jamestown Settlement, which would include the demonstration of traditional and fancy dancing by Virginia Indians and other dancers from the eastern United States; producing a directory of state and federal programs for the benefit of Virginia Indians; distributing scholarship information; and hosting a unity conference on issues of concern to Virginia's Indian tribes (Council Report 1988-89). Most of the Council's goals were listed on previous Council reports and had become part of the on-going agenda for Virginia's Indian population.

I would argue that by 1989 progress had been made in the area of the public presentation of American Indian culture in Virginia. The Indian community, while not entirely united, was being represented effectively through the Virginia Council on Indians. Community leaders and Council representatives were gaining experience and confidence in chairing committees, offering their views on Indian history and culture and working on identifying issues of importance to the Indian community. For the first time the Indian community acted in concert to participate in public events, such as the Virginia State Fair and in the planning of a major inter-tribal powwow. The main accomplishment of the Virginia Council on Indians during the years 1983-89 was the promotion of public awareness of the existence of the state-recognized tribes.

Written reports submitted by the Virginia Council on Indians to the General Assembly

ceased between the years 1990 and 1995. I have been told that the Council members did not have a reliable secretary for the Council meetings and therefore reports were not submitted during a five-year time period beginning in 1990. A search for additional records at the Commonwealth of Virginia State Archives failed to produce any records or reports by the Council for the time period in question.

The Virginia Council on Indians: Identity and the Powwow

The Virginia Council on Indians, in an effort to promote Indian awareness, has taken the lead to sponsor an annual powwow each June. But more importantly, the Council members are active supporters of all the powwows held in the state. Council members can be counted on to participate as dancers, masters-of-ceremonies and spectators at the powwows. Several members of the Council were part of an American Indian dance troupe, which entered an international folk festival in Nice, France in 1987 and 1988. The group was sponsored by the Native American Cultural Exchange, and was composed of dancers from Virginia, Maryland, and North Carolina. Funding came from public and private sources to enable the dancers to travel to France to compete. The American Indian dancers won each of the competitions (Native American Cultural Exchange, 1988). Several individuals have told me that the experience of winning the international dance competition encouraged individuals to keeping dancing at powwows here in Virginia. This experience gave individuals confidence to present themselves as Indians, especially when they returned home to the United States (Personal Communication, Jamie Ware 11/16/97, 12/5/97).

The modern powwow has been in existence since the reservation period but its place in the lives of Virginia Indians has a more recent history. As of 1997, six of the state-

recognized tribes hold an annual powwow or festival. The Mattaponi have started holding a powwow only in recent years. The Chickahominy have hosted the annual fall festival powwow for more years than any other Virginia tribe--since 1951; while the Nansemonds hosted their tenth powwow during the third week of August, 1997.

Broadly speaking, the powwows which are held in Virginia conform to the same general format as those which I have attended in Oklahoma. However, I have noticed a few differences. First, of no particular significance, the powwows are held during the daytime and never in the evenings. Typically, the grand entry begins at noon on Saturday, and at 1 P.M. on Sunday. The festivities are always concluded by 5 P.M. With the hot and humid Virginia summer weather, attending a powwow as either a spectator or a participant can be a physical ordeal, testing one's stamina and ability to handle the heat.

Second, and more significantly, the dance circle is entirely cordoned off with rope and the entrance to the circle is carefully monitored to be sure that only authorized people enter the circle. The arena director, often an individual from Oklahoma, is charged with monitoring the dance circle and keeping things running smoothly. Prior to the grand entry, the tribal chief, or master of ceremonies for the host tribe, addresses the spectators and typically draws attention to the roped off dance circle and says in unambiguous terms that only persons of Indian descent will be permitted in the circle. The exceptions to this rule are the veterans' dance and the two-step and for each of these invitations are extended to non-Indians to join in the dancing.

I am not suggesting that at powwows in other parts of the country that protocol involving access to the dance circle is not followed. Rather, Virginia was the first place in

which I felt the attention to the physical boundaries of the dance circle represented the physical boundaries which the Indians were trying to establish between themselves and the non-Indians present at the powwow. The creation and demarcation of a definable space which may be entered and occupied by those individuals with a certifiable Indian identity is manifested in the clear, physical separation between the Indian and non-Indian landscape zones at the powwow grounds.

The third feature of the Virginia powwows, which I find contrasts with powwows held in the West is that some of the vendor space is given over to book sellers and small exhibits on Indian culture, usually subsistence practices. The book sellers offer classic works of anthropology, life stories of famous Indians such as Chief Joseph and Geronimo, topics on Indian spirituality, and a broad selection of how-to books for Indian arts and crafts. I would argue that these book sellers and purveyors of information on subjects of interest to Indian people contribute in their own way to the formation of identity among Virginia Indians. However, the identity being offered, encouraged, and shaped by book sellers and exhibitors is the pan-Indian, Plains constructs of Indianness, not the cultures of specific tribes. Due to the high degree of assimilation and loss of traditional culture, pan-Indian culture is readily accepted and promulgated by those who attend the powwows on a regular basis.

The fourth difference noted is that a tribe will host the powwow, but because the tribes are relatively small in terms of tribal membership, all of the dances are inter-tribals. Head male and female dancers are often from the host tribe but it is not unusual for these important positions to be filled by members of other tribes, including those from outside Virginia. The planners of the powwows are able to draw non-Virginia Indians to the events

because of the numbers of young Indian men and women serving in the military, from other parts of the country, who are stationed in the area. The proximity of the Norfolk Navy Yard, the world's largest naval installation, does bring non-Virginia Indians into the network. However, with sea duty, the composition of the group is always undergoing a change. These young people make a contribution to the Virginia Indian powwow scene but also receive hospitality in return for sitting in with one of the drums.

It is rare that contest dancing is a part of the powwow and prize money is therefore not part of the typical Virginia powwow event. There are a number of drum groups in Virginia, some with local musicians and others composed of non-Virginia Indians. One drum group has permitted me to attend a number of their practice sessions and each of the members of the group is from a non-Virginia tribe. Typically, the men are active duty military or are former military who have remained in Virginia because of work opportunities. One of the drums has a very transient membership, but the musicians manage to have enough overlap to participate in most of the events. In the Tidewater region, four drums are particularly active and they will each usually show up to play at every one of the Virginia powwows. The members of the Mattaponi drum group have recently recorded a CD of their music.

In addition to the six tribes which host powwows, there are several powwow clubs or organizations which sponsor dances, and this brings the total number of summer powwows which are held each summer to over twelve. Thus there are ample opportunities to attend powwows during the summer in Virginia. However, it must be stressed that the number of dancers at these powwows is very small when compared to the number of dancers in regalia at powwows west of the Mississippi. The number of dancers varies from one event to

another, but it seems that fifty dancers in regalia is a rule of thumb; I have seen more dancers and unfortunately fewer dancers at some events. Spectators have always outnumbered the dancers in any of the powwows which I have attended.

The Virginia Council on Indians allowed me to attend some of the planning meetings for the Jamestown Festival Powwow, the decision making process by which vendors were given permits to sell wares and food at the powwow. Vendors had to submit an application to the powwow committee along with photocopies of tribal identification cards and photographs of their wares. The vendors were selected according to strict criteria regarding tribal membership and the sale of “authentic” American Indian arts and crafts. Anyone suspected of offering imported Indian-style jewelry at their booths would not be permitted to rent vendor space at the powwow. The good intentions of the powwow planning committees are not always enforceable. At times, I have seen objects for sale which may be accurately described as “kitsch”; however, it is my observation that a genuine effort is being made, more recently, in Virginia to showcase high quality Indian arts at powwows and other public events (Fieldnotes 1996-97).

Unlike other powwows around the country, there is not an emphasis on public gift-giving or the traditional give-aways. However, it is not uncommon for individuals who have been particularly helpful in organizing a powwow to receive some form of public acknowledgment for their work. While the redistributive aspect of the powwow is minimized, the gatherings do tend to rejuvenate the Indian communities internally. Individuals have the opportunity to meet, share ideas, and gain confidence in the public presentation of their identity. Pan-Indian cultural practices, most specifically drumming,

dancing and dressing in Indian regalia, take precedence over Virginia Indian practices.

However, the powwow serves to demonstrate and re-enforce Indianness to the public in a manner which is acceptable and expected by the general public.

The Virginia Council on Indians Report 1995-96

The report which the Virginia Council on Indians, under the guidance of Chairwoman Thomasina Jordan, submitted to the General Assembly for the years 1995-96 was the most comprehensive and detailed report ever produced by the Council. It exceeds one hundred pages and is organized into sections that include the following: the names of the Council members; a list of the eight state-recognized tribes; copies of the House Joint Resolutions No. 97, 54, 205 and 309, which established the sub-committee to study the relationships between the Commonwealth of Virginia and its Indian tribes, and granted formal state recognition initially to six tribes and then the Nansemond and Monacan tribes respectively; recognition criteria; all meeting attendance records; and minutes of the meetings and copies of all correspondence between the Council and any agencies, organizations, or individuals. The Council Report of 1995-96 will be discussed below according to sub-headings or topics which reflect the main issues brought before the Council during 1995, 1996 and, in some instances, will include my fieldnotes from the 1996-97 meetings when further clarification or expansion of an issue is warranted.

Recognition Issues

The Council Report included copies of the House Joint Resolutions which granted state recognition to the various Virginia tribes and a statement presenting the agreed upon "Recognition Criteria," which enumerated the standards to be met by any future petitioning

tribe in Virginia in order to receive the Council's stamp of approval and proceed with the recognition process before the General Assembly of Virginia. The "Recognition Criteria" was adopted by the Council, with careful consideration of the requirements promulgated by the Bureau of Indian Affairs for receiving federal recognition. I would argue that the inclusion of this was intentional on the part of the Council to re-enforce the credibility and authority of Virginia's eight recognized tribes in the eyes of the General Assembly, and to influence the process by which the state legislature would extend recognition to other tribes in the Commonwealth of Virginia.

In the 1990s, the Council sought to expand their designated role as an advocacy group for Virginia Indians, and take a more active role in the state recognition process. During the 1983 subcommittee study on granting state recognition to six Virginia tribes, the criteria for recognition were not clearly delineated. By the 1989 the Council sought to formalize and standardize the recognition criteria. The Council's "Recognition Criteria" are as follows:

1. The Petitioning Tribe has been identified as a tribe that is indigenous to Virginia at the time of the arrival of the first European settlers.
2. The Petitioning Tribe occupied a specific site in Virginia as defined by the current State boundaries.
3. The Petitioning Tribe is not recognized by another state.
4. The members of the Petitioning Tribe are Indian descendants from the Indigenous Tribe and are not members of any other tribe.
5. The Petitioning Tribe has an established Tribal Organization with the appropriate records and historical documentation such as governing documents and membership criteria.
6. The Petitioner is not a splinter group or a faction which has separated from a Tribe currently recognized. (Virginia Council on Indians, Approved 9-18-89)

As was previously mentioned, the above criteria were designed with federal recognition guidelines in mind. Moreover, it was the intention of the Council to design criteria which would prevent the acceptance of any non-authentic Indian group from obtaining state recognition.

One difficulty which is likely to emerge with the implementation of the Council's criteria is that some groups may seek recognition who are less well known to ethnohistorians and they may not have publicly proclaimed their Indian heritage until recently. Establishing genealogy back beyond the eighteenth century is almost "impossible" (Rountree 1994). Given the racial history of Virginia and the paucity of documentation on the Indian communities of the state, such a scenario is quite plausible.

In 1992 such an event occurred when a group of people petitioned the Council seeking to obtain state recognition as "the United Cherokee Tribe of Virginia." Although the case of the petitioning tribe was not documented in the Council's minutes, Helen Rountree generously agreed to share with me audiotapes of the Council meetings for 8/28/92, 12/21/92, 2/10/93 and 3/10/93; during which the discussion of request for recognition of the United Cherokee Tribe was held. Rountree recorded the tapes on her own as an aid to recalling the discussions since she was invited by the Council to sit on the subcommittee assigned to review the case of the United Cherokee Tribe.

Initially, the United Cherokee Tribe approached the Council for their support in seeking state recognition. The United Cherokee Tribe hoped the Council would send a positive endorsement of their recognition request to the Virginia General Assembly, essentially asking the legislative body to approve a House Joint Resolution granting them official tribal

status. Ultimately, the united Cherokee hoped to obtain a seat on the Council along with the other tribes.

The Virginia Council on Indians has no direct authority to grant or deny state recognition to indigenous tribes of Virginia, but the Council thought it was unlikely that any Indian group in the state could obtain recognition without their formal endorsement. The original duties and responsibilities of the Council did not include making recommendations regarding the state recognition of other tribes nor was the organization asked to draw up criteria for recognition. This responsibility evolved as the Council approved the recognition of the Nansemond and Monacan Tribes. Thus the Council had become a gatekeeper on the road to recognition for emergent tribal groups. Having officially sanctioned networks to the General Assembly and the Governor's office strengthened the Council's political influence with regard to recognition.

Mr. Oliver Perry, former chief of the Nansemond Tribe and a Council member, encouraged the Council to formulate and adopt a state recognition criteria. Chief Perry was responsible for drafting criteria in their present form. Perry claims to have based the Council's criteria on federal recognition criteria (Personal Communication 9/26/97).

The audiotapes of the meetings pertaining to Cherokee recognition indicate that Council members were not satisfied with the evidence that the petitioning tribe, claiming Cherokee descent, put forward. The Council was not convinced that the petitioners could unquestionably link a group of American Indians, living in Virginia at the time of European contact, with people known today as Cherokee Indians. The Council expressed doubts that the Cherokee people lived in lands presently known as Virginia, during the seventeenth

century. Council members attempted to work with Virginia maps, to locate the petitioners on the Virginia landscape in the 1700s. However, the Council was careful to use the contemporary boundaries of the state, as required by the recognition criteria.

Additionally, the Council discussed the possibility that during the seventeenth and eighteenth centuries, Cherokee ancestors came to the Commonwealth of Virginia on extended hunting trips. However, the Virginia Council on Indians rejected the concept that temporary use of the land, even if groups returned to established hunting camps year after year, could satisfy the residency requirement for Virginia state recognition. The Council members asked the United Cherokee Tribe to provide proof of the existence of established Cherokee villages in Virginia in order to meet the residence criterion for recognition. The matter was presented to a Virginia Council on Indians subcommittee, consisting of six Council members. The subcommittee was asked to study the petitioning tribe's request and formulate a recommendation to the Council regarding the merits of the case.

One dynamic which emerges from listening to the dialogue on the audio tapes, is that Council members were concerned with devising "sound" criteria for recognition as they expected that "many groups might be coming forward" to seek formal recognition (Audio Tape 12/21/92).

After extensive examination of the documentary evidence and some lengthy discussion, the subcommittee recommended against the granting of recognition to the United Cherokee Tribe of Virginia. The Council as a body voted to accept the subcommittee's recommendation and therefore withheld their recommendation for state recognition for the United Cherokee Tribe of Virginia.

The remaining audio tapes (2/10/93 and 3/10/93) are a record of the discussion between a representative of the United Cherokee Tribe and the Virginia Council on Indians in which the petitioners attempted to validate and support for their claim of Indian descent and desire for state recognition. The Cherokee representative argued that the Council had changed the state recognition criteria to suit their own purposes and that the Council did not make the requirements for recognition clear to the petitioning tribe. Responding to the Council's "Recognition Criteria," the United Cherokee representative stated that, "State recognition should not be given out based on the use of federal recognition criteria." The United Cherokee spokesman verbally attacked Professor Rountree for her role in the decision; although the tapes indicate that she neither voted nor advised the subcommittee about voting. She evaluated the quality and scope of the historical documents submitted by the United Cherokee Tribe to support their claim that they were living in Virginia in the 1850s.

The petitioners had no documents supporting Cherokee residence in the state at the time of European contact. However, the group argued that they were in Virginia prior to the Civil War so that the group's ancestors must have been there in the state even earlier. The Council felt the documents did not "go back in time far enough." In a moment of frustration the United Cherokee representative asked, "We are what we are... did we just appear? They (the Cherokee) are there in the 1850s and therefore somebody had to be there (in the western part of the state) in the 1750s." The Council held fast to the view that the United Cherokee were not indigenous to the Commonwealth of Virginia and the tribe could not prove they had been living in the state continuously since European contact. The United Cherokee representative stated that Cherokee surnames were in use in Virginia starting in

1835 and he surmised that Cherokees entered Virginia from North Carolina to avoid removal to Oklahoma. Appealing directly to the Council, the representative exclaimed with frustration regarding their inability to satisfy the Council's requirements, saying, "Just because you cease to be a nation doesn't mean the people have gone...they are still there."

In one final gesture, the representative of the United Cherokee argued for the authenticity of a document in his possession indicating the "Cherokees" were selling and deeding land to whites in Virginia at the time of the American Revolution. The Council members were not swayed by his argument. The Cherokee representative stated emphatically that no matter what the Council decided regarding the claim being put forth by the United Cherokee Tribe, "we will continue to talk about ourselves as Cherokee in schools and at churches, etc. I speak my mind from the heart and we can do nothing to satisfy you [the Council] (2/10/93)." The United Cherokee Tribe of Virginia did not attempt to circumvent the Council by appealing directly to the General Assembly for recognition nor as of 1997, have they re-petitioned the Virginia Council on Indians to repeal their decision.

Rountree conceded privately to the Council that the petitioning group may have had Indian ancestry but she felt it was unlikely that they were Cherokee Indians. Furthermore, Rountree suggested that they may possibly be related to the Monacan people. An aspect of the petitioning tribe's genealogy which seemed problematic to Rountree was that the United Cherokee allowed persons to join the tribe based upon the unsubstantiated claim of a relative or grandparent that someone said that there was Indian blood in the family (Personal Communication 9/23/97).

The final audiotape made available to me (3/10/93) is a Council discussion of the

recognition criteria. The taped dialogue indicates that the members of the Council were in agreement that the recognition criteria “evolved” from the recognition experience of the Virginia tribes in 1983, 1985, and 1989. The Council concluded that the adopted recognition criteria was valid and supported by the Council representatives; and that the criteria would remain as the standard by which to evaluate each future request for state recognition.

In summary, the issues of Indian identity were called into question by the petition of the United Cherokee of Virginia for state recognition. A significant difference was that this time the Virginia Council on Indians had themselves become a mediator of identity between the tribes and the Commonwealth of Virginia. Cornell (1988: 96) has argued that since the New Deal the term tribe has come to mean “an organized band, pueblo, or Indians living on a reservation,” thus making a land base the locus of the tribe. Pre-contact patterns of culture were the seeds of tribal identity which assumed a political aspect in the post-contact bilateral interactions of the Indian and non-Indian world. Furthermore, Cornell (1988:102-9) views tribal identity in the twentieth century as more of a legal category and less of a cultural category. A tribe with formal recognition, and therefore a legitimate, formal, legal construct, has the authority to pursue rights and services under the law but that may mean less in the cultural arena.

In Virginia, both the tribal structures and cultural identity are extremely fragile and the supra-tribal structure of the Virginia Council on Indians has sought to reproduce and legitimate the structure of the tribe, which is the preferred organizational construct of the non-Indian world. Interestingly the Council’s criteria for recognition does not require a

petitioning tribe to demonstrate a cultural dimension or any concrete expression of Indianness. The focus of tribal identity has become primarily a legal rather than a cultural issue.

In the 1996-97 time frame the issue of recognition came up again in two separate instances, neither of which pertained to the United Cherokee Of Virginia Tribe. First, the Patawomeck Indian Tribe of Stafford County, and King George County, Virginia, claiming descent from the Potomac Tribe, has petitioned the Virginia Council on Indians for a recommendation of recognition. The subcommittee has not yet made its recommendation to the Council on the Patawomeck, but my observations of the interactions between the petitioners and the Patawomeck representatives have revealed some tensions between the petitioning tribe and the Council. The Patawomecks are trying to argue that the scarcity of records and documents pertaining to their history and genealogy is not their fault but the accident of history and the Patawomecks should not be required to produce documents which do not exist. Recently, the Board of Supervisors for Stafford County, Virginia passed a resolution in support of state recognition for the Patawomeck Tribe, which currently claims to have a membership of 125 persons. The Patawomecks are presently trying to file for a 501 (C) 3 status with the State Corporation Commission; and the tribe has adopted a constitution and established tribal rolls.

To support their claim for recognition, the Patawomecks submitted genealogies, noted the prominent names within the tribe and a provided a brief history of their tribe's collective educational and early church history. The representative of the tribe addressed the Council regarding the issue of Walter Plecker's racial attacks on Indians, stating that they were

Patawomeck descendants but they were never directly targeted by Plecker to identify themselves as “coloreds”. The Patawomeck representative told the Council that Plecker did not target the group during the 1920s through 1950s because “the group does not have Black blood” (Fieldnotes 8/5/97).

The Patawomeck speaker had gone to the heart of the matter regarding the litmus test for the authenticity of a tribe in Virginia by intimating that those groups which had been targeted as “coloreds” by Plecker had an easier time in the post-Plecker era proving their Indianness. The collective or shared experience of state inflicted racism by some persons of Indian descent, had forged a sense of solidarity among those individuals and tribes. Of additional importance was the ability of some members of the Virginia tribes to document their challenges to the classificatory scheme of the Racial Integrity Law. By the late twentieth century, persons claiming Indian descent who could not prove that the Commonwealth of Virginia tried to classify them in the past as “colored” and who could not document their resistance to such a classification, were having a difficult time obtaining formal state recognition, now that they wanted to be considered Indian. Some see this as a fair litmus test of authenticity in that, “people must pay their dues like the rest of us did.” While others see the recognition process in Virginia as the arbitrary use of history.

The Patawomecks are likely to continue to pursue the strategy of stating that particular documents are simply nonexistent given the state of the historical documents pertaining to Virginia Indians. Additionally, the current chief of the Patawomeck Tribe said he wished to challenge the authority of the Virginia Council on Indians to design state recognition criteria. The chief addressed the Council and stated that the “Virginia Council on Indians is

another creation of the White man...the tribe of Powhatan [the Pamunkey] will not participate in this organization...we don't need to be told who we are" (Personal Communication 8/5/97). The sense of solidarity among Virginia Indians is at times a fluctuating sentiment.

The third instance pertaining to the issue of recognition involved the Virginia Council on Indians and the Rappahannock Tribe, one of the eight state recognized tribes. In recent years the tribe has fissioned over the issue of racial purity as a requirement for tribal membership. As stated above, the filing of Amendments to the Rappahannock's Corporation Papers, in August 1995, barred persons of African-American descent from tribal membership. Eligibility for membership in the tribe was denied to persons with any amount of discernable African-American ancestry. In effect the tribe had revived the "one drop rule" which had been used against persons of Indian descent in Virginia in the nineteenth century.

The original articles of incorporation did not confer on the general membership the right to vote on tribal issues. Therefore the 1995 amendments to the Rappahannock papers of incorporation were approved by the tribal Board of Directors and not the enrolled membership of the tribe. The actions of 1995 were done in a very quiet manner and for nearly two years few outside of the tribe knew of the filing of amendments to the Rappahannock rules of incorporation and there was no public dialogue on the subject. During my fieldwork, I heard rumors that the Rappahannocks were "divided" or statements such as, "it is a shame what our people are doing to one another...we're all family (blood relatives) after all" (Fieldnotes 1996). However, the specifics of the divisions were not

discussed with non-Rappahannocks.

In 1996, word spread quietly that a Rappahannock woman [I will refer to her as RW], who was very active in her tribe and the Indian community-large, was “put out of the tribe.” Whenever I asked anyone about these whispers I was told that no one knew the particulars regarding what had happened but that RW was asked to resign her tribal membership. Nevertheless, RW continued to attend at powwows and perform with her dance troop, which is composed of relatives and extended family, and to lecture at schools in the state on Indian culture. Additionally, RW continued to attend the meetings of the Virginia Council on Indians, serving the Council in the capacity of parliamentarian. This made me question the voracity of the rumors regarding her membership status among the Rappahannock Tribe. In public, other Council members were cordial to RW, yet all the while others people assured me that RW was no longer a member of “her tribe.”

A startling turn of events occurred in the Spring of 1997. RW asked to formally address the VCI and was put on the meeting agenda for May. During the Council meeting in question, RW did not take her usual seat along with the Council membership, but sat with a large number of relatives and persons from the Rappahannock tribe in the public seating area. When called to address the Council, RW read a prepared statement which in effect informed the Virginia Council on Indians that she and her supporters would seek to be recognized as the “Rappahannock Indian Tribe.” This was the official name listed in the Code of Virginia during the granting of state recognition (HJR 54). I would estimate that there were approximately 50 persons with RW and most of them I recognized as being members of the “United Rappahannock Tribe.”

The events transpiring before me were not immediately clear to me but I soon realized that RW and her supporters were seeking to take advantage of a loophole in the March 25, 1983 House Joint Resolution 54, which granted recondition to six tribes; the Chickahominy, the Eastern Division Chickahominy, the Mattaponi, Upper Mattaponi, the Pamunkey and the Rappahannock. The legislation in the Code of Virginia was specific about the names of the six recognized tribes and the “Rappahannock Tribe” was named as one of the six Indian political structures. However, the Rappahannock Tribal leaders had incorporated in 1981 under the name “*United Rappahannock Tribe*” and continued to use the word “*United*” as part of their official tribal name, although the word “United” did not appear in the 1983 Code of Virginia legislation. Additionally, amendments to the incorporation papers had been filed under the name “United Rappahannock Tribe.”

RW and her supporters, all opposed to the denial of tribal membership to persons having Rappahannock and African American ancestry, seized upon this apparent discrepancy in the tribal names. RW and her supporters filed corporation papers with the Commonwealth of Virginia as the “Rappahannock Tribe,” without using the modifier “United” in their official name claiming this to be the legitimate state-recognized Indian tribe. Also, in her statement, RW identified herself as the newly elected chief of the Rappahannock Tribe. To clarify her point, RW stated that the Rappahannock Tribe had been formally recognized in 1983 but not formally organized under the recognized name until recently, and that her tribe should be recognized and receive membership on the Virginia Council on Indians.

The ensuing statements by the Council Chairperson, Thomasina Jordan, showed me that the inner circle of the Council had been expecting RW’s actions and statement. Ms. Jordan

responded in a measured way by stating:

“It is not up to the Council to tell any tribe who can or cannot be a tribe and according to Delegate [Harvey] Morgan, the General Assembly is the body that decides who is State Recognized and who is not. We cannot say the people are not Rappahannock, the question is, “Is this a splinter group?”. If any of the people were listed in the rolls in 1983, then they have a right to call themselves Rappahannock. We have a decision from Mr. F. [the Assistant Attorney General for the Commonwealth of Virginia] of the Attorney General’s office that was called in to [MW, the Council’s secretary] today at 4:45 P.M. today. Mr. F. states that Governor Allen, at his discretion can pull the representative from the Council of the United Rappahannock, appointments to the Council are from the Governor. He [the Assistant Attorney General] further states, that the United Rappahannock can have whatever exclusion or inclusion in their incorporation papers as they are a private organization, for example the KKK and other corporations have racial designations and have exclusion and inclusion of races. It is not the Council’s purpose to tell any tribe who they can and cannot have as tribal members. This is up to the Tribe and, if Mickey Mouse wanted to exclude Minnie Mouse from his corporation, he could do so.” (VCI meeting May 20, 1997)

The people in the room became somewhat upset and vocal as a result of the discussion and the Council Chairwoman called a ten-minute recess. The difficult and uncomfortable position of the Council members was easy to assess. The Council had no authority to dictate to any tribe the rules and requirements for membership, yet the Council did not want to be seen as supporting racist views. Moreover, the Council Chairwoman Jordan is personally fond of RW and acknowledged the contributions which RW had made to the Virginia Indian community in the past decade. However, Ms. Jordan was clearly pained by the fission of the Rappahannock tribe.

The United Rappahannock Tribe had its own representative to the Council and this person [UR] began to object to the Council’s proceedings and asked for a postponement of the discussion. The Assistant Chief of the United Rappahannock was in attendance as she had been alerted, the afternoon of the meeting, as to RW’s agenda and this woman [AR]

attempted to speak. However, AR was told she was out of order since she was not listed on the Council's agenda and she would therefore have to wait until late in the meeting to address the Council members.

Council members brought questions to the floor wondering what effect the divisions among the Rappahannock Tribe would have on the Indians in Virginia who were considering federal recognition. Council members saw potential damage that the fission of the Rappahannock Tribe might have on the entire Virginia Indian community. Since the question of federal recognition for the Virginia tribes is unresolved, and as none of the tribes has yet applied for federal recognition, the Rappahannock Tribe's internal divisions concerned the Council's members.

Chairwoman Jordan, taking control of the meeting, stated that all the tribes needed to comply with the Civil Rights code, which prohibits discrimination against persons with regard to race, creed, color, religion or sexual preference. The Chairwoman expressed the view that any tribe in violation of the civil rights code could negatively impact the process of federal recognition for the other Virginia tribes. Citing an example from the business world, Jordan said federal grant monies would be denied to any business that discriminated in their hiring practices, and that the federal government would not look favorably upon Indian tribes who had discriminatory membership requirements. Jordan reminded those present that tribal membership was about Indian blood not the rest of the blood composition of the individual. Clearly, this was not the sort of discussion that the Virginia Indian community wanted to have in public or as a matter of public record.

UR responded by saying that an Indian tribe is different from a business enterprise. The

Assistant Chief of the United Rappahannock, UR, again tried to speak to the issue of tribal authority and emphatically stated that she [UR] was the official representative of the United Rappahannock people, not RW, and only the official representative should be permitted to speak.

Trying again to maintain control of the group, the Council Chairwoman, Ms. Jordan, stated that we must abide by House Resolution #54 from 1983 and adhere to the statute. "Whomever the members were in 1983, are the members of the Rappahannock today," Jordan declared. Jordan asked that the community remain "together" to make federal recognition work for all the tribes in the Commonwealth of Virginia. Continuing, Jordan reiterated that she felt it might be best for all of the state-recognized tribes to proceed jointly in their efforts to seek federal recognition. To that end, Jordan indicated that she had been in touch with the legislative aid in Senator John Warner's office in Washington to ask for his help in sponsoring legislation to grant federal recognition to the Virginia tribes. Once again, reminding the council members and the two adversarial groups of Rappahannock people about federal government policy she said, "...they [the federal government] are very touchy about civil rights" and we have to be concerned about "jeopardizing the chances" of the Virginia tribes attaining "historical federal recognition." Jordan continued, "What I would like to see is that you all come together as a group, a whole group. You are all related" (Fieldnotes 1997).

The Assistant Chief [AR] responded to this and other similar sentiments by saying, "we don't tell [the other tribes] how to run their business." It became evident that tribal factionalism was not going to be easily mended and that racial issues were at the root of the

division.

This Council meeting exposed the nature of the rift in the Rappahannock Tribe, although not once in the conversation was “Negro or colored” blood mentioned as the source of the problem between the tribe’s membership and opposing factions. The most revealing public statements which highlighted the actual source of the problem among the Rappahannock people were spoken by Ms. Jordan when she elaborated on federal recognition in this manner: “when seeking federal recognition [if] your tribal by-laws [indicate a required] blood quantum [for membership], which is strictly up to the tribe as to how much blood quantum, it could be 1/16 to 3/4 but what makes up the rest of that person, is none of our business, whether it be red, yellow, green, black or white...this is why we have civil rights.”

No one in the room that night was comfortable with the racial overtones of the meeting nor the attempt by the Council to advise or dictate membership requirements to an individual tribe. Jordan, as the chair of the Council, a supra-tribal organization, sought to run the meeting in a formal manner, avoid showing favoritism, retain a sense of individual tribal sovereignty, while at the same time assert the authority of the Council and remind all Virginia Indian people that they might suffer the consequences of an internal break within the Rappahannock Tribe. The word “sovereignty” was not uttered that night, but it was an underlying issue. By way of looking beyond the boundaries of Virginia, Jordan referred to her own tribal roots and revealed, “the Wampanoag are federally recognized and I will be the first to tell you that we have mixed marriages; but if they [potential members] prove their Indian blood quantum, then that person is entitled for application...to become a member of the Wampanoag Tribe.” Hicks (1977) has discussed the issue of mixed racial

identity and its implications, in the context of New England.

Members of the Council then questioned RW as to the nature of the “blood relationship” between the Rappahannock Tribe and the United Rappahannock Tribe. RW said there was such a relationship and that her group, the Rappahannock Tribe, had incorporated “as an organization of the people for the people...that [sought to disallow] others [the United Rappahannock] to pick and choose who, as Rappahannock descendants, can and cannot participate in their heritage. The United Rappahannock Tribe is committing an annihilation in the purest form against our own people.” RW stated that as Chief of the Rappahannock Tribe, her mission would be to “allow the people the right to choose, teach, participate, learn, share, maintain and practice...Rappahannock culture and heritage” (Virginia Council on Indians 5/20/97).

Council members were moved by RW’s words but continued to express confusion over who should have the seat on the Virginia Council on Indians. The discussion noted that RW was correct in pointing out that a member of the United Rappahannock was seated on the Council but the legal recognition of 1983 was for the “Rappahannock Tribe” which had only recently become incorporated. A motion was made for an “executive meeting” of the Council which restricted the proceedings to authorized council members only. Minutes were not permitted to be recorded and thus I do not know what was said by the Council members. However, the result of the Council’s executive meeting was to involve the Office of the Attorney General for the Commonwealth of Virginia in the dialogue and the affairs of the Virginia Council on Indians.

In closing the meeting of the Council, Chairwoman Jordan said, “We don’t need anyone

from the outside to do a job on us, we do it to ourselves, we don't have anyone to blame but ourselves" (Virginia Council on Indians 5/20/97). The Council members appeared to be generally unhappy and reluctant to discuss the situation any further.

During the subsequent Virginia Council on Indians meeting of June 5, 1998, the Assistant Attorney General for the Commonwealth of Virginia, Mr. F., sent a message to the Council on the issue of the fission within the Rappahannock Tribe. Chairwoman Thomasina Jordan opened the meeting and reiterated the position of the Council vis a vis the rights of individual tribes by stating, "It is not up to the Council to tell any tribe who can or cannot be a tribe...the General Assembly is the body who decides who is state recognized and who it not." Ms. Jordan continued, saying that the Council does not have the authority to say who is or is not a Rappahannock; but the "question before the Council can only be is the Rappahannock Tribe a splinter group of the United Rappahannock Tribe?"

Jordan's remarks were referring to the Council's own Recognition Criteria which advocates the withholding of recognition to splinter groups of state recognized tribes. Ms. Jordan stated that Assistant Attorney General F. called the secretary of the Council with the message that the Governor (Allen) has the final say regarding the seating of tribal representatives on the Virginia Council on Indians. In other words, the Governor let the Council know that he retained the final approval regarding the composition and membership of the Virginia Council on Indians and that he would exercise that authority. The relayed message also stated that the Governor acknowledged that he could not influence the membership requirements for any organization which had filed incorporation papers with the Commonwealth of Virginia. Thus the governor's message did little to resolve the issue at

hand, but the communication did inform the Council that the governor was apprised of the situation and was possibly ready to change the composition of the Council itself.

Tribal officials from the United Rappahannock were present at the June 5th meeting. They appeared prepared to maintain their position and brought an attorney, Mr. G. with them.

Once again, the Council members brought up their concerns that the Rappahannock fission would affect the move for federal recognition for the other seven tribes. This concern reflects the growing consensus among the Virginia tribes to seek federal recognition in a joint effort as opposed to seeking individual recognition. The non-Rappahannock Council members raised the issue that if one tribe has discriminated against persons of another race, the whole group could expect to be denied federal recognition. At the very least, discrimination would likely jeopardize the chances for federal recognition of Virginia Indians.

The evening continued with a back and forth volleying around the issues of a tribe's right to set its own membership requirements and by-laws vs. the chances of getting group federal recognition if one tribe maintained discriminatory by-laws. Little movement was made by any side in settling the dispute. I believe Chairwoman Jordan tried hard to emphasize to the Council the likelihood of denial of federal recognition to all Virginia Indians if one group had discriminatory tribal membership laws.

However, this is an interesting point because a number of tribal officials seemed not to know anything about the mounting of a group effort to receive federal recognition until the issue of the fission of the Rappahannock Tribe emerged publicly. "So the tribes are going to

go collectively as a group for [federal] recognition?,” asked the Assistant Chief of the United Rappahannock. It is reasonable to assume the assistant chief, who is widely regarded as the defacto chief of the tribe, (as her father is deemed to not healthy enough to be in charge) would have been aware of a collective effort to achieve federal recognition. Jordan’s use of the federal recognition argument was not spurious. It was the most effective unifying factor Jordan raised in the face of an internal tribal dissolution. The Council Chairwoman was trying to maintain a sense of group cohesion on the part of Virginia Indians and assert the authority of the Council as a supra-tribal organization in tribal affairs.

Regarding the effort to achieve federal recognition as a group, Jordan revealed that some initial forays into the exploration of such an effort had been undertaken by herself and some of the Council members, close to the time of the public dialogue on the factionalism among the Rappahannock Tribe. A subcommittee report was presented to the Council that a meeting had been held with the legislative assistant of United States Senator John Warner (R) of the Commonwealth of Virginia. The purpose of the meeting was to explore the idea of introducing a bill before the United States Senate requesting approval for granting “Federal Historical Recognition” for all the Virginia tribes. Ms. Jordan said that such a bill would have to pass both houses of Congress as it has been done before as in the case of her own tribe, the Wampanoags. Tribes receiving Federal Historical Recognition, an alternative to the regular recognition process, had the same entitlements as those tribes who sought recognition through the regular channels, but the process was different.

One Council member discussed his understanding of the two recognition approaches by mentioning that Eastern tribes were “historical entities” before tribes in the West were

created. The Council member continued by saying that Western tribes were “created” by the federal government and then given sovereignty. Other Council members stated that Congress has two options. First, it can grant recognition through the Federal Acknowledgment Program set up by the BIA, or second, Congress can grant “Historical Recognition” to a tribe. “In the end they are each treated the same,” offered another Council member. It was reiterated that in each case Congress has the sole authority to act on matters of federal recognition. However, the Council members seemed not quite clear on the differences between the two processes nor what the requirements were for federal recognition.

An aspect of the federal recognition discussion which brought a bit of humor to the meeting, and conversely highlighted a problem which faces Virginia Indians, was evident in a statement made by the senator’s aide. The Senator Warner’s legislative aide expressed excitement about meeting with “Indians” and told the group she didn’t know very much about Virginia Indians. However, she told Jordan and other Council members that she learned a lot about Indian culture from watching the Disney movie “Pocahontas.” While the room filled with laughter upon hearing the aide’s statement, the reaction which followed swiftly on the heels of the laughter was an expression of general displeasure with the state of knowledge about Virginia Indians (Fieldnotes June 1997).

A Disney cartoon had been the source of information which a well-educated and highly-placed government official cited as a reference on Virginia Indians. The aide’s remarks had highlighted to the Council members the need for Virginia Indian people to take charge of their own history, present their version of events, and control the presentation of their

identity. The fission of the Rappahannock Tribe was not the kind of presentation of Indian identity which the Council had in mind, nor would such intra-tribal racial conflicts enhance the promotion of a unified Indian history.

Privately, Jordan expressed sadness and despair to me regarding the turn of events among the Rappahannock Tribe and their unwillingness to put racial issues behind them. Ms. Jordan also felt that the legacy of her leadership among the Indian community was jeopardized by the fission of the Rappahannock Tribe. Jordan has worked for years at the forefront of Virginia Indian politics, but at times has felt the tribes which are indigenous to the state do not cooperate fully with one another. Moreover, Jordan feels that historically the Virginia tribes have failed to acknowledge the ways in which the lack of cohesion impacts the larger Indian community and the ability of the individual tribes to accomplish their goals. Jordan told me that she would like to see Indians “build a bridge that links everything together on this continent.” However, I found Jordan to be a practical leader who realizes that first and foremost bridge building needs to be a part of Virginia Indian society to span the divisions among the indigenous tribes. Infighting must be stopped before Virginia Indians can be at the forefront of change in the Commonwealth (Personal Communication 5/97).

Prior to the establishment of the Council, Virginia Indians have had little opportunity to express their views to one another or to the non-Indian community. The airing of tribal disagreements publicly is a relatively new experience for Virginia Indians. Additionally, the power and authority of the Council to dictate policy, even identity itself, (in the form of tribal membership or the presentation of history) will no doubt continue to be tested.

However, with the backing of the governor, the Council is likely to remain a strong supra-tribal organization. It will be interesting to follow the developments and outcome of the federal recognition process. If some of the tribes seek recognition independently and receive federal recognition it will upset the power structure which currently exists among the eight state recognized tribes. This in turn will affect the ability of the Virginia Council on Indians to function as a supra-tribal organization. On the other hand, if the Council succeeds in putting forth a joint case for historical recognition, with the aid of Virginia's United States Senators, this will consolidate and strengthen the Council's position as an intermediary and arbitrator between the state and federal government and the respective tribes.

However, I would like to note that some of Ms. Jordan's remarks, made during some of the Spring '97 Council meetings, did expose a contradiction regarding the Council's role in the state recognition process. To the representatives of the Patowomeck Tribe seeking state recognition, Ms. Jordan and members of the Council attempted to assert the organization's authority in the state recognition process. This was done by referring to specific requirements in the Council's formal recognition criteria, and by emphasizing the importance of the Council's endorsement for any petitioning tribe prior to approaching the General Assembly for a vote on formal recognition. Conversely, when RW and her group calling themselves the Rappahannock Tribe, approached the Council about receiving recognition, Jordan stated, "It is not up to the Council to tell any tribe who can or cannot be a tribe and according to Delegate [Harvey] Morgan, the General Assembly is the body that decides who is state recognized and who is not." (Fieldnotes 1997)

These recent statements and contrasting opinions indicate inconsistencies in the Councils' role as arbitrators in the tribal recognition process. The Council's own recognition criteria prohibits the recognition of "splinter groups" or factions which have "separated from a Tribe currently recognized" (Virginia Council on Indians, Recognition Criteria 9-18-89). The question of the recognition of splinter groups is problematic for the Council since the Eastern Chickahominy and Upper Mattaponi are both state recognized tribes yet I believe an argument may be made that these tribes represent splinter groups from the larger Chickahominy and Mattaponi Tribes, respectively. It is said the Chickahominy groups split apart, early in 1925, over a disagreement centering on the hiring of a minister at the Samaria Baptist Church and subsequently organized their own church, the Tsena Comocko Indian Baptist Church (Rountree 1990:218).

Rountree (1990:160) has written that a group of families of Indian descent, from a settlement called Adamstown, incorporated in the 1920s as the Upper Mattaponi Tribe. According to Rountree these two tribes are legitimate because of their "history as In-marrying" groups. Numbers of enrolled tribal members have never been an issue of viability and precise figures are difficult to obtain. In 1997 the estimated total number of enrolled members in all of the eight tribes is a combined total of approximately 1,100 persons. The Chickahominy and the Monacans have the largest numbers at slightly more than five hundred persons enrolled in each tribe. The Eastern Chickahominy and Upper Mattaponi combined total is approximately one hundred persons. More individuals may be eligible for tribal membership than have enrolled and all of the tribes have some portion of their enrolled membership living out of state (Personal Communication 1997).

In my conversations with Chairwoman Jordan and with some Rappahannock Indians, I asked about the source of the infighting and divisions among the tribe. The most typical response I received was, “We’re never been a united people even though we are all related.” Such sentiments are descriptive but they are not analytical.

I would argue that Walter Plecker’s activities at the Virginia Bureau of Vital Statistics have left an indelible mark on the way in which Indian people view themselves. Unfortunately, a few of the Rappahannock people, on their tribal council, have accepted as the definition of Indian the one which proponents of the Eugenics Movement tried so hard to force onto the racial landscape of Virginia. The United Rappahannock Tribal Council has decided that any person who claims Rappahannock Indian descent and has any amount of African-American ancestry should neither be considered a tribal member nor an Indian. While I have observed that a minority of persons hold this view point, it is the unfortunate case that among the Rappahannocks the view is held by individuals who are in charge of the tribe.

Furthermore, there does not seem to be any understanding of why notions of racial purity arose in Virginia nor the kinds of agendas which were behind them. Council members do talk publicly about Walter Plecker and the Bureau of Vital Statistics, but this is done in such a manner as to assume that only one individual was behind the drive to deny Virginia Indian people birth records and marriage licenses which reflected their true identity as people of Indian descent. I have gotten puzzled looks from Indian people when I mention that Plecker was part of a larger movement, the Eugenics Movement, and that Virginia’s Racial Integrity Law was influenced by this movement. I have found that most people do

not know about the Eugenics Movement but know about, but don't wish to talk about, Virginia's Racial Integrity Law of 1924.

As of late 1997, the issue of the United Rappahannock Tribe and the Rappahannock Tribe has remained unresolved. However, I have learned from discussions with Rappahannock people, that there is an understanding that the issue will "go to court" for resolution. Thus, it appears that the problem of the racial composition of the tribe's membership will not be resolved internally. The tribal leadership of the United Rappahannock Tribe, which had less than two hundred enrolled members, is steadfastly maintaining a position on racial composition which has driven over fifty people from their tribal rolls.

Notwithstanding the recent challenges to the authority of the Council, most especially regarding the fission of the Rappahannock Tribe, I would argue that the small numbers of enrolled tribal members, lack of reservation lands, and the minimal financial resources of the eight Virginia tribes, has made the role and influence of a supra-tribal organization, such as the Virginia Council on Indians, more significant in the Virginia Indian context. It is unlikely that the sentiments of un-unified tribes would be heard or noticed as voices of Indian constituencies without a supra-tribal structure in place in Virginia. Additionally, the presence of two members of the General Assembly on the Council, gives the Indian community direct access to information on upcoming state legislation, political coalitions, guidance on protocol and the handling of issues which the Indian community deems important. Having access to information about the workings and organization of the government of the Commonwealth of Virginia has increased the success of the Indian

community in affecting the outcome of certain issues.

Plecker and Monacan Birth Records

During the 1995-96 meetings of the Virginia Council on Indians, the organization dealt head-on with a painful legacy left by Walter Plecker's years of attempts at administrative genocide. After the 1983 legislation was enacted granting recognition to six Virginia tribes, each of the tribes requested that the Commonwealth of Virginia remove the classification "colored" from the birth registration records of enrolled members of the state recognized tribes. Eventually, each of the tribes was successful in getting the changes made to the records. However, as of 1996, the Monacan Tribe, which had received recognition in 1989, had not been successful in obtaining changes to the birth certificates of their enrolled members. Moreover, Monacan tribal leaders felt that an \$8.00 fee, the standard cost required by the state to make changes to birth records, should not apply to the changes on Monacan birth records since the incorrect racial classifications were put on birth records over the objections Monacan people.

The Monacan Tribe sought the aide of the Virginia Council on Indians in this matter. The woman in charge of the Bureau of Vital Statistics, a person of African American descent, indicated that she did not have the authority to change information on birth records based solely on the strength of a letter of request by the Monacan Tribal leadership. In the spring and summer of 1996, the Council intervened on behalf of the Monacan people by beginning a series of correspondence with the Director of the State Registrar [Ms. D. L.], Office of Vital Statistics.

I have examined copies of the correspondence between the Council and the State

Registrar. On April 11, 1996 the Council sent a letter to Ms. D. L. which included a statement penned by Walter Plecker, which he typically placed on the reverse side of birth registrations of persons who indicated their race as "Indian." The Council's letter is direct and forceful:

"We are making the following request on behalf of the Monacan Indian Nation, one of the eight recognized Tribes in this Commonwealth. The Monacan people have been in the process of trying to change Birth Records of their people for many years. These records in the majority of the cases, indicated the race to be ie: **"Colored", "Mulatto", or "Black", the Monacan people are **AMERICAN INDIANS!****

Because of the Racial Integrity Law of 1924, coupled with misinformation and assistance of Walter A. Plecker, who at that time was the State Registrar of Vital Statistics, a majority of the birth records were changed on the Indigenous people. Plecker took it upon himself to change birth records from **"INDIAN"** to **"FREE NEGRO"**. He also appended the following statement to the back of many birth records that listed **"INDIAN"** on them before the 1924 Integrity Law [was repealed]:

The Virginia Bureau of Vital Statistics does not accept the Racial Classification **"INDIAN"** on this certificate as correct and does not admit the correctness of that term for the race of parents of [name] and [name], the Grandparents are colored and descendants of Free Negroes. Under the Law of Virginia [name] is therefore classified as a Colored Person.

Walter Plecker 1942

I realize, Ms. D. L., we cannot go back and change History, however we can correct history in order that it reflect [the] proper race of the Monacan people.

On June 26, 1996, a second letter from the Council to the Ms. D. L. indicates the director had contacted the Council saying she was not willing to make a blanket change of tribal birth certificates, or of anyone claiming American Indian descent. The Council, on behalf of the Monacan Tribe, accepted Ms. D. L.'s request of the Monacan Chief's verification of tribal membership for each person requesting a change of birth records. The Council did reject Ms. D. L.'s insistence that a fee be charged for each modified birth

certificate writing, "...this dilemma that currently exists emanated from the Commonwealth, we believe the corrections on the aforementioned records should be made by the Office of Vital Statistics without remuneration by the Monacan people!"

A memorandum was sent to the Council on July 26, 1996, by the Monacan representative to the Council. In short the memorandum stated that Ms. D. L. had not responded to the Council's letter, and that the Monacan representative asked the chair's permission to contact Ms. D. L. directly regarding the issue. Upon doing so, the Monacan representative found Ms. D. L. unwilling to consider a fee waiver for the Monacan people and that the requested changes would put a burden on her office staff.

Ms. D. L. was invited to attend the August meeting of the Virginia Council on Indians, but was unable to do so. The issue remained unresolved and the fee waiver seemed to be the main stumbling block to the issue. However, it is noteworthy that the Monacan representative included the following sentence in the memo: "...speaking for my tribe, I would like for the Council to continue to work in this [change in birth records] even if we must go through legislation to make a change." I would argue such a statement indicates the perceived strength of the Virginia Council on Indians as a supra-tribal organization for getting this done.

While all of the persons who tried to register for birth or marriage licenses during the period in which the Racial Integrity Law was in effect suffered the humiliation of being denied the right to acknowledge their Indian descent, as of 1996, the battle to change birth records was confined the members of the Monacan Indian community. Yet the tribe chose to approach the problem not on a tribe to state level but using the Council as the authorized

representative on this issue. Getting birth records changed was an emotional issue, which highlighted the need of official validation of identity. This can certainly said to have been true for the Indian community at-large. However, for the Council as an advocacy organization securing a change in the Monacan birth records was a must win situation.

As the months passed, and the Monacans seemed no closer to obtaining modified birth records, and therefore the Council sought a legislative solution. The Council turned to an individual who had demonstrated commitment to the Council and had earned their trust, Delegate Harvey Morgan. As a member of the Council and a regular attendee of their meetings, Morgan was apprised of the situation regarding the requests of the Monacan Tribe and their dealings with the Bureau of Vital Statistics.

As a result of the Council's request, Morgan authored and guided a piece of legislation through the General Assembly during the 1997 legislative session designed to rectify the issuance of corrected birth records. Delegate Morgan sponsored HB 2889 to a successful vote on Feb. 10, 1997. The bill authorizes:

“any American Indian or Native American whose certified copy of a birth record filed before July 1, 1960, contains a racial designation that is incorrect to obtain, without paying a fee, a certified copy of his birth record from which such incorrect racial designation has been removed. Such certification shall not be marked “amended” solely for this reason.” HB 2889

The passage of this important piece of legislation has strengthened the position of the Virginia Council on Indians *vis a vis* the individual tribes and has solidified the position of the organization in the Virginia political sphere.

The successful passage of HB 2889 also validated the membership structure of the Council itself by emphasizing the significance of having representation from the House of

Delegates on the Council. A great deal of time was saved by Morgan's presence throughout the discussion of the problem of the birth records. Moreover, Delegate Morgan's expertise in guiding the legislation to adoption was the critical factor in getting the legislation adopted. Had the Council not been so well connected to the General Assembly, through their own membership structure, the Council would have had to seek out a willing sponsor for the bill and the success of such an endeavor would very likely been less assured.

Wildlife Legislation

Delegate Harvey Morgan was instrumental in negotiating the adoption of two additional pieces of legislation during the January 1997 session of the General Assembly. In April of 1996, the owner of an American Indian craft shop contacted a Council representative regarding a visit to the shop by an official, Sgt. G., of the Virginia Department of Game and Inland Fisheries. Sgt. G. was reacting to a complaint that the shop owner [T.F.] was selling animal parts and also inquired as to whether or not T.F. had a permit to deal in hides and furs. The shop owner, T.F., did not have such a permit and questioned Sgt. G. about the law but was not able to determine much about the so-called permit from the officer.

Two weeks following the original visit, Sgt. G. returned with copies of sections from the Virginia Code which pertained to restrictions and prohibitions on possessing, selling and hunting game and fish. The Code of Virginia 29.1-400 declares the dealing in furs without a permit to be unlawful. Section 29.1-402 lists the fee and penalties associated with obtaining a permit to deal in furs. Section 29.1-553 declares the sale of the parts of any wild animal unlawful.

Sgt. G. informed T.F. that he could not sell anything from the whitetail deer except the

hide. Citing the state code prohibiting the sale of any craft item containing any parts (skulls, antlers, toes) of the whitetail deer, Sgt. G. told T.F. to throw away those animal parts which could not be sold legally in Virginia. T.F. objected to throwing away animal parts based on his understanding of his cultural heritage.

T.F. appealed to the Council for assistance in this matter. While T.F.'s tribal affiliation was not discussed during the Council meetings, I do know that the Council was galvanized by this issue. The Council wrote a letter dated May 3, 1996, to the Director of Game and Inland Fisheries protesting the treatment of T.F. by Sgt. G. In an unambiguous statement the Council identified cultural ignorance as a root cause of the misunderstanding between the Commonwealth of Virginia and Indian people. Stating:

“Clearly indicated in this matter is the lack of knowledge pertaining to the Commonwealth’s Indigenous people. In the event you are not cognizant of our customs, our culture prohibits us from discarding animal parts. Unlike many groups, we utilize everything from the animal.” (VCI Correspondence 5/3/96)

Copies of this letter were sent to the Secretary of Natural Resources, the Attorney General, and the two members of the House of Delegates who sat on the Council. The letter and the subsequent dialogue on the sale of animal parts culminated in a second piece of legislation which was successfully authored and co-sponsored by Delegates Harvey Morgan and Tommy Norment, both Council members.

HB 2720, pertaining to the sale of furs and other wildlife parts sought an exception to the Code of Virginia for American Indians. In summation, the bill “exempts from the requirement to obtain a permit to deal in furs any American Indian who buys and possesses hides, furs or pelts of legally obtained wild animals when such items are to be used as part of

traditional religious practices.” The exact wording of the bill in question was modified to read:

229.1-401 and 229.1-521 of the Code of Virginia are amended and reenacted as follows:
“B. A permit shall not be required of any Virginia resident who is a member of an American Indian tribe recognized by the Commonwealth of a federally recognized American Indian tribe to buy and possess the hides, furs or pelts of legally obtained wild animals, except bear as prohibited in 29.1-536, when such items are to be used as part of traditional American Indian religious practices. Resale of items obtained under this section is prohibited.”

The passage of HB 2720 was viewed as a major cultural and political victory for the Council since the new legislation’s provisions were viewed as validating the practice and presentation of traditional American Indian culture. Moreover, this legislation permitted Virginia’s Indians to participate on an equal footing with federally recognized tribes.

This legislation passed the General Assembly by utilizing the argument of freedom of religion as a basis for approval. However, the argument for approval of the legislation, within the Indian community of Virginia, was decidedly cultural and not religious in nature. The majority of Virginia’s Indians are practicing Christians yet the consensus has been that the special relationship between Indians and animals should not be subject to the rules and regulations of non-Indians.

The general ideas about Indianness have been influenced by the Pan-Indian Movement of the 1960s and 1970s and this includes the Plains powwow culture. For most Virginia Indians, a series of small summer powwows have become the main format for the presentation of Indian cultural heritage. The oldest pow wow in Virginia has been the Fall Festival held by the Chickahominy each September since 1951 (Chickahominy Pow-wow Program 1997). The ability to possess, trade, and publicly wear animal parts, is inextricably

linked to public's expectation of Indianness and the Indian community's own expectations of distinguishing themselves from the non-Indian population.

American Indian Month and Day

The third piece of legislation which Delegate Harvey Morgan sponsored on behalf of the Virginia Council on Indians was HB 1980, American Indian Month and Day of Appreciation. Since its inception, the Council sought to have the Indian community acknowledged. As previously discussed, both a selected day and a designated month to honor Native Americans, had been celebrated at various times throughout the post state recognition years. The single day of celebration had previously been called "Native American Indian Day." In 1996, the Council sought to permanently establish a celebratory day and month and to change the name of the day to "American Indian Month and Day." Delegate Morgan once again authored a piece of legislation which created American Indian Month and Day of Appreciation. At the request of the Council the legislation designated November as American Indian Month:

"to honor the culture and heritage of the American Indian, to recognize the historic and continuing contribution of that heritage to American Society, and in particular to commemorate the special place of the tribes native to Virginia in the life and history of this Commonwealth. Further, the Wednesday immediately preceding Thanksgiving of each year is designated a special Day of Appreciation for American Indians residing in the Commonwealth of Virginia." (HB 1980)

The Wednesday preceding Thanksgiving, has traditionally been the day set aside for the payment of tribute by the reservated tribes to the Governor of Virginia. Thus it was most appropriate to combine the day of appreciation with the traditional date for the presentation of tribute.

While HB 1980 may be viewed as more ceremonial than substantive, the bill's importance to Virginia Indians should not be underestimated. Council members feel strongly that having a month set aside to honor American Indians is an important way to promote knowledge about the traditional culture of Virginia Indians and more importantly it reminds ordinary citizens of the present-day existence of Virginia Indians. The Council is continuing to seek ways to enhance the public's awareness of native peoples during American Indian Month. In 1997, the Council printed up and sent out a flier listing various American Indian-related activities for the month of November. American Indian Month provides an opportunity for the state-wide promotion of Indian culture, which the tribes would like to expand to include activities in Virginia's schools, awareness in government agencies and in the media. I expect the Council to take a more active role in the coming years by developing activities to highlight this month, designated to honor Indians. The Council is aware that other groups, especially African Americans have been successful in heightening the awareness of the achievements of their community in the public eye and the Indian community would like to utilize the month of November to increase the profile of the Indian community in the public's consciousness.

The Governor's Conference on Indian Affairs

One of the most definitive ways in which the Council has attempted to strengthen its public image and political networks has been through the sponsorship of the Governor's Conference on Indian Affairs. The first conference was held in 1995, in Williamsburg, Virginia. Since 1995, the Council has continued to organize and host a conference each March. The conference provides an opportunity for the Virginia Indian community to come

together in a forum of their own design, to express their common concerns as Indian people and have direct access to scholars, state and federal officials, and American Indian leaders.

Sponsoring the Governor's Conference on Indian Affairs, is the most labor-intensive event on the Council's annual calendar, and the most costly for the organization.

Transportation and accommodations for speakers are provided, programs are printed, awards are presented, and these expenditures are deducted from the Council's annual budget. The planning of each conference takes most of a year and a great deal of inter-Council cooperation in order to plan workshops, invite presenters, and identify keynote speakers.

The conference is a two-day event, which begins with a Friday evening banquet, followed by an all-day session of workshops and a luncheon address delivered by a keynote speaker. Typically, the Friday evening dinner includes drumming and other American Indian-style entertainment. The entertainment highlight of the 1997 banquet was a Native American gospel quartet. The men, four guitar-playing brothers, are members of one of Virginia's reservated tribes and they are well-known in the local Indian community.

The Saturday sessions are devoted to panel discussions, issues-oriented workshops, and a concluding group discussion aimed at summarizing the themes and main points of the year's conference. Guest speakers for the Saturday workshop sessions have included academics, museum curators, genealogy experts, members of federally recognized tribes who have expertise in selected areas, representatives from social service agencies, representatives from granting agencies such as the First Nations Development Corporation, and American Indian spiritual leaders from other parts of the country.

In the past three years, the workshop topics which seemed to be most popular with the members of the Virginia Indian community had to do with sovereignty issues, Christian-Indian spirituality, lectures on use of historic documents and archives for tracing family genealogies, talks on Indian languages, and topics relating to federal recognition. The sovereignty issues for Virginia Indians at this point are very different from other groups in the region, such as the Florida Seminoles who are contending with issues of termination and gambling (Kersey 1996). For Virginia Indian people, the notion of sovereignty has come to be more popularly associated with the actual existence of tribal governments and less so with the amount of legal independence these tribes may be accorded by the state and federal governments.

A Council subcommittee is responsible for planning the Governor's Conference and coordinating the details of the event. However, the subcommittee works closely with the entire Council to come to consensus on a conference theme and to invite appropriate speakers to the banquet and workshops. Recent conference themes have included "United We Stand: The Healing Process-1995," "The Road to Recognition-1996," and "One Voice-1997." The main issues for the 1998 conference will be federal recognition and the proposed reservoir for the Mattaponi River. Speakers for the 1998 conference were invited from tribes outside the state which have successfully faced challenges in the areas of federal recognition and in halting major construction projects which threaten Indian lands or abrogate Indian treaties.

Typically, one hundred to one hundred-fifty people attend the Governor's Conference on Indian Affairs. In 1996 the Council moved the location of the conference to Richmond,

the state capital, in order to be closer to state government officials. Since most of the participants stay at the conference hotel, attendees find that the conference provides them with an opportunity to engage in intertribal networking, hold discussions on serious issues and participate in social interactions. Other than attending powwows in the Commonwealth of Virginia, or the meetings of the Virginia Council on Indians, the Governor's Conference offers the Indian community the only other opportunity for a formal inter-tribal exchange.

The conference is a serious event but it is also a time for conviviality, when tribal leaders, elders and younger members of the tribes, can engage one another in informal and formal ways. In many ways the informal exchanges between tribes and between generations may be as critical to the formation of Indian identity as any of the formal workshops on Indian history and culture. Fowler (1987) has referred to the generation gap among the Gros Ventres with regard to the differences in the interpretation of Gros Ventres culture and ritual among the residents of Fort Belknap. In general, the Indians of Virginia do not exhibit the degree of inter-generational tension which Fowler has described as representative of Gros Ventres society on the Northern Plains.

I would argue that the apparent unity between older and younger Virginia Indians is less about competing or multiple versions and interpretations of Indian tradition or rituals, and more about the fact that both generations are learning about the ways of being Indian. The integration of Virginia Indian culture and history into a larger framework of pan-Indian identity is a recent development which one might argue had its roots in the pan-Indian movement of the late 1960s and early 1970s.

However, since the public presentation of Virginia Indian identity is still in a formative

phase, events such as the Governor's conference on Indian Affairs are critical in shaping a shared view of Indianness among Virginia Indians. Additionally, the information presented to tribal members in conference workshops and lectures is done so without regard for generational differences, but rather emphasizes the "informational" aspect of Indianness. A number of persons have told me privately that they are "learning" the proper ways of showing others that they are Indian. This includes the proper protocol of gift giving, powwow etiquette, pipe rituals, songs and dances (Fieldnotes 1996-97).

Since much of this information is being learned by a large portion of the Virginia Indian community simultaneously, there is essentially no contest over the meaning or interpretation of cultural forms of ritual, nor the proper ways of presenting Indian identity. Where such differences do exist, I find they do not fall along generational lines but rather along the lines of Virginia vs. Non-Virginia Indians. Members of tribes which have retained more of their cultural heritage, especially members of federally recognized tribes from west of the Mississippi who currently live in Virginia, especially other Algonquian speakers such as the Cheyennes and the Ojibways, have expressed differences between their interpretations of ritual performances, such as the pipe ceremony, and Virginia Indian interpretations of rituals and pan-Indian symbols. These differences are understood by federally recognized Indians as the consequences of having encountered the Europeans early in the colonial period. It is often to the members of such tribes, that guidance is sought for "doing things the right way" and this is one reason that the Council brings speakers from non-Virginia tribes to the conference.

Moreover, persons of Indian descent, holding tribal membership in federally recognized

tribes, in general have displayed a sensitivity toward the loss of Virginia Indians' traditional cultural heritage. Numerous times people have expressed sentiments such as, "These people have had a difficult time and could not hold on to their traditional ways and they [Virginia Indians] look to us to help them regain the traditional ways" (Fieldnotes 1996). The willingness of Virginia Indians to learn about American Indian culture and the willingness of other Indian people to share aspects of traditional culture with Virginia Indians, makes the Governor's Conference an important meeting place for the teachers and students of what is sanctioned by the Indian community as a whole to be the traditional ways. The younger generation is witnessing the transfer of cultural values at the conference and becoming grounded in the knowledge which they will need to become the future leaders of the Indian community.

It has become the tradition of the conference that the Council will honor and showcase one of the eight recognized tribes at the conference luncheon. The tribe being honored is selected by a random drawing at one of the Council's conference planning sessions. In addition to honoring one of the eight recognized Virginia tribes, the conference planners make an effort to honor elders of the Virginia tribes. Each of the tribes are asked to send two elders from their tribes to participate in the conference. The elders are given free tickets and accommodations to the conference. Typically, there is a registration fee, banquet fee and lodging costs for each conference participant. However, the Council makes a concerted effort to keep the costs of attending the conference to a minimum.

The Friday evening banquet has become the time for honoring selected members of the Indian and non-Indian communities. During the 1997 conference banquet, the Council was

greatly pleased to have Governor Allen attend the banquet and address the assembled guests. Governor Allen took the opportunity in his speech to praise the Council for their work on behalf of all the eight recognized tribes in Virginia and all American Indians living in the Commonwealth. A great deal of pride and excitement was generated by Governor Allen's decision to sign pending legislation, specifically, HB 2889, 2720 and 1980, into law at the banquet, in the presence of all of the members of the Virginia Council on Indians and the greater Virginia Indian community.

Governor Allen's gesture and supportive remarks were politically shrewd and have engendered a great deal of personal support for Allen within the Indian community. It will be interesting to observe the degree to which this support is transferred to Allen's successor in 1998. However, the newly elected Lt. Governor of the Commonwealth has already committed to attending the 1998 Governor's Conference.

The conference affords the Virginia Council on Indians the opportunity to organize an issues-oriented forum, to network within and outside the state, and to showcase the talents and abilities of the Council members. During the years of my fieldwork, I have observed the conference expand in scope, significance, and size. The conference is the most visible manifestation of the Council's original mandate to "foster greater interaction and cooperation" among the Virginia tribes. The conference is the one time during the year when tribal representatives and the general membership of the specific tribes and the larger Indian community come together to engage in a dialogue of broad Indian issues of identity and history that are larger than any individual tribe. The workshops are designed to move the community forward in an intertribal way, not by advancing the interests of one tribe at

the expense of another. I would also argue that the conference provides a forum for the younger members of the Indian community to ask questions and interact with tribal leaders in a structured and serious setting which can potentially groom some of the younger people for positions of leadership in the future. Typically, entire families attend the conference, thus bringing younger family members into a setting where there are discussions on topics of importance to Indian people. The younger members of the family see first-hand a way of learning about Indian identity, and leadership in the community in an inter-tribal forum. The only other place where this type of social exchange occurs is the inter-tribal powwow.

The public support of the Council and the annual conference, by highly placed elected state officials, has helped to solidify and strengthen the position of the Council as a supra-tribal organization. During 1996 and 1997, the Council demonstrated they could impact the adoption of legislation of importance to the Indian community as a whole. Organizationally, the Council has sought to avoid favoring one tribe over another tribe in matters of political consequence. The Council chairwoman, being a member of a federally recognized tribe outside of the Commonwealth of Virginia, has tried hard to steer clear of local politics and has attempted to move the community forward as a whole.

At times I have heard the quietest talk that “some” do not support Chairwoman Jordan because she is not a Virginia Indian and a Virginia Indian should be “in charge” of the Council. However, I would argue, after two years of observation of Council meetings and other discussions at tribal meetings and gatherings, that Jordan has been successful precisely because she is not from Virginia and tries to remain outside the fray of local tribal politics. Jordan’s interests have been solely to promote the Indian community in Virginia as a whole.

The Virginia tribes have shown, through the establishment of their alternative organization, United Indians of Virginia, that at times they have difficulties working in concert and that there is a tendency to fracture along reserved/non-reserved lines. The success of the Virginia Council lies in its leadership and inter-tribal structure, and the inclusion of members of the at-large Indian community and two seats for members of the General Assembly. This powerful configuration has given the bulk of the Council voices to Virginia Indians but has also allowed a larger vision of issues, concepts of Indianness from federally recognized tribes, and guidance from elected legislators, to impact the political landscape of Virginia. I would argue the presence of federally recognized Indians as members of the Council have provided a constant reminder of the need for Virginia Indians to move forward in the political arena and have been a yardstick by which Virginia Indians measure authenticity.

The inclusion of non-indigenous Indians on the Council has at times highlighted an uneasy alliance which may be characterized as a push-pull relationship. The Virginia tribes wish to maintain dominance in the decision making process and appear to push non-indigenous members of the community into the background. This is done most overtly by public statements at Council meetings such as; "This issue is for the Virginia tribes," or "We only want to showcase the Virginia tribes here." There is a general sensitivity, privately expressed, by the members of the Virginia tribes towards Indians from outside the state. Yet, simultaneously the approval of the non-indigenous tribes confers a general sense of authenticity regarding Indianness and more specifically a sense of correctness in the conduct of Indian ceremonial life, such as it is in Virginia.

Moreover, the bulk of Virginia's Indian population, more than 10,000 persons, may be attributed to non-indigenous Indians. Thus, the need to pull the non-indigenous Indians into the wider circle of the Indian community stems from a desire for approval from this population and the practical sense of the inclusion of thousands of other Indians, who in all likelihood share aspects of common experience, outlook and history. On numerous occasions, I have heard the following statements expressed publicly, "We [Indians] here in the East held the line and allowed Indians out West to survive an extra 200 years," or "Other Indians need to learn about us here in Virginia...our treaties are with Great Britain and are older than other tribes' treaties" (Fieldnotes 1996-97).

Repatriation

An issue which typifies the alliance between the Virginia tribes and the non-indigenous tribes is repatriation of human remains. Chief Emeritus, Oliver Perry, of the Nansemond Tribe has become the de-facto expert and leader of the Virginia Indian community on this issue. In 1990, Chief Perry oversaw the reburial of the remains of 18 individuals of the Paspaheghs, whose village site lay a few miles from the Jamestown Fort of 1607.

Initially, the relationship between the settlers at the fort and the Paspaheghs was friendly but the relationship deteriorated and it is believed, in 1610, that the English attacked the village leaving no survivors. Little is known about Paspahegh history. In 1990, developers of an exclusive golf course, near the original Paspahegh village site, disturbed the burial site of 18 individuals, presumably members of the Paspahegh Tribe. The Virginia State Archaeologist was notified and eventually Chief Perry was contacted about overseeing an appropriate ceremony to reinter the human remains.

A call to hold such a ceremony can only be viewed as a turning point in the perceived strength of the Indian community and an acknowledgment of the contemporary presence of Indians in Virginia at the close of the twentieth century. The reburial of the Paspahugh remains was done privately without fanfare or public notice on November 20, 1990. Chief Perry had arranged for 10 Virginia chiefs to speak at the reburial, but each of the chiefs was so overcome with emotion that no one was able to speak at the actual event (The Virginian-Pilot 1993). This was the first ceremony of its kind held in Virginia, and it gave the Indian community in general and Perry more particularly, the confidence to undertake a second and more public reburial of human remains in 1997.

In October of 1994, Chief Perry and the Department of Historic Resources, were in contact with one another regarding 64 human remains taken from the Virginia Beach area two decades earlier. Links between the Department of Historic Resources and Perry had been established during the Paspahugh reburial of 1990. The state archaeologist informed Perry that the Department of Historic Resources had made a determination, based on “archaeological and historic” evidence that the remains were the descendants of the Chesapeake Indians; and that reburial of the remains was the goal of the agency.

The Nansemond Tribe, as the closest living relatives of the Chesapeake, were the logical choice for overseeing the reburial. Chief Perry of the Nansemond Tribe was the logical choice for overseeing the details of the reburial. The state archaeologist formally notified the Native American Graves Protection and Repatriation (NAGPRA) Review Committee of the proposed “disposition” of the remains from the Great Neck site (44YB7). The March 1995 response of the Review Committee encouraged the state archaeologist to work with

the Nansemond Indian Tribe and “the other seven state recognized tribes” to develop a plan to dispose of the remains and to notify the Review Committee of the plans and “evidence” of the “concurrence” of the state recognized tribes to repatriate the remains to the Nansemonds (Review Committee March 22, 1995). In a letter to the Department of Historic Resources, the Council gave Chief Perry their full support in organizing a reburial ceremony (VCI letter 1/30/97). To comply with NAGPRA guidelines the repatriation of the remains would take place 30 days after publication of a notice of intent to repatriate the human remains in the Federal Register.

During the next four months Chief Perry consulted with federal and state agencies, Virginia Indians and non-indigenous Indians, in planning the reburial ceremony. Since a determination had been made regarding the cultural affiliation of the remains as Chesapeake, Perry sought to find a burial location close to the Virginia Beach area, which was part of the original territory of the tribe. Chief Perry, in conjunction with the Mayor of Virginia Beach, and the Department of Conservation and Recreation for the Commonwealth of Virginia, selected a reburial site at “First Landing State Park,” also known locally as “Seashore State Park.” Both Chief Perry and local government officials felt the park was an appropriate location for the reburial as the park is not far from the original excavation site which yielded the 64 remains. The Virginia tribes had no funds for purchasing land for the purposes of reinterring the remains and a reburial at the state park would provide a cost-free option for the Nansemond Tribe and the Virginia Indian tribes.

Moreover, the park itself has historic significance to the general population of Virginia as it was the site of the first landing of the English settlers in 1607, although it is not the

location of the Jamestown Fort. The settlers, within a month of their arrival, selected a site for the building of their fort up on the James River for security reasons. However, most Virginians know the significance of the First Landing Site. A large stone cross monument has been erected in the park to commemorate the historic landing and thousands visit the site each year. An annual ceremony is held each April to mark the landing day and Chief Perry sought to link the reburial ceremony with the celebration of the settlers' arrival by having the two events held on the same weekend in April.

In January of 1997, the Department of Conservation and Recreation, the mayor and Chief Perry agreed on the park as the proper reburial site and Perry sought the assistance of the park manager to work out the particulars of the site selection and date for the ceremony. The Indian community gave Chief Perry complete authority in the planning of the reburial, expecting that the Paspahegh reburial would serve as the prototype for the Chesapeake reinterment.

During February and March, I watched Chief Perry enlist the aid and support of both his tribe and the Virginia Council on Indians, to fashion a ceremony which would employ traditional Indian symbols in a setting of dignity. The inter-tribal community rallied at the opportunity to participate in the event, under the direction of Chief Perry. However, I noted a difference emerging between the reburial events of the Paspaheghs and the Chesapeakes, in that the latter was developing into a much more public event.

Chief Perry addressed the Nansemond Tribe on February 16, 1997, saying that he felt that scheduling the reburial for April 26, 1997 would be a "symbolic gesture" in bringing the Indian community a more public role in commemorating the landing of the English settlers

(Fieldnotes 1997). Perry did emphasize that he sought “only the involvement of the Nansemond Tribe and the other seven Virginia tribes,” thereby setting the boundaries of participation to exclude non-Indians and to some degree non-Virginia Indians.

Initially, Chief Perry declared that non-native persons could not approach the actual burial site during the reinterment ceremony. However, these positions were modified over the subsequent weeks and months. Chief Perry was careful to personally invite each of the eight chiefs to the ceremony and eventually extended invitations to “all natives in the area” because of what he called the “significance” of the event.

The Nansemond Indian community had primary responsibility for assisting Perry with the details and, even though they are a relatively small tribe, they viewed the task of reburial as a distinct honor for their people and an opportunity to show the Indian community at-large they could, under Perry’s guidance, coordinate an event of great symbolic import to Virginia Indians.

The Nansemond Tribe holds their monthly tribal meetings at the Indiana Methodist Church in Suffolk, Virginia and the majority of the approximately one-hundred active members of the Nansemond tribe attend the church for purposes of worship. The remaining tribal members attend a local Baptist Church. I would argue that since the Nansemond Tribal members attend Christian worship services, they therefore approved of the reburial site near the stone cross monument and saw no conflict in associating the reburial site with a Christian symbol.

Chief Perry was also very candid with his tribe when he addressed the proposed plans for the reburial ceremony, pointing out that holding an “Indian” religious service was his

goal but that Virginia Indian people living today could not really know what the traditional religious ceremonies of the Chesapeake would have been prior to the coming of the Europeans. Therefore, Chief Perry drew on his previous experience with reburial and spoke with other tribal leaders from around the country in putting together the ceremony which he hoped would lead to a standardized procedure for any future reburial efforts.

In finalizing the plans, Chief Perry decided to wrap the remains, 64 bundles, in red broadcloth. One of the remains was indicated as a probable “chief” according to archaeological notations made in the 1970s, and Perry decided to wrap these remains in blue cloth to indicate the differential status of the chief.

Stepping outside the bounds of a tribe with state recognition and not federal recognition, Perry contacted Agent Cortez of the United States Department of the Interior, and asked the United States Fish and Wildlife Service to provide him with 64 eagle feathers, to attach to each of the bundles of humans remains, at the burial service. In a formal response dated March 19, 1997, the United States Fish and Wildlife Service agreed to Perry’s request, to provide eagle feathers for the ceremony, noting the feathers would be buried with the human remains at the conclusion of the ceremony (Cortez letter 3/19/97). Both Perry and Virginia Indians were greatly surprised by the federal government’s response to their request for eagle feathers since none of the Virginia tribes has federal recognition. Perry informed the Virginia Council on Indians of the impending arrival of the eagle feathers and asked the Council members to attend the ceremony in full regalia.

On April 20, 1997, at the monthly Nansemond Tribal meeting, Chief Perry spoke at great length. Perry described the plans for the reburial which was to take place on April 26th and

told tribal members that a notice of transfer of the human remains had been placed in the March Federal Register to run 30 days prior to the reburial, as per NAGPRA regulations.

The members of the tribe were thrilled to learn the request for 64 eagle feathers had been granted. This gesture was viewed as a confirmation of the Nansemond's status as American Indians and the tribe's legitimate right to oversee the disposition of the remains of pure-blooded Indian peoples directly related to themselves. The Nansemond membership knew the symbolic value of the eagle feathers in the larger Indian community where the eagle is believed to act as an intermediary or messenger to "the Great Spirit" and they were awed by Chief Perry's ability to obtain eagle feathers from the United States government. It is rare that eagle feathers are used as part of regalia in Virginia. In general, only members of federally recognized tribes have legal access to the feathers and this further enhanced the value of the eagle feathers in the eyes of the Nansemond membership.

At the tribal meeting, Chief Perry described the burial site as 100% sand, and that digging had already begun at the site. A circle approximately 15 feet in diameter and eight feet deep had been dug with plywood panels holding back the sand and a boarded walkway around the top of the grave site. The plywood was to be removed after the ceremony. To my surprise Chief Perry said he had approved television coverage of the event, on a local station, under the condition that nothing sacred be televised. Having asked the eight chiefs of the Virginia tribes directly about their views on the media coverage, Perry found they all consented to the concept of media coverage in print and on television. Perry stated that he would give strict procedures to the television crew.

A still photographer, previously known to the Nansemond Tribe, was also engaged by

Chief Perry, to photograph some of the participants at the reburial ceremony. It was also decided that in addition to the eagle feathers, each bundle would be given a small tobacco pouch. Additionally, Indian women, wearing regalia, would place seeds of corn, beans and squash with the human remains, as a reminder of the “three sisters,” the plants which fed the people of the area prior to European contact.

Chief Perry then spoke about placing the remains in a North-South orientation, signifying the red line or red road of the sacred hoop. Prior to the reburial, Chief Perry said the remains would be purified with sage and sweet grass and he hoped to get someone to do a pipe ceremony and someone to sing a traveling song “since we don’t know where the remains have been” (Fieldnotes 4/20/97).

Prayers would be offered and the chiefs would be free to speak at the conclusion of the ceremony. Perry said that he would show everyone where to stand at the reburial and that he had planned to have the chief’s stand on the west side of the circle facing east “the source of wisdom.” The assistant chiefs were to stand on the north side of the circle thereby facing south and all ladies were to stand at the south side of the circle facing northward. Perry planned to rope off the circular walkway so that only invited guests (Indians) could approach the grave site.

Finally, Chief Perry planned to place a turtle shell in the center of the burial pit and place the remains of the Chesapeake chief directly on top of the shell. Perry then stated that he was “incorporating some traditional things that we don’t normally do. There is not a set procedure for reburial...there will have only been two in the state and the Nansemond have done both” (Fieldnotes 4/20/97).

Few symbols are used by Virginia Indians with confidence that their ancestors also used the symbols in daily and ritual life. The multi-vocal nature of symbols allows them to be employed in a contemporary setting as a reference or direct link with the past even if such links cannot be entirely described or explained in depth. The turtle is one such symbol. Although Virginia Indian people will say that they have heard that the turtle probably was part of the local Indian creation story, their own creation stories have been lost and thus symbols are borrowed, out of necessity, from other Indian cultures. Live turtles are a fairly common sight in the tidewater Virginia area and it is likely that the turtle played a role in Indian cosmology or as a totemic animal.

Other symbols utilized by Virginia Indians which are said to have been important to their ancestors are the bald eagle, which lived in the region until the mid-twentieth century and is now making a come-back, the black bear, and the traditional plants of their horticultural fields--corn, beans and squash. The plants are associated with the domain of women and it is presumed that in pre-contact times the women were responsible for tending to the gardens and providing a substantial amount of food to the members of their households. Thus, Chief Perry drew on the association between women and horticultural plants in planning the reburial ceremony and selected several Virginia Indian women to tie pouches of corn, beans and squash on the bundles of human remains.

Prior to concluding his remarks, Chief Perry surprised the assembled Nansemond tribal members by stating that he was going to have a videotape made of the reburial ceremony. He assured everyone that the video operator would stand a good distance away and not tape any sacred part of the ceremony. Perry felt the tape would provide a visual record of the

day's events. In the likely event that any future burial ceremonies might need to be held, the tape would be valuable resource to those Virginia Indians planning future reburial events.

To the Nansemond Tribe, the making of a video of an event of such significance would be an important contribution to the entire Virginia Indian community. The former chief reminded the tribal members that federal recognition people would be in attendance, so if anyone had an eagle feather on their regalia they'd better have a "legal permit for that feather." Continuing Perry noted, "these federal folks are not designating our [burial] procedures. We look to Algonquian and Nansemond procedures." I would not know the full significance of this statement until I attended the reburial ceremony.

Originally, Chief Perry had said only Indians would be at the reburial, but by April, there were many non-Indians who were invited to the ceremony; these included state officials, park officials, members of the press and me. The former chief did promise to keep tight control over those persons who could approach the grave site on the day of the reburial. Perry's closing words were "make it simple and dignified...I don't want this to be a mini powwow."

April 26th turned out to be a warm sunny day, beautiful for an outdoor ceremony. The reburial ritual was scheduled for noon but all guests were encouraged to be present an hour earlier. In the parking lot closest to the reburial site, I recognized most all of the Indians engaged in applying finishing touches to their regalia as members of the state recognized Virginia tribes and members of federally-recognized tribes who now reside in Virginia. The guests and participants were suitably solemn but simultaneously elated by the impending ceremony and the significance of being the openly acknowledged descendants of American

Indians who were linked to a pre-contact past. People greeted each other warmly expressing great happiness on being able to help bury their ancestors.

Looking around the site, I was surprised by the size of the reburial pit. I had anticipated the amount of space needed to inter 64 small bundles would have been approximately the size of a typical cemetery grave but saw instead a pit which was four to five times that size. The burial pit was cordoned off by a yellow rope tied to metal poles, thereby restricting direct access to the grave site.

Several individuals served to function as an honor guard, and stood at the entrance to the roped area allowing only American Indians in full regalia to approach the path to the grave site and the tables on which the bundles of human remains were placed. I could see that a circular walkway, which could accommodate approximately twenty to thirty individuals, had been constructed around the burial pit. The walls of the pit were lined with wooden planks to keep the sand from filling in the pit and a wooden ladder was constructed which extended into the pit for about eight feet. However, I could not see the floor of the burial pit.

The wrapped bundles containing the remains of the Cheasapeake Indians, were laid out on folding tables near the burial site; all but one bundle was wrapped in red broadcloth and tied with twine and strips of broadcloth. The one bundle was wrapped in sky blue felt and tied in a manner similar to the others. I would estimate that over one hundred persons, most in regalia, had assembled in the parking lot by 11 a.m.

The ceremony began as smug fires were lit in large shells and each person entering the walkway was purified with smoke. The women entered the roped area first and tied the

pouches containing corn, beans and squash seeds to the wrapped bundles containing the remains of the Chesapeakes. After completing this ritual task the women walked up to the open grave site and stood on the south side of the walkway which circled the open grave. Next, the men gathered around the tables upon which the wrapped bundles were placed. The chiefs and assistant chiefs who were present placed eagle feathers under the twine holding each of the bundles together, one feather per bundle.

An American Indian color guard from the Washington, D.C. area, representing Viet Nam era veterans, was present and carried the American flag and the MIA flag onto the wooden walkway. One hand-held drum was carried onto the walkway for the singing of a flag song by a Cheyenne man dressed in full Plains regalia. The Cheyenne individual had been pointed out to me prior to the start of the ceremony as the person identified by Chief Perry as “the Algonquian person” helping with reburial procedures. It was said that the Cheyenne man [F.B.] was a “hereditary chief of his people” with a “permit for feathers [eagle feathers]” and his presence as a member of a federally recognized tribe and a member of a tribe which spoke a language distantly related to the language believed to have been spoken by the ancestors of the Powhatan people, was both desired and necessary for the proper handling and reburial of the Chesapeake remains.

After F.B. sang a flag song the chief gathered near the walkway for a pipe ceremony. All of the chiefs participated in the pipe ceremony and then the bundles were carried down the ladder into the burial pit. The blue bundle was placed in the pit first while all on the walkway were silent. Six former and current chiefs were present for the reburial and they took their place on the walkway. All but two of them wore Plains-style regalia which

included fringed, buckskin shirt and leggings and flowing feathered headdress. Chief Perry wore street clothes and an elaborate beaded medallion. The Chickahominy Chief wore a turkey feather headdress, more representative of the southeastern traditional dress.

After all of the bundles were placed into the burial pit, F.B. sang a “traveling song” so that the spirits of the deceased could go on their way. Chief Perry had told me privately that a traveling song would be the best song to be sung as “we don’t know where these spirits have been during their time out of their burial places.” After the singing of the traveling song the over ninety-year-old Chief of the Mattaponi Tribe, Webster Custalow, was asked to give a blessing. The chief spoke in a firm voice about the blessings all would receive for participating in this important event and called on the “Great Spirit” to keep all on the “path of righteousness” and to do the “will of God.” After a resounding “Amen” the events were concluded and all participants left the walkway to visit in the parking lot about the significance of the day’s events.

Chief Perry stayed behind to oversee the closing of the burial pit and the completion of the days events. State and federal officials were thanked privately for their support of the reburial efforts and newspaper reporters hung around and asked to interview Chief Perry and some of the Indian participants.

Chief Perry kindly allowed me to view the twenty-minute video of the reburial ceremony produced by the local television station. The video provides the order of events but at no time were sacred rituals filmed. The pipe ceremony was not filmed, nor was the bottom of the grave with the placement of the remains shown. It is my understanding that the bundles were arranged in a circular manner at the bottom of the grave.

I would argue that the reburial of the Chesapeake remains was the single most significant unifying event of recent years, bringing together members of the eight recognized tribes and members of federally recognized tribes from Virginia and throughout the country to hold a ceremony of mutual respect and celebration of a time before the coming of the Europeans to this continent. Additionally, the ceremony showcased the Nansemond Tribe's ability to plan and execute a complex event which required the coordination of state and federal agencies and the extended Indian community. Members of the Virginia Indian community have since talked about the successful efforts of the Nansemond Tribe in coordinating the reburial event and it appears that the Chesapeake reburial will serve as an inspiration and a model for the other tribes in the area of repatriation and reinterment of human remains.

Memorial Park

The repatriation of additional human remains is an issue which has come to the forefront of Virginia Indian identity and political power in recent years. During 1996-97, the Virginia tribes have talked with increasing frequency about the establishment of a joint project known as "Memorial Park." The focus of the project is the construction of cemetery, or memorial park, as a reburial site for the 1,400 skeletal remains of Indians from Virginia, which are believed to be held by museums, most especially the Smithsonian Institution.

Under the provisions of the 1990 Native American Graves Protection and Repatriation Act (NAGPRA) of 1990, federally recognized tribes may petition museums for the return of human remains. Virginia Indians, while currently lacking federal recognition, are unable to secure the return of human remains which may be culturally and genetically affiliated with

the one of the eight recognized tribes. However, the Virginia tribes are talking about applying for federal recognition which would result in the return of the skeletal remains to Virginia. The tribes have noted that, nevertheless, in the absence of federal recognition there have been two instances of reburial of Indian remains during the 1990s. Chief Perry's two highly successful reburial ceremonies have raised the expectations of Virginia Indians with regard to their prospects for securing the return of the nearly 1,400 human remains which Perry has determined are culturally affiliated with Virginia Indian people.

The Virginia Council on Indians has not been directly involved in the Memorial Park Project but word of its conceptualization and design has come to the Council since 1995. The United Indians of Virginia, ostensibly the competing supra-tribal organization with the Virginia Council on Indians, whose members are composed of only Virginia tribes, has vigorously supported the project.

Architectural renderings of the proposed site have been drawn by an American Indian architectural firm. The drawings call for the construction of man-made mounds in the shape of concentric circles, built around an eternal flame, on several acres of land. The circular mounds would have openings or pathways to the four directions and a stand of trees would encircle the burial mounds. The architects estimated the cost of purchasing property and constructing the mounds would be \$3 million.

A site has not yet been identified for the Memorial Park and to my knowledge no funds have been collected or earmarked for the project. Virginia Indians are optimistic, however, that an individual, town or a corporation might donate the property on which the mounds would be constructed. If land can be found for the project, Virginia Indians believe

donations of money would be more likely to follow, and thus the project would become a reality.

Virginia Indians talk about the possibility of an Indian Memorial Park, with an addition of a cultural center, as a tourist draw in the state's already flourishing tourist industry. To some members of the Indian community the possibility of drawing tourists to a combined Memorial Park and Indian cultural center increases the likelihood that a town, county or municipality may want to donate the property for the construction of the project in order to have the park close to their town. The reserved tribes feel strongly that any Memorial park should be located close to the existing reservations.

Until a donation of land is made or federal recognition is granted to Virginia's state recognized tribes, I would expect little progress to be made on the construction of the park. However, this is the type of project that might sit quietly for a time only to find that the project begins to take shape quickly after a few key elements fall into place. The successful reburial of the Paspahegh and Chesapeake remains, and the work by Chief Oliver Perry in locating other remains and becoming a conduit of information between the Virginia Indian community and governmental agencies, has resulted in a growing desire on the part of Virginia Indians to have a mass reburial of Indian skeletal remains on a piece of Indian-controlled land. I doubt that Memorial Park would have ever been conceived of without the previous reburial events.

Mattaponi Reservoir Project

Beginning in 1996, the Mattaponi Tribe and the Indian community in general, were forced to face a major challenge to their sovereignty as Virginia Indian people. The

challenge appeared in the form of a proposed construction of a dam on Cohoke Creek, a tributary to the Mattaponi River. The proposed project is to build a 1,526 acre reservoir to provide water for the burgeoning growth in communities in James City County, Virginia and the City of Newport News. The proposed dam would eliminate 567 acres of wetlands and remove up to 75 million gallons of water per day from the Mattaponi River. Opposition to the dam from within the Indian community stems from environmental, political and symbolic concerns. Opponents have argued the proposed dam would have detrimental affects on the environment by altering the salinity levels of the Mattaponi River and affecting the broader aquatic systems which would therefore impact the spawning of shad and herring.

The Mattaponi Tribe are involved with a shad hatchery on the Mattaponi River, and utilize the fish for food and economic gain by selling shad in the local area. Additionally, the Mattaponi Tribe claims their Treaty of 1677 is still in force with the Commonwealth of Virginia and the tribe's payment of tribute to the governor is an indication of the obligation that the state has to uphold the treaty's provisions. A provision of the treaty allows for a three-mile buffer zone or radius around the reservation which cannot be infringed upon. The proposed reservoir would flood some of the land in this zone and the Mattaponi are trying to use this provision of the treaty to stop the construction of the dam. However, in 1997 the Attorney General for Commonwealth of Virginia ruled that the Treaty of 1677 need not be considered in the decision making procedures for the proposed reservoir.

Observing the Mattaponi reaction to the reservoir has shown that the tribe is opposed to the project but they have been unsure as to the necessary procedures which may be available to the tribe to stop the project. In general, the Indian community has not been aggressive in

taking decisive measures to organize opposition. At Virginia Council on Indians meetings, the Mattaponi representative has consistently expressed his tribe's opposition to the reservoir, but has not clearly outlined ways in which the Indian community might support the tribe's efforts of resistance. Neither the tribe nor the Council seemed to view an alliance with groups such as the Sierra Club or a local citizen opposition organization called the Alliance to Save the Mattaponi as a positive step.

The lack of extended political networks and the apparent historic isolation of the Mattaponi Tribe and American Indians within the Commonwealth has hampered the Virginia Indian efforts to organize opposition to the reservoir. The Council on Indians has offered to write letters to highly placed state officials and the U.S. Army Corps of Engineers, expressing their support for the Mattaponi Tribe and their opposition to the reservoir. Mattaponi officials have been unable to hire attorneys to represent their interests and have instead sought the free advice of law students at a Washington, D.C. university.

I have also observed a lack of understanding of the procedures with which the local water works must comply in order to obtain the legal permits for the dam construction. However, it must be noted that the forces seeking to construct the reservoir have deliberately sought to get the permits issued without informing the Indian community of their intentions. The Mattaponi and the Virginia Indian community learned of the proposed project five years after the City of Newport News, Virginia drew up the plans for the reservoir.

Since the 1983 state recognition of six Virginia tribes, no serious challenge to Indian identity nor legal status has been encountered. One might even argue that the reserved

tribes have lived quietly during this century drawing as little attention to themselves as possible. The result of this posture and strategy, is the lack of true political savvy and an inability to deal with political situations in an aggressive manner. Both the Mattaponi Tribe and the Council seem not to know what legal resources might be available to them nor how to mobilize the entire Indian community within Virginia and across the country to fight the construction of the reservoir.

The issue at stake is not just about the river and water usage, but I would argue the identity and symbols of the Virginia Indians are endangered by this project. The reservoir issue has surfaced at a time when Virginia Indians were starting to feel more confident about themselves. Loss of their treaty rights throws their identity as treaty-status Indians into jeopardy. The Treaty of 1677 has been an important symbol to the Mattaponi and all other Virginia Indian Tribes as it is their link to the land, colonial history and the vague notion of sovereignty which has more typically been an issue for Indian tribes west of the Mississippi.

The reservoir project remains unresolved at the present time, but there is a growing sense of defeat from within the Indian community. Yet the Indian community, has not taken their anti-reservoir position to the non-Indian community in any significant way. The majority of non-Indians with whom I have spoken do not know that Indians are opposed to the reservoir nor that treaty rights may be compromised by the proposed dam. At a time when the Indian community has needed to present their strongest images of Indian identity to the general public and openly re-enforce links to Virginia history through their seventeenth-century treaty, they have failed to do so.

The handling of the reservoir question and its final outcome will impact the way that

Virginia Indians assess the strength of the Indian community. If the reservoir construction is not stopped, the growing sense of political power in the Indian community, which had its genesis in the 1983 state recognition legislation, will be diminished and possibly severely damaged. Conversely, if the dam construction is stopped because of the 1677 Treaty or a successful appeal based on a traditional cultural study, the power of the Virginia Indian community will be enhanced the eyes of the state government and the common citizen.

Concluding Remarks

This chapter represents the bulk of my two years of fieldwork in Virginia. I have argued that the establishment of the Virginia Council on Indians, in 1983, as a supra-tribal organization and advocacy group, has been an essential component in the political resurgence of post-recognition Virginia Indian tribes. Given the fragmented and weakened networks of the pre-recognition tribes, and the legacy of institutionalized racism during the years of the Racial Integrity Act, Virginia Indians had little experience with forging inter-tribal alliances, Indian-to-government networks, and impacting the adoption of legislation deemed important to the Indian community as a whole.

The Virginia Council on Indians, through its organizational structure, by giving representation to each of the recognized tribes, Indians-at-large, and representatives of the General Assembly, has forged a supra-tribal organization which is better suited to represent the needs of Virginia Indians to the state government, Indian tribes outside of the Commonwealth of Virginia, and to coordinate and implement the flow of information between tribes and other agencies. However, Indian politics in Virginia are reflective of the lack of federal recognition among the Virginia tribes.

The growth and success of the Virginia Council on Indians has come, to a small degree, at the expense of the individual power of each of the recognized tribes. However, I would argue, following Cornell (1988), that a supra-tribal organization can benefit smaller and less powerful tribes and aid them in achieving shared goals. In the Virginia context, resistance to the Council has come most overtly from the reservated tribes who have shown a greater reluctance to power sharing with the non-reservated tribes.

Since 1983, the Council has been involved in a number of successful endeavors which has increased and strengthened the organization. These endeavors include lobbying for the adoption of legislation, sponsoring the annual Governor's Conference on Indian Affairs, developing recognition criteria for other tribes seeking state recognition, supporting the reburial of human remains, and working towards increased educational opportunities for Indian students.

The main challenges to the authority of the Council have come the formation of an alternative supra-tribal organization, United Indians of Virginia, and the fission of the United Rappahannock Tribe. The United Indians of Virginia has sought to keep power in the hands of Virginia tribes and eliminate the representation of non-Virginia Indians from the political arena. However, this organization, unlike the Virginia Council on Indians, does not have the formal backing of the Commonwealth of Virginia, and the organization has faltered in recent years.

A more serious threat to the unity of the Council has been the recent developments within the Rappahannock Tribe to exclude from tribal membership persons with any amount of African American blood. This move may be viewed as the legacy of the Racial Integrity

legislation on the definition of “Indian” and the unconscious acceptance of an imposed definition of Indian by Indian people themselves. The leadership of the Council has encouraged the Rappahannock people to resolve the matter internally but has sought to emphasize that future prospects for federal recognition for all of the Virginia tribes may be negatively impacted by the racial nature of the Rappahannock in-fighting. The Rappahannock issue remained unresolved as in early 1998.

The strong leadership qualities of the current chair of the Council have developed inter-tribal networks and fostered a renewed confidence in the public presentation of Indianness in Virginia. With continued leadership and the backing of state government officials, I expect the Virginia Council on Indians to maintain and strengthen its power base in the near future.

Chapter V

That some ten yeeres agoe being in Virginia, and taken prisoner by the power of Powhatan their chiefe King, I received from this great Salvage exceeding great courtesie, especially from his Nantaquaus, the most manliest, comeliest, boldest spirit, I ever saw in a Salvage, and his sister Pocahontas, the Kings most deare and welbeloved daughter, being but a childe of twleve or thirteene years of age, whose compassionate pitifull heart, of my desperate estate, gave me much cause to respect her...After some six weeks sitting amongst those Salvage Courtiers, at the minute of my execution, she hazarded the beating out of her own braines to save mine, not only that, but so prevailed with her father, that I was safely conducted to James towne, where I found about eight and thirtie miserable poore and sicke creatures, to keepe possession of all those large territories of Virginia, such was the weaknesse of the poore Common-wealth, as had the Salvages not fed us, we directly had starved.

Captain John Smith 1624 (in Kupperman 1988:69)

Thoughts on Pocahontas: The Bridge Between Peoples

Pocahontas is very likely the most significant historic symbol for indigenous Virginia Indians. Powhatan's daughter, whose personal name was Matoaka, but is known by her nickname--Pocahontas, has become an icon in our national consciousness. There are conflicting interpretations regarding her symbolism and role in history. Pocahontas is seen by the English as a convert to their culture and religion, and savior of John Smith and, by association, the fledgling English colony. To contemporary Americans, she is seen as a courageous independent Indian woman, recently recreated as a Disney cartoon character. Yet, Pocahontas is viewed differently by Virginia Indians. The Powhatan woman is spoken of as a clever diplomat and peacemaker among her contemporary Virginia Indian relatives.

The conflicting views which are held about Pocahontas have recently created tensions among people of Powhatan descent. The contest over the right to represent and interpret

Pocahontas and the events surrounding her life story, parallels the contest over the right of Virginia Indians to control their own identity and history.

Jamie Ware, head of the Powhatan Society, and a member of the Rappahannock Tribe, has described Pocahontas to me as “a bridge between our two peoples” (Personal Communication 8/27/97). Invariably, when Virginia Indians speak of Pocahontas she is always spoken of in a respectful manner, as befitting a personage of great stature. Some people speak openly about being a blood relative of the famous Indian woman. A few persons, including Jamie Ware, have even traveled to Gravesend, England, to visit the cemetery where Pocahontas, known to the English in 1617 as the Lady Rebecca Rolfe, is said to be buried (Personal Communication 3/15/96 and 9/7/97).

To these and other Virginia Indians, Pocahontas is a critical link to a highly-valued version of history which refers to a dramatic event in the early meetings between people of the Old World and New World. To the contemporary Indians of Virginia, the story of Pocahontas represents a moment in time when the outcome of European colonization was yet undecided and the possibility that the meeting of the two cultures might have had a different result. Ware, and some of her relatives, believe that Pocahontas tried to show the Indians and Europeans that they could live with one another in a climate of mutual respect. Among the descendants of the Powhatan Indians, Pocahontas is most assuredly not a cartoon character, but rather represents the seventeenth-century hope of an indigenous people on the verge of a total cultural transformation. Pocahontas chose cultural accommodation rather than annihilation.

The notion of an historic personage being a cultural broker, or as Greenblatt (1991)

described such individuals, “the go-between,” is not new. It is rather the hallmark of an enduring symbol, that competing versions of history may intersect and find some resolution in a myth or heroic personage. Sahlins (1985) has made such an argument regarding the structural transformation of cultural meanings in a contact situation, with his discussion of Captain James Cook’s arrival and subsequent death in the Hawaiian Islands. The legendary story of the actions and life of Pocahontas might be viewed in a similar light, but it has yet to be analyzed in this manner.

The commercialization of the story of Pocahontas, and its multi-vocal presentations as a child’s story, adult love story, and story of the saving of the colony, have side-stepped the writing of a structural analysis of the life of Pocahontas. Indeed, an examination of the way in which the history of the Powhatan people intersects with the history of the founding of the Jamestown Fort, through the person of Pocahontas, might prove to be fruitful.

Mossiker’s (1976) biography of Pocahontas is an attempt to deal with history and literature surrounding the Pocahontas story. However, the work does not approach the scope or approach which Sahlins has done so brilliantly with the conjunction of Hawaiian and English history through the vehicle of the personage of Captain Cook. Robert S. Tilton’s (1994) recent work, *Pocahontas: The Evolution of an American Narrative*, is a comprehensive treatment of the legend associated with the rescue of John Smith, as told above, against the changing perceptions of American Indians in American literary traditions. Tilton explores such themes in the Pocahontas narrative as miscegenation, colonial expansion, Christianity and the notion of the Indian princess as a cultural form.

However, neither Mossiker nor Tilton's works sought to inquire about the feelings of the Virginia Indian population regarding this enduring story. The authors situate the Pocahontas story on a national or state level since they are concerned with the meaning of the story as it relates to the founding of the nation.

The local or Virginia Indian interpretation of the story has not been considered by the scholarly community. This oversight exemplifies a larger problem, which is a general oversight and ignorance of the existence of contemporary Virginia Indians. It was during the course of my fieldwork on another topic, that I learned of the symbolic importance of the Pocahontas story to Virginia Indians. Tilton's book would have been enhanced by doing fieldwork among Virginia Indians and by including their perceptions, shared memories, and interpretations of the Pocahontas story.

Moreover, since Tilton's book was published prior to the 1977 release of the Disney film, the work obviously cannot address the impact of the Disney-altered story on the overall myth. The film version of Pocahontas was released during the course of my fieldwork, and reaction to the film was for a time uppermost in the minds of many Virginia Indians. The Disney film, which depicts an adult Pocahontas in a romantic cross-cultural relationship with John Smith, is viewed by the majority of Virginia Indians as a violation of their history and a desecration of a sacred symbol.

The Disney film production team claims that it thoroughly researched the story of Pocahontas. The company hired a prominent Virginia Indian woman, who is a member of one of the reserved tribes, as a consultant for the film. The film consultant was flown to Los Angeles to provide historically correct information about Pocahontas, to Disney

writers and film animators. However, when I visited with this individual shortly after the film was released, the woman broke down in tears because of her disappointment over the way in which the “all-powerful” Disney film company had distorted the story of Pocahontas for their own ends (Fieldnotes 1997).

The story of Pocahontas, as it is known among Virginia Indians, is not what millions of people have viewed world-wide on the silver screen. The initial elation over having a heroine from their Powhatan culture be the focus of a big Disney production was followed by extreme disappointment upon seeing the finished product. After the release of the historically inaccurate Disney film on the life of the most famous American Indian woman in history, the Powhatan’s own heroine, Virginia Indians realized it would be “impossible to get the true story of Pocahontas to the American people.” (Fieldnotes 1997)

During the spring of 1997, there was much discussion among my Indian consultants about the Disney film. When I asked several Virginia Indians for a specific critique of the film, I was told that there were objections to the portrayal of Pocahontas as a “South-Sea Island Barbie Doll.” People spoke of seventeenth-century Indian women as being big and strong, able to paddle heavy wooden canoes, work in the fields and build their own quonset-style houses of saplings and plant materials. “They [Disney] didn’t use an American Indian to draw that cartoon. That’s an Asian woman.” Emotions ran very high on this point as some expressed the feelings that somehow American Indian women in general and Virginia Indian women in particular, were not deemed to be “good enough” to serve as models for the drawings by the Disney organization. “After all, we are her descendants. Why couldn’t she [Pocahontas] look like us?” (Fieldnotes 1997).

The physical appearance of the cartoon character was not the only objection to the film that Virginia Indians expressed to me. Probably the most hurtful aspect of the film adaptation was that by John Smith's own account, as shown above, Pocahontas was a child when she and Smith first met. The power of the female child in Powhatan society was replaced by the sexual undercurrent of a contemporary adult interaction. The Disney people altered the real events of the story and presented Pocahontas as a grown woman and fabricated a romance between Pocahontas and John Smith. This distortion is seen as particularly offensive within the Virginia Indian community and yet another example of the power of the commercially-driven pressures of contemporary popular culture to situate all stories within the landscape of love and romance.

This romantic spin on the Pocahontas-John Smith encounter was not always the standard presentation. A William & Mary student lent me a children's book by Frances Cavanah (1958:4, 17) which presents Pocahontas as a young girl meeting the "Palefaces." The book correctly depicts the marriage of Pocahontas to John Rolfe and does not imply a romantic relationship between the Smith and Pocahontas. Nevertheless, the Cavanah book is not without fault. In discussing the birth of the couple's son Thomas Rolfe, the author writes, "When their son was born, they named him Thomas. His skin was not quite so dark as his mother's."

A third type of critique of the film by contemporary Virginia Indians centered on Disney's presentation of the "Powhatan family." The Disney animated character of Pocahontas is shown wandering through the woods alone, cavorting with animals, being at one with nature. As one young man told me, "Those animals wouldn't be pets, they'd be

food!” My discussion of the film with several Nansemond women elicited remarks such as “Powhatan women would not be off in the forest all alone”, “Why would the family of Pocahontas let her be alone with some strange man?”, and “Indian people don’t go around by themselves... Pocahontas would have always been with her relatives.” (Fieldnotes 1997)

These remarks indicate a general frustration with the use of stereotypes in the presentation of American Indian images which do not reflect society as experienced directly by Indian people. Billington (1981) and Stedman (1982) have discussed the development of prominent American Indian stereotypes and misperceptions about native peoples. Virginia Indian people are less familiar with this literature, but they are aware that they are subject to being evaluated according to the Indian stereotypes which are generated within the non-Indian society. The frustration which Virginia Indians feel is a result of their understanding that their “Indianness” will be measured against standards and stereotypes which are not of their making. The heartfelt expressions of sadness at the modifications to the Pocahontas story are yet another instance of the powerlessness which Virginia Indians feel in the face of non-Indian-created stereotypes and the general lack of knowledge about their identity and history.

The discrepancies in the film were made worse by the hiring of a Virginia Indian woman to be a film consultant for Disney. I never heard any direct criticism of this woman or blame placed on her for the errors in the film. The woman is well-known and respected for her out-reach programs on Powhatan traditional culture which she presents at local schools. Rather, people told me that Virginia Indians were “used” by Disney.

One person put it succinctly by stating, Disney “paid someone to make it look like they asked us about our relative [Pocahontas] and then they ignored what was told them about her life.” Some people told me that Disney made more than one version of the Pocahontas movie and they tested the versions on different audiences. The test audiences liked the adult love story better than the real story, so Disney released a movie they knew was “wrong” but one they felt people would like and would pay to see. I have not been able to verify the story of the production of multiple versions of the story. However, it is widely known that films are often previewed by selected audiences for viewer response and possible modification of the film in the editing process.

The co-optation of the image of Pocahontas as an American heroine has been ongoing for centuries. After her marriage to John Rolfe, Pocahontas’ sojourn to England, made her the talk of the town and the myth making of the exotic Indian princess began in earnest at that time (Mossiker 1976). The Virginia Indian woman came to symbolize the accommodation of Indian society to that of the European world. Pocahontas transcended the Powhatan world and became an icon of the North American Indian. Her tribal identity was less important than her transition from the local indigenous world to the Euro-American world.

The untimely death of the daughter of Powhatan may have been the harbinger of what was in store for her people. But to her contemporary Indian relatives, the majority of whom are Christians, the conversion of Pocahontas is the most important aspect of her life story. Pocahontas’ acceptance of a new identity and her baptism into the Church of England has validated the Christian religious life of contemporary Virginia Indians. The

documentation of her conversion, marriage to John Rolfe, trip to London, and presentation at the Court of King James, has served to confirm the participation of her Indian descendants in a foreign religious heritage. Tilton (1994:119) refers to the imagery of Pocahontas as appealing to “our religious sympathies” and patriotic sentiments. Tilton is of course referring to Anglo-American rather than non-Indian sentiments.

Rather, I would argue that the significance of the conversion story of Pocahontas is consistently overlooked as a point or moment of structural transition for the descendants of the Powhatan people. It is the conversion of Pocahontas, believed to be sincere by Virginia Indians, which repeats the imagery of “saving” and protecting. She saved John Smith, saved her own soul, and showed her Indian relatives how to save their souls. The Indian descendants of Pocahontas view her actions as forward thinking, bridge building, and transformational, not sentimental. By their own practice of Christianity, the living descendants of Pocahontas are following in her footsteps. While attending a recent pow wow on the Mattaponi Reservation, I saw a small hand painted sign close to some vender booths. The sign said, “Read The First Book That Pocahontas Read.” Approaching closer to the sign I saw several Bibles on a table, all King James Versions, free for the taking (Fieldnotes 1997).

An Alternative View of Pocahontas and John Smith

Some scholars have suggested that John Smith, a known braggart, fabricated the story of the young Pocahontas intervening in his execution while he was a captive among the Chickahominy Indians. I would like to suggest that the elements of the story may very likely be true. However, cultural miscommunications about the actual nature of the events

surrounding the capture of John Smith have distorted the subtext of the story and relegated it to the realm of legend, fantasy and romance.

As discussed in Chapter II, the economic system of Powhatan society was linked to an extended network of loyal subchiefs placed throughout the chiefdomship. The subchiefs were responsible for collecting tribute and controlling the flow of high status goods, especially copper. Early English accounts of Powhatan society indicate that the subchiefs were typically relatives of the Powhatan, thus reinforcing and overlapping the links of kinship and authority among the thirty or more tribes of the chiefdom.

With the fortuitous capture of John Smith, Powhatan and his advisors had to decide what to do with the alien leader of the Jamestown Fort. Rountree (1989) writes that Powhatan society, like other Indian groups along the East Coast, often engaged in warfare and as a result prisoners were taken. The fate of prisoners was not enviable, as death by torture was not uncommon. However, on some occasions the exchange or swap of prisoners among tribes took place. Besides these two alternatives, the adoption of prisoners into families, to replace family members lost in war was not an uncommon occurrence.

Given the three options which existed in Powhatan society, it seems reasonable to examine these possible options in the context of the capture of John Smith. First, there was the option to kill Smith. Second, to trade him for Indian prisoners being held by the English. Third, adopt him and make him part of the a particular family and Powhatan society. While the actual events and discussions surrounding the capture of Smith cannot be reproduced, it is possible to look at the potential choices for dealing with Smith in a

logical manner. The execution of John Smith might be a legitimate thing to do with a captive but it could potentially inflame relations between the English and the Powhatans. We must remember that at the time of Smith's capture the English had not been established long in Virginia, and relations between the English and the Powhatans had not yet deteriorated completely.

The second option, of swapping captives, would have been useful if the English were holding Indian captives, which they were not. Since the English were not holding Indian captives at this time the second option is not a viable choice and can be dismissed as a possibility.

The third option, of adopting Smith, can be viewed as a very attractive idea. Chief Powhatan was by all accounts an exceptionally clever leader and an astute politician. I would suggest that Powhatan could not fail to see the value in adopting Smith and releasing him to return to the fort. Thus, in Chief Powhatan's society Smith was made part of Powhatan's kinship and tribute network. It would have been a brilliant political and strategic move. If Powhatan had a relative at the fort, who was the English leader of the fort, the Indian community would have expected to gain access to desired trade goods, especially copper. Recent excavations at the newly discovered site of the fort indicate the English did bring ornamental copper trade beads with them from England. This desire for access to trade goods may account for the adoption of Smith by Powhatan.

However, if we assume the adoption did occur, the potential cultural misunderstandings of the adoption remain to be discussed. It is highly likely that Smith would not have understood the significance of his adoption ceremony and the resulting

reciprocal responsibilities which would be expected of a member of Powhatan's family.

It is possible that the young daughter of Powhatan, Pocahontas, played a central role in the adoption process. The Powhatans were a matrilineal people and it may have been that females, as in other American Indian societies, were given the right to adopt prisoners into their families (Mossiker 1976:81). Smith's adoption by Pocahontas would not place him in the lineage of Chief Powhatan, but it would put Smith into a highly ranked family within the society. It is reasonable to assume that Smith and the English colonists never understood the nature of ritual adoption and its resulting responsibilities. No doubt Smith failed to fulfill his familial duties, thereby disappointing Powhatan and his people.

Hantman (1990) has suggested that Smith's adoption was a possible attempt to gain access to English trading goods although Hantman has not elaborated on the possible scenarios presented above. While none of this is verifiable, it is reasonable and provides us with a more rational explanation of the historic events as opposed to a child being in love with a strange man and making an appeal to her father to spare his life.

However, the legend of Pocahontas does not end with the adoption of John Smith. The events leading up to the marriage of Pocahontas to John Rolfe are rarely discussed and an examination of them may provide an additional dimension to understanding the larger picture of the seventeenth-century interactions between two different cultures.

In 1615, during a period of declining Indian-European relationships, Pocahontas, while visiting a group of Indians living near the Potomac River, was kidnaped by an Englishman named Captain Samuel Argall. She was brought to the Jamestown Fort where she remained a prisoner for nearly one year. It was during this period of captivity that

Pocahontas converted to Christianity and married Rolfe and began her transformation into the 'bridge' between two peoples.

It is important to keep in mind that the Indians and English were products of different worlds, with linguistic barriers and multiple opportunities for misconceptions about one another. They were not early versions of individuals with our twentieth-century sensibilities. While Pocahontas would have seen Europeans and interacted with them at the Jamestown Fort and elsewhere on the Tidewater peninsula, she could not fail to be an Indian woman of her own time and culture. As Lurie (1959) has argued, individuals bring their own cultural perspectives to new cultural situations. Pocahontas would have doubtless been familiar with the rules of her own society regarding the fate of captives and may have expected a similar range of options to be offered to her as a captive of the English--death, being traded for other captives or adoption. The English might have viewed the capture of a blood relative of the powerful Chief Powhatan as holding someone for good measure, guarding against possible attack, as their ancestors had done for centuries in medieval times. In fact, it would not be difficult to argue that the colonists were late-medieval people and such thinking and behavior would have been consistent with their world view.

Pocahontas, after being held captive for a year, part of which included being confined aboard a ship anchored in the James River, apparently chose to acquiesce to the offer of her captors. Pocahontas participated in a conversion ceremony, specifically Christian baptism and received a new name, Rebecca, a new identity and an English husband. Could it have been possible that she viewed the offers of full membership in the church

and marriage to John Rolfe as comparable to those life changing rituals which an adoptee might expect from her own people? Indian adoption meant having a new identity and living a completely new life. Therefore, the actions of Pocahontas vis a vis her English captors should be considered in this light.

Chief Powhatan gave tacit approval to the marriage of his daughter and Rolfe, which did usher in a few brief years of improved relationships between the Powhatans and the English colonists. Was Chief Powhatan hoping that a marriage would cement relationships between the two groups, and be more successful than his previous attempt to make John Smith a part of his network and kinship structure? It is likely that we will never know the answers to these questions.

While this discussion has been complete speculation on my part, I am suggesting an alternative way of examining the myth and legend of Pocahontas. This speculative view is more closely grounded in specific cultural practices and attitudes of the seventeenth-century worlds of Indians and non-Indians and stands in opposition to the romantically situated stories of twentieth-century popular culture. Re-situating the actors in their respective cultural frameworks permits us to examine the known parts of the narrative in a more appropriate way and avoids encumbering the story with centuries of additional interpretation and twentieth-century cultural perceptions about life and the cultural other.

However, for Virginia Indians, the Pocahontas narrative is reflective of the shared memories and a group consciousness which typifies a “community of sentiment” (Appadurai 1996). Considering the story of Pocahontas against the six characteristics of ethnic communities, proposed by Hutchinson and Smith (1996:6-7), and listed in Chapter

I, we may see the ways in which Pocahontas as a symbol, is central to the identity of Virginia Indians, especially the seven tribes formerly part of the Powhatan hegemony. The Pocahontas narrative draws on a shared belief in a common ancestry, and this is expressed as a assumption that persons living today share a blood relationship with Pocahontas and have the following: a shared name for the community, which is known as Powhatan's chiefdomship; shared memories of a common history which includes heroes and specific events, here we may consider the rescue of John Smith and the later marriage of Pocahontas and John Rolfe; a sense of common culture and customs, we may in fact consider Christianity as an aspect of shared custom which was adopted by Pocahontas and this is additionally important for people who have lost most of their traditional culture; attachment to a homeland, the story takes place in and around Jamestown, Virginia which exists today in a replica form and the Indians while having lost their original lands do live on the landscape which their ancestors occupied; and lastly a sense of solidarity which is an outgrowth the shared experience of racism and culture loss. To non-Virginia Indians, the epic story of the young Powhatan woman, Pocahontas, may symbolize an imagined past--an early cross-cultural encounter from the beginnings of English America, but it can never truly serve as a model of cohesiveness and national identity, the way it does for Virginia Indians.

Chapter VI

“In the beginning All America was Virginia”

**Attributed to William Byrd
Colonial Governor of Virginia**

Concluding Thoughts

Notwithstanding the Anglophile sentiments expressed by Governor Byrd, as shown above, the settlement of Virginia is inextricably linked to the formation of the United States. Our national consciousness about rugged Englishmen seeking their fortune in a new world is encapsulated in such stories as the “Starving Time,” which are included in the elementary school curriculum throughout the nation. To many, including some colonial historians, and thousands of tourists who visit the Commonwealth of Virginia each year, Virginia is where we, as an English-speaking nation, began.

However, that nascent moment included interactions with native peoples. Other than providing a romantic backdrop to the story of Pocahontas, little is mentioned these days about Virginia Indian culture, history and current political state of the Indian community. The typical Virginian can tell you almost nothing about Virginia Indians; this includes making a determination as to their present state of existence, or to the names of any of the state recognized tribes. For most non-Indians, Powhatan history and people exist in a state of pastness.

However, a remnant population of Powhatan Indians, survives today in seven of the eight state recognized tribes. These people exist in spite of a vigorous campaign waged against them, which has included the imposition of inflexible racial categories on them, an

on-going legacy of racism, and laws which have driven an emotional wedge between Indian and non-Indian communities.

The thrust of this dissertation has been the exploration of the political and racial landscape on which Virginia Indians have re-emerged during the second half of the twentieth century. I have found that prior to discussing the re-emergence of Virginia Indians it was necessary to explore who they were pre- and post-contact. The ethnohistorical examination of Virginia Indians is limited by the fragmentary and incomplete nature of documents pertaining to them as a people. Virginia Indians had a distinct disadvantage accorded to them...they were first to face the English colonial onslaught and as a result had their culture and population decimated earlier than did other native peoples.

Additionally, for centuries, Virginia Indians have had their racial identity subsumed under non-Indian racial categories, thus further complicating the search for their story in the historical record. Assumptions about race and ethnicity are imbedded in a social history which includes the groups' sensitivities to their past and the way in which it was constructed. Moreover, decisions about race and ethnicity are most often imposed from outside of the group. This is especially true in the case of Virginia Indians, although the Indian community today is reticent to discuss these issues publicly or privately. The way in which the Indian community perceives themselves has often been directly related to the perceptions and misperceptions of the non-Indian community. Throughout post-contact history, Virginia Indians have been called by names not of their own choosing.

Historically, the racial category "Indian" was defined ever more narrowly until, for a

time, it did not exist as a viable category at all in the Commonwealth of Virginia. The Racial Integrity Act of 1924, which remained in effect until 1968, was a state-sponsored attempt at administrative genocide against Virginia Indian people, even though as a group, they were not the main target of the legislation. Proponents of the law sought to prevent intermarriages among persons of different races to ensure racial purity, and used scientific and anthropological arguments to legitimate their racist ideology. One result of this misuse of anthropology has been a general distrust of anthropologists and a lack of willingness to open their communities to fieldwork.

Indian reaction to the Racial Integrity Act was of necessity one of quiet acceptance. This was not done for reasons of tacit approval, but out of powerlessness in the face of the well-organized campaign of proponents of the Eugenics Movement. The small, poor, and isolated communities of Indians could do little to counteract the propaganda machine of the Eugenics Movement. Additionally, the supporters of the Eugenics Movement had a dedicated ally in Dr. Walter A. Plecker, former head of the Virginia Bureau of Vital Statistics.

Plecker is said to have personally changed the birth registration forms of persons of Virginia Indian descent, in an effort to uphold his notion of racial purity. The one-drop rule, was employed to equate the Virginia Indian population with African American community. Plecker and his supporters based their treatment of Virginia Indians on their belief in the existence of tri-racial admixture in the Indian population, which was the result of intermarriage among Indians, Whites and Blacks. The enforcement of the policies of the Bureau of Vital Statistics, under Plecker, has left the Virginia Indian

community with the unenviable task of trying to sort through their sensitive memories on the subject of racial purity.

The legacy of the Racial Integrity Act and other anti-Indian policies has taken an emotional toll on the Virginia Indian population. However, the more insidious result of Plecker's enforcement of the Racial Integrity Act is seen in the 1997 attempt by the Rappahannock Tribal Council to expel any person with a discernable amount of African American ancestry from the tribal rolls. At the present time this situation remains unresolved and problematic for the Rappahannocks and a source of uneasiness among Virginia Indians in general. The Anglo-Saxon fixation with racial exclusivity has been transferred to the Virginia Indian community. The association of blood quantum with racial purity and Indian identity is an extension of genocidal thinking which has been projected onto the Indian community by the non-Indian community. As Friedman (1992:837) has noted, "self-definition does not occur in a vacuum." Virginia Indians have had to work within non-Indian historical constructs to define themselves.

However, I have suggested, drawing on Hutchinson and Smith (1996), that legislation such as the Racial Integrity Act, and other restrictive policies levied against the Indian community, has also created a community of shared memories, a strong feeling of kinship and shared sense of solidarity within the Indian community. These sentiments have been forged in these periods of anti-Indian racism.

Additionally, I have argued that the Virginia Indian community displays the characteristics which Hutchinson and Smith claim are typically exhibited by all ethnic communities. The terminology of race and ethnicity has historically been used in an

inconsistent manner; notions of blood quantum, biological ancestry, and cultural traits emerge in the context of dealing with American Indians, thus making it essential to consider categories of both blood and culture when assessing the political and social history of Virginia Indians. Sider (1993) has argued that American Indians are the only groups which of necessity must attend to two categories of peoplehood; blood and culture to receive recognition from the non-Indian society.

An appeal to the United States Supreme Court in 1966 resulted in a ruling declaring the Racial Integrity Act to be unconstitutional. In 1968, the law was quietly repealed in Virginia, permitting persons of Indian descent to publicly proclaim their biological heritage. One result of this legislative change has been a significant increase in the numbers of persons who have listed themselves an “Indian” on the U.S. censuses since the repeal of the act. Post-1968, Virginia Indian people have been given the right to “call” themselves Indians. The right to self-identification had been long overdue for Virginia Indians.

In 1983, as a result of the changing social and political climate in the country, the Commonwealth of Virginia created a subcommittee to study the question of state recognition for six tribes, including two reserved tribes which had retained small land holdings from the seventeenth century. After hearings on the matter the General Assembly granted state recognition to the tribes. Concurrently, the state established the Virginia Council on Indians, as an advocacy organization for American Indians, to represent both Indians indigenous to the state and those from other parts of the country who now live in Virginia. I have argued that the Virginia Council on Indians functions as

a supra-tribal organization. It is Cornell's (1988) position that supra-tribal organizations are distinct institutional structures which are most effective in situations where the respective power bases of individual tribes are weak and tribes see a political advantage or gain in the consolidation of their power in a supra-tribal organization.

The focus of my two years of fieldwork has been centered on the workings of the Virginia Council on Indians through the examination of its activities and political agenda since 1983. I maintain the Council is the primary reason that Virginia Indians have improved their position vis a vis the politics of the Commonwealth and strengthened the presentation of Indianness to the general public. The wide-ranging issues which the Council has dealt with since 1983 are representative of the way in which the Indian community is growing stronger since recognition and it is indicative of the growing strength of the Council itself. Examples of this were delineated and discussed in Chapter IV. They included the drafting and adoption of recognition criteria for tribes seeking state recognition in the future, issues pertaining to the repatriation of human remains, successfully impacting the adoption of pro-Indian legislation, and the sponsorship of the annual Governor's Conference on Indian Affairs.

Confidence in the public presentation of Indianness has expanded in the post-state recognition era. Pan-Indian images are the dominant forms of the presentation of Indianness in Virginia, because of the high degree of loss of traditional culture. The powwow is the main vehicle for the presentation of pan-Indian imagery and there are close to a dozen powwows which are now held in the Commonwealth of Virginia. Although some significant differences exist between Virginia powwows and those which

are held in other parts of the country, the goals of re-enforcing Indian culture are the same.

Finally, this dissertation explored the contest underway currently to define and interpret one of the most important images for Virginia Indians--that of Pocahontas. Appadurai's (1996) description of a community of sentiment is useful in examining the reactions of Virginia Indians to the co-optation of this cultural symbol. Conflicting views of this legend mirror the competition over the right to control Indian history and identity.

In Chapter I of this research, I raised several questions which I had hoped to explore. Firstly, I asked about the extent to which the racial and legislative history impacted the disappearance and the reconstruction of Virginia Indian identity. I maintain that the racial and legislative history has been the single most significant determinant in tracing the twists and turns of Virginia Indian identity. Racial legislation has restricted and imposed categories and racial constructs on the Indian population. Compliance, silence and withdrawal from the surrounding society were the strategies employed to deal with the imposed legislation.

I also asked about the ways in which Virginia Indians constructed their identity through the selection of historic events from the past. I have maintained that the selection is made by establishing links between Virginia Indians at the time of European settlement and colonization to the sanctioned stories of American colonial history. The two themes which emerge are the story of Pocahontas and John Smith. However, there is a contest underway over the right to control these heroic images of the seventeenth century. The Indian community has not succeeded in controlling the legend of Pocahontas and Virginia

Indians are being forced to relinquish dominion over their symbol to the larger society and the popular culture industry.

I was less successful in uncovering aspects of traditional Virginia Indian culture which are extant in the late twentieth century. This, frankly, was an area which became too sensitive to examine and I hope my continued presence in the area will shed some light on this component of Virginia Indian society. However, it is my opinion that while little of *traditional* culture may remain, Virginia Indians have tended increasingly to present a pan-Indian culture to the public. The main goal of the community in recent years has been to show non-Indians that Virginia Indians in fact do still exist.

In many ways the pre-and post-contact native peoples of the mid-Atlantic coastal region are understudied. An accurate and comprehensive study of the political economy of the post-contact world of indigenous people of the East has yet to be undertaken. Synthesizing the complex interactions between the indigenous population, enslaved population and European settlers, may be a deterrent to a more in-depth anthropological research. Defining the scope of the problem, coupled with overcoming the obstacles in obtaining adequate documentary evidence for the region, must be addressed in order to make a significant contribution to the field. However, more research in this region would be welcome in both the scholarly and Indian communities. As Virginia Indian people become more confident in presenting themselves as American Indians, they will become more comfortable working with anthropologists and historians on topics of mutual interest.

Since 1983, and the dawning of the post-recognition world for Virginia Indians, more

public debate, public interaction and re-engagement with the state government has taken place than in the previous three centuries. I maintain this does represent a legitimate resurgence of Virginia Indian people. Their cultural symbols are associated with a sense of place--Virginia and history--the founding of a new nation out of the lands of those belonging to native peoples. In the future, I would expect, like all symbols, those which are important to Virginia Indians will be modified and re-interpreted to suit the needs of the Indian community and to respond to the pressures from the non-Indian community. However, in the immediate future, Virginia Indian people want only what they have wanted since 1607--the right to be what they have always believed they were--Indian people!

Appendix

AN ACT TO PRESERVE RACIAL INTEGRITY

1. Be it enacted by the General Assembly of Virginia, That the State registrar of vital statistics may as soon as practicable after the taking effect of this act, prepare a form whereon the racial composition of any individual, as Caucasian, Negro, Mongolian, American Indian, Asiatic Indian, Malay, or any mixture, thereof, or any other non-Caucasic strains, and if there be any mixture, then the racial composition of the parents and other ancestors, in so far as ascertainable, so as to show in what generation such mixture occurred, may be certified by such individual, which form shall be known as a registration certificate. The State registrar may supply to each local registrar a sufficient number of such forms for the purposes of this act; each local registrar may personally or by deputy, as soon as possible after receiving said forms, have made thereon in duplicate a certificate of the racial composition as aforesaid, of each person resident in his district, who so desires, born before June fourteen, nineteen hundred and twelve, which certificate shall be made over the signature of said person, or in the case of children under fourteen years of age, over the signature of a parent, guardian, or other person standing in loco parentis. One of said certificates for each person thus registering in every district shall be forwarded to the State registrar for his files; the other shall be kept on file by the local registrar.

Every local registrar may, as soon as practicable, have such registration certificate made by or for each person in his district who so desires, born before June fourteen, nineteen hundred and twelve, for whom he has not on file a registration certificate, or a birth certificate.

2. It shall be a felony for any person wilfully or knowingly to make a registration certificate false as to color or race. The wilful making of a false registration or birth certificate shall be punished by confinement in the penitentiary for one year.

3. For each registration certificate properly made and returned to the State registrar, the local registrar returning the same shall be entitled to a fee of twenty-five cents, to be paid by the registrant. Application for registration and for transcript may be made direct to the State registrar, who may retain the fee for expenses of his office.

4. No marriage license shall be granted until the clerk or deputy clerk has reasonable assurance that the statements as to color of both man and woman are correct.

If there is reasonable cause to disbelieve that applicants are of pure white race, when that fact is stated, the clerk or deputy clerk shall withhold the granting of the license until satisfactory proof is produced that both applicants are "white persons" as provided

for in this act.

The clerk or deputy clerk shall use the same care to assure himself that both applicants are colored, when that fact is claimed.

5. It shall hereafter be unlawful for any person in this State to marry any save a white person, or a person with no other admixture of blood than white and American Indian. For the purpose of this act, the term "white person" shall apply only to the person who has no trace whatsoever of any blood other than Caucasian; but persons who have one-sixteenth or less of the blood of the American Indian and have no other non-Caucasic blood shall be deemed as white persons. All laws heretofore passed and now in effect regarding the intermarriage of white and colored persons shall apply to marriage prohibited by this act.

6. For carrying out the purposes of this act and to provide the necessary clerical assistance, postage and other expenses of the State registrar of vital statistics, twenty per cent of the fees received by local registrars under this act shall be paid to the State Bureau of Vital Statistics, which may be expended by the said bureau for the purposes of this act.

7. All acts or parts of acts inconsistent with this act are, to the extent of such inconsistency, hereby repealed.

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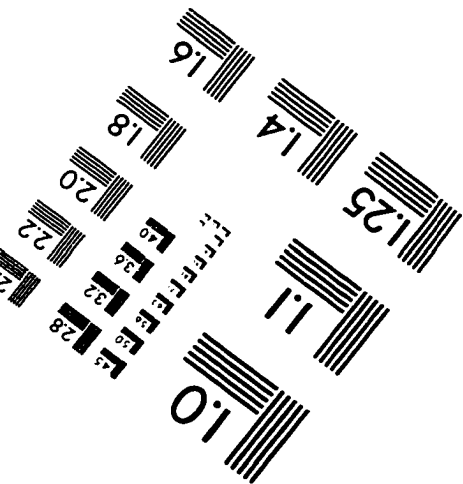
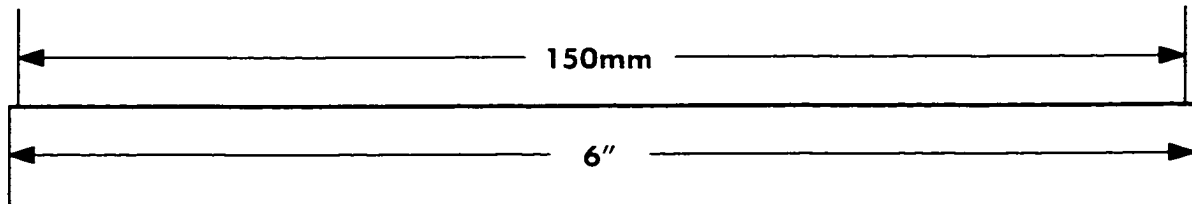
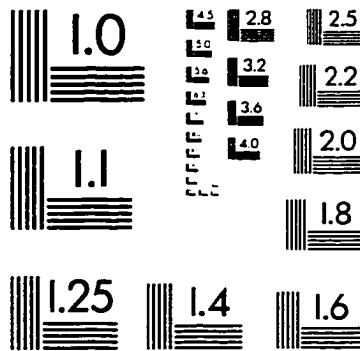
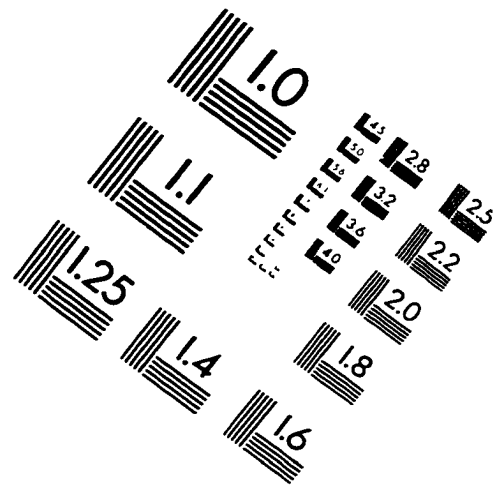
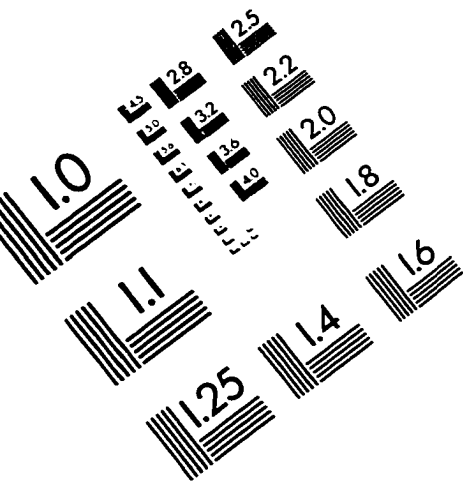
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IMAGE EVALUATION TEST TARGET (QA-3)



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