

“SOVEREIGNTY AND NATIVE RESURGENCE AMONG THE PAMUNKEY  
INDIANS

by

Matthew L. Jongema  
A Thesis  
Submitted to the  
Graduate Faculty  
of  
George Mason University  
in Partial Fulfillment of  
The Requirements for the Degree  
of  
Master of Arts  
Anthropology

Committee:

\_\_\_\_\_ Director

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_ Department Chairperson

\_\_\_\_\_ Dean, College of Humanities  
and Social Sciences

Date: \_\_\_\_\_ Fall Semester 2018  
George Mason University  
Fairfax, VA

Sovereignty and Native Resurgence Among the Pamunkey Indians

A Thesis submitted in partial fulfillment of the requirements for the degree of Master of Arts at George Mason University

by

Matthew L. Jongema  
Bachelor of Arts  
George Mason University, 2015  
Associates of Science  
Northern Virginia Community College, 2011

Director: Christopher Morris, Assistant Professor  
Department of Anthropology

Fall Semester 2018  
George Mason University  
Fairfax, VA

## **DEDICATION**

This is dedicated to my darling wife Carly, without whose support and patience I would not have been able to complete this project.

## **ACKNOWLEDGEMENTS**

I would like to thank my family, friends, and colleagues as well as the faculty within the George Mason Department of Sociology & Anthropology. Your constant and steadfast support through my academic career have made this possible. Through the long hours, late nights, and last-minute changes in the past 12 years you stood by me and encouraged me to stay the course.

## TABLE OF CONTENTS

	Page
List of Abbreviations and Terms .....	vi
Abstract .....	vii
Chapter One - Introduction .....	1
Section One: Brief .....	3
Section Two: Thesis Statement .....	4
Section Three: Scope of Work .....	6
Chapter Two - Literature Review and Methodology Draft .....	9
Section One: The Native as a Sovereign .....	9
Section Two: Native Resurgence .....	12
Section Three: Reconciliation vs. Recognition .....	13
Section Four: Methodology .....	15
Chapter Three - Historical Context .....	21
Section One: The Powhatan Paramountcy and Colonial Period .....	23
Section Two: Political Developments in the 19 <sup>th</sup> Century .....	26
Chapter Four – Native resurgence .....	32
Section One: Native Resurgence .....	34
Section Two: Balancing Recognition and Resurgence .....	36
Section Three: Critiquing Recognition and Resurgence .....	39
Chapter Five - Pamunkey in the 20 <sup>th</sup> Century .....	43
Section One: The Early 20 <sup>th</sup> Century and the Plunker Era .....	46
Section Two: Reclaiming the Native Voice .....	50
Section Three: Reclaiming Sovereignty .....	52
Chapter Six –Interpreting Native Sovereignty .....	56
Section One: The Inherent Powers of the Nation vs. the State .....	57
Section Two: Revisiting Sovereignty and Identity .....	59
Chapter Seven –Conclusion .....	61

Afterword .....	64
References.....	65

**LIST OF ABBREVIATIONS AND TERMS**

State of Virginia ..... Commonwealth  
United States of American ..... U.S.  
United States Federal Government ..... Federal

## **ABSTRACT**

### **SOVEREIGNTY AND NATIVE RESURGENCE AMONG THE PAMUNKEY INDIANS**

Matthew L. Jongema, M.S.

George Mason University, 2018

Thesis Director: Dr. Christopher Morris

Native sovereignty is the inherent power of the native tribe to claim sovereign power by right of their identity. Native tribes have often been subject to inequalities in the relationships between the tribe and U.S. State or Federal governments. Due to equitable terms of past treaties many of these tribes have defined tribal-state relationships through policies of reconciliation in which they have accepted the inequalities of these treaties as a means of retaining part of their sovereign power. Reconciliation places the native in a subordinate role by which their native voice and identity is perpetually questioned and defined by outside polities. The theory of native resurgence argues that tribes should seek to gain recognition of their identity and sovereign power through the conscious embodiment of their agency and native identity. The Pamunkey Indians of Virginia, historically a tribe under treaty with the Commonwealth of Virginia, are one of many tribes that has historically followed a policy of reconciliation and been subject to



historical inequalities. A history of violations of their sovereignty by the Commonwealth of Virginia led the Pamunkey to seek and obtain Federal recognition over the course of the 20<sup>th</sup> through 21<sup>st</sup> centuries. The case of the Pamunkey is reflective of the value of native resurgence as well as the importance of the conflict between reconciliation and recognition. I argue that while native resurgence and recognition over reconciliation is not the only, nor always the ideal, route for the native to address historical inequalities these theories are important in understanding native sovereignty in the context of tribes seeking Federal recognition.

## CHAPTER ONE - INTRODUCTION

*“I am the great Wahunsunacoke, chief of the noble Pamunkeys, the last existing remnant of that dominant confederacy over which our great sachem Powhatan ruled. History and tradition furnishes conclusive proof that we are the lineal descendants of the original Pamunkey, the most formidable tribe of that great werowance Powhatan’s confederacy, who met the first Virginia colonist here in America.”* Chief George Major Cook (Bradby 2008, 110-111)

The Pamunkey river flows Southeast across the Southern Virginia landscape from about an hour north of Richmond until it joins with the Mattaponi as one of the tributaries of the York River. Rich with fish and bordered by nature reserves as well as rich farmland the region is a relic of Virginia’s rural past. Nestled in a bend of the Pamunkey river a broad peninsula sits hidden within the teeming marshlands. Its neck bisected by Williams Creek this peninsula is home to the tribe that lends their name to the quiet river that shelters them. With the creek and marshland between them and the mainland of King’s Williams county the peninsula might as well be an island. At a casual first glance it is not too different from the farmland it neighbors. Only a modest wooden sign and a simple statue post declares that you have entered the sovereign territory of the Pamunkey Indians, a sovereignty that is now recognized and as real as the centuries old mound that marks the resting place of their greatest leader at the heart of their home.

But this sovereignty, so recently gained, is not a thing that developed overnight, nor has it been readily accepted by the polities that are the Pamunkey's neighbors. The history of struggle for Federal recognition by the Pamunkey in the 20th century is a narrative of transition from the idea of reconciliation to that of recognition. Indeed, the very concept of native sovereignty that has empowered the Pamunkey tribe was one born out of many decades of conscious effort and thought by both natives as well as native scholars. The native is a sovereign entity whose sovereignty resides in the natives that make up its population. Sovereignty of this kind is derived from the culture, history, and current lived experiences of the native. Without connection to their identity and traditions the native cannot meet this ideal of native sovereignty. Native sovereignty is a lived and embodied idea that must by necessity encompass every facet of their story and lives. It is an ideal that has been developed and defended in countless cases across the United States and other nations. The Pamunkey themselves represent just one chapter in this continuing narrative. Their history and the narrative of native sovereignty as the two intertwine is a worthwhile study that we will address in these brief chapters. Both within the Commonwealth of Virginia and in several other U.S. states previously unrecognized tribes are seeking to obtain Federal recognition. As a Native American tribe which has obtained this recognition, the Pamunkey's transition from an U.S. state recognized tribe to that of a Federally recognized tribe is a process which many other tribes are undergoing and will continue to seek in the future.

## **Section One: Brief**

Within the context of the U.S. policy towards Native American tribes and populations the recognition of a tribe as a sovereign entity holds great social and political significance. The Federal government's act of recognition of native identity, in a legal sense, functions as a treaty between two sovereign entities (25 CFR 83, 2015). Further, this act of recognition, in theory, legitimizes both the cultural and geopolitical claims of the recognized tribe. A nation or a state, as a distinct entity, holds several rights unique unto itself. Foremost is the exclusive right to the enforcement of its legitimacy as well as the sovereign right to order and configure the population within its claimed socio-political territory. One of the principal powers of a Federally recognized tribe is the ability for it to dictate who is and is not a member of its community, based upon an enforced identity and preexisting relationship with its constituent members or ancestral forbearers (25 CFR 81-82, 2015). In this sense, tribes with Federal recognition fulfill and assume the role of sovereign nation. Tribes that take on the role of a sovereign nation build structures that both define and protect tribes as distinct nations as well as those that can covertly and overtly carry out the will of those that the tribe claims to hold juris over.

The Pamunkey Indian Tribe has possessed a unique standing among the tribal groups of Virginia until recently. The Pamunkey currently hold tribal status with the Commonwealth of Virginia, dating back to the British Colonial period, and more recently were the first of the Virginia tribes to receive Federal tribal recognition. Through extensive efforts dating back decades, the tribe finally achieved this Federal recognition in 2015. As one of the more recent tribes to undergo this process, the Pamunkey's

Federal recognition makes them an important tribe to study in order to learn about the path to Federal recognition that other tribes with only U.S. state tribal status must take to gain Federal recognition. Further, the impetus for their change in status, their struggle for Federal recognition, and the consequences of the change in their status are keys to understanding the current initiatives underway or successfully completed by other Virginia Indian tribes or U.S. state recognized tribes as they seek to attain and adapt to Federal recognition. As the first of the eleven tribes recognized by the Commonwealth of Virginia to gain this status, the Pamunkey represent both a milestone in Federal recognition in Virginia and a leader among the other tribes, both by treaty and example, toward recognition. What we see when looking at the transition to tribal sovereignty on the part of the Pamunkey Indian tribe is a long-standing tension between the ideas of sovereignty and citizenship, on the one hand, and the reconstruction of identity on the part of the people involved in this process, on the other. As a Native American tribe that has had long-standing and continuous contact with European populations since the first English colonization of Virginia, it has been imperative for the Pamunkey to be mindful of their identity as well as how they fit into the in the socioeconomic and political context in which the tribe has existed. A study of the Pamunkey Indians' community and the socio-political realities that frame their history provides a unique perspective on the relationship between the US Federal government and Native American populations.

## **Section Two: Thesis Statement**

### **Statement of Research:**

The purpose of this thesis is to examine how the historical and cultural realities of the Pamunkey Indian's relationships with other sovereign entities led it to successfully obtain Federal recognition. Within the context of this I will explore the theories and concepts around native resurgence, native sovereignty, and how they can be used to interpret this case. I will address the elements of the Pamunkey's cultural experience that pushed them to seek recognition, as well as why this recognition is significant for both the Pamunkey tribe and other tribes. This thesis will also address the broader discourse on Native American sovereignty using the case of the Pamunkey Indians as a lens into understanding these concepts.

**Significance:**

All Virginia Indian tribes were for many years recognized by the Commonwealth of Virginia but not by the U.S. Federal Government. As such they were and, in some cases, continue to be subject to the will and legislation of the Commonwealth of Virginia, not protected by the regulations and treaties set forth by the U.S. Federal Government. Current Federally recognized tribes receive funding for infrastructure, land development, primary and college education, health care, and the financing of cultural research. Additionally, Federal recognition protects the tribe from interference in their internal affairs by local U.S. state governments as a Federally recognized tribe is considered a sovereign nation under Federal law. Although the protection and benefits of Federal recognition have not always been honored, they are more substantial and clearly defined than those of the Commonwealth, which does not provide the level of funding or autonomy that the Federal government does. By looking at historical infringements on

native rights by the Commonwealth, such as efforts to revoke their land rights or erase their native status from the census, we will see how Federal recognition and protection, though not perfect, provides a greater legal protection to tribes. As a case study the Pamunkey's journey towards Federal recognition is an important analysis of why tribal groups seek native sovereignty through recognition as well as how the efforts of U.S. state recognized tribes to gain Federal recognition is indicative of the tenants put forth in native resurgence theory. In seeking recognition over reconciliation, the native in practice rejects the unequitable terms of reconciliation through the embodiment of the native identity which not only strengthens but is the inherent cornerstone of native sovereignty.

### **Section Three: Scope of Work**

There are many different approaches that I could have used to explore the question of Native American sovereignty. However, several considerations had to be made when deciding on the scope of work to include available literature, the purpose of my thesis work, and the timeframe available to me to complete the thesis. I will discuss some of these considerations in more detail later in the methodology, but it is important to address some of the elements that were considered in this section and to clearly define the scope that was chosen.

I will focus on the theoretical analysis of the Pamunkey's recent history with an eye toward the political and social aspects that are reflective of both native sovereignty as well as native resurgence theories. With this focus on political and social aspects of the Pamunkey's history I will explore how they engage with the conflict of reconciliation and

recognition. The Pamunkey have had to navigate the conflict between reconciliation with the Commonwealth and recognition of their inherent sovereignty as their socioeconomic and political realities have shifted. Through exploring the ways in which the ideologies and realities of Native American sovereignty have been addressed by the Pamunkey in the decades leading up to their recent Federal recognition I intend to show how the conflict between recognition and reconciliation is an essential element of native sovereignty.

Further, though I will touch upon questions of changing gender roles within the Pamunkey and the dark shadow of racism, I will not present a full analysis of such factors. It is my view that both topics are of significance but require further study to be addressed respectfully as neither of these can be covered in their entirety within the confines of this thesis. I will instead focus on how treaty violations on the part of the Commonwealth of Virginia and changes in the perception of the Virginia Indians by both residents and representatives of the Commonwealth put the political and legal rights of the Pamunkey in peril.

During the 19<sup>th</sup> and 20<sup>th</sup> century the Commonwealth and local polities neighboring the Pamunkey, due to the reconciliatory relationship the Pamunkey were in, enacted legislation such as Racial Integrity Act of 1924 which denied the Pamunkey the right to define their own identity (Waugaman 2006, 33). Through the passing of legislation such as the Racial Integrity Act, and other similar cases I will explore, outside polities placed the tribe in a position whereby their native identity was questioned, and their sovereign power violated. These violations of the Pamunkey's sovereignty are



connected to the theories and concepts around native resurgence, native sovereignty, and the necessity of recognition over reconciliation. It is my belief that the argument for recognition as opposed to reconciliation and the conscious embodiment of native identity are crucial to understanding the social-cultural changes that the Pamunkey have been through in the last century as well as how the Pamunkey are an important case study in the discourse of native sovereignty.

## **CHAPTER TWO - LITERATURE REVIEW AND METHODOLOGY DRAFT**

Our discussion begins with an overview of the principal theories and the methodology that I utilized in the completion of this project. Principal to understanding the Pamunkey Indians transition from a U.S. state recognized entity to a sovereign entity are the theories that support the native as a sovereign entity, the concept of native resurgence, and finally the debate between reconciliation and recognition that comes as a logical conclusion from the discussion of the previous two points. I will briefly discuss these points of interest in this chapter before expanding upon them further in later chapters. In the final section of this chapter I will address the methodology that they inspired as well as how that methodology was required to evolve due to the changing circumstances around my subject population.

### **Section One: The Native as a Sovereign**

A key element of understanding the Pamunkey's transition to a Federally recognized tribe is the understanding of what it means to be one of these recognized tribes. The status of Federally regulated tribes in the U.S. has evolved over the years, as has the Federal government which oversees them. Under the regulation of the Bureau of Indian affairs the status of the American Indian within the U.S. is codified and highly regulated. With current Federal regulations those who are defined as Native American in

the U.S. Census are registered members of Federally recognized tribes. Most of these tribes were recognized under the terms of the Dawes Act of 1887 which was extended to tribes who had existing treaties with the U.S. Government. They accepted the inequitable terms of the act, which included the creation of the reservation system, adoption of European land use models, and the dissolution of their traditional governments as part of their recognition (Ashley 2004, 13-25). Since the Dawes Act of 1887 the terms of the treaties between the American Indian tribes and the U.S. government has changed dramatically. Today upon recognition by the U.S. government tribes receive Federal aid and are exempted from interference in their affairs from U.S. state level governments as independent sovereign nations in addition to other granted benefits (25 CFR 83, 2015). Current Federal aid for recognized tribes includes funding for infrastructure, land development, primary and college education, health care, and the financing of cultural research. The accesses to Federal funding and support as well as the freedom from interference from U.S. state governments have become primary drives for tribes without Federal recognition to seek to change their status.

The importance of obtaining these benefits from the Federal government goes beyond simple economics. In Amanda Cobb's analysis, sovereignty for tribes is not tied to the idea of power that one associates with the modern nation state but with cultural integrity and perpetuation. Her view on tribal sovereignty is built upon the recognition of the nature of the Federal Government and incorporates the concept of indigenous space in terms that bridge issues of cultural heritage and sovereign power in relation to Native Americans. Cobb addresses several elements that she thinks are key to understanding

sovereignty. The most important is that the concept of sovereignty signifies “relative independence from and among other states” (Cobb 2005, 117). It is this independence that allows a tribe to protect and engage fully with its native culture. She argues that sovereignty has practical implications for maintenance of cultural integrity as it grants a limited freedom from outside interference allowing tribes to practice their traditional cultures and reaffirm their existences as a unified entity through exercising their rights as a sovereign. Cobb states that “Natives are not recruited to their political situation on basis of ideology or economics... but to retain or regain cultural solidarity that unites them as a distinct people” (Cobb 2005, 124). As such tribal sovereignty is not based in the concept of the “nation-state” but upon working as a “nation people”. It is the “privilege of traditions, cultures, continuity” that is more important to the native than power as exercised by the modern nation state (Cobb 2005, 123).

Sovereignty is the primary element of importance in this relationship between the Federal government and the recognized tribes. As sovereign nations, the tribes in theory have the right to a level of control over their territory and membership. Bliosi (2005) argues that to possess sovereign authority gives an entity the right to:

1. Govern itself and its constituent members.
2. Determine the destiny of its members
3. Control access to and use of its population, land, water, resources, and activities.
4. Be free of all outside interference.
5. Have and exert these rights within its homeland.

Biolsi argues that these rights are the key elements of any sovereign entity and therefore the principle goal of any entity wishing to be sovereign. However, Biolsi argues that the incorporation of the tribes and their lands into Federal territory places burdens upon its members. They are situated in a hybrid political space wherein two nations exist within the same territory (Biolsi 2005, 252). As such the tribes and regulations pertaining to them are not directly maintained on constitutional grounds as is true of other citizens. Instead under the plenary power of congress, they are considered wards of the U.S. Therefore, any current exercise of sovereignty by the tribes is subject to the oversight of an external power placing them in role of a quasi-sovereign nation. They may practice internal self-determination, but they are externally a dependent sovereignty.

### **Section Two: Native Resurgence**

It is this quasi-sovereign status that has remained a concern for so many Native Americans, including Taiaike Alfred. A member of the Mohawk Nation Alfred's academic and professional career has focused on questions of native governance and inherent sovereignty. In the great bulk of his work, Alfred has focused on the issues of reconciliation, colonization, and assimilation that face indigenous people today. It has been a task that he looks at considering historical inequalities while being mindful of current socio-political realities. As part of the broader movement for indigenous resurgence he has been perhaps the loudest proponent of conscious, active participation and embodiment by indigenous people of their culture.

By actively practicing and preserving their traditional cultures, as well as the skills and language of their ancestors Alfred argues that native peoples can actively embody their culture. The embodiment of their culture by native people is both an act of liberation from Western systems of beings as well as a conscious political statement of the tribe's unique existence as a political entity. This does not mean that Native Americans should necessarily reject the modern or abstain from abandoning their traditional ways but rather that they should make a conscious decision with respect to whether or not abandoning traditional ways is the right choice. The core of his argument is that through living the culture and consciously choosing to be indigenous, native peoples both preserve their culture and embody their sovereignty. Being indigenous gives voice to native people and forces others to address historic and modern inequalities. Alfred argues the indigenous people should not be afraid to use tradition in their struggle but seek ways for themselves and their descendants to "represent themselves in the world" (Alfred 2015, 8). In this discourse of reconciliation vs. recognition, Alfred claims that by taking control of the process of recognition, this becomes the first step towards addressing inequalities.

### **Section Three: Reconciliation vs. Recognition**

Having investigated both the concept of both the native as a sovereign and native resurgence we are forced to confront a conflict in native sovereignty. The conflict is the very nature in which the native can obtain sovereignty. Within U.S. context, native sovereignty is dependent on reconciliation with either the U.S. State governments or

recognition by the Federal Government. Alfred places the conflict of recognition and reconciliation at the center of understanding the movement for an indigenous resurgence (Alfred 2015, 5-8). He argues that native peoples should focus, not on reconciliation with nation-states but rather on actively seeking recognition. Reconciliation, that is passively fitting into the system of the modern nation state, is according to Alfred nothing more than a kind of recolonization. He argues that dependency on the nation-state governments by indigenous peoples only perpetuates colonizing structures and places tribes in a submissive role. In his words, “the crisis of dependency we face, which is defined in psychological and spiritual terms in addition to economic terms, requires a restoration of a relationship, on spiritual, psychological and physical terms, between indigenous people” (Alfred 2015, 7) .To change this situation, Alfred argues that indigenous peoples should seek recognition of their former status as equal partners in their relationships with governments and address the inequalities of the past through embracing their rightful lands and cultural heritage (Alfred 2015, 6).

When looking at this narrative of recognition vs. reconciliation we can see that it has a deep impact on how we can analyze the Pamunkey’s transition to a federally recognized tribe. The history of struggle for federal recognition by the Pamunkey in the 20th century is a narrative of transition from the idea of reconciliation to that of recognition. The Pamunkey’s efforts over the past century have led them to redefine their sovereignty and their status in the political and cultural landscape of Virginia. They have sought recognition in order to regain their own cultural sovereignty and preserve their traditional ways. This transition is important as it shows the depth of the argument

against reconciliation and displays why it is so important for not only the Pamunkey but Native Americans and the Virginia Indian as a whole.

#### **Section Four: Methodology**

Over the course of my research there were many changes that presented themselves both within the context of my focus as well as the lived experience of my subject population and the bureaucratic realities of their change in status. As such both the primary source of my research material as well as the eventual focus of my thesis had to shift quite considerably. In this section I will explore the original concept I set out with for this thesis then move on to the changes that were prompted by changing circumstances as my research was underway.

The original plan for this thesis had the primary evidence on which the discussion was to be based as archival sources. Due to their long-standing relationship with the Commonwealth of Virginia and the Pamunkey's more recent interactions with the U.S. Bureau of Indian Affairs, a great deal of recorded information exists through these entities. This recorded information includes census data, legislation, petitions by the tribe, ethnographic reports, as well as oral accounts and testimonies left by tribal members, government officials, and academics. An inherent issue was that these records are often biased to support the claims and goals of either the Commonwealth or Pamunkey depending on their origin. In the case of the Pamunkey, census records were utilized by the Commonwealth to disenfranchise tribal members and suppress their native identity at various points during their history (Waugaman 2006, 33-35). On the other hand, records



produced or commissioned by the Pamunkey in recent history are similarly biased, having been produced during an ongoing process to receive Federal recognition and structured in order to support the Pamunkey's bid for Federal recognition.

Among the offices and organizations from which this data can be drawn several stood out to me. The National Archive's American Indian Records, which include the records of the Bureau of Indian Affairs, contains the records and data presented by the Pamunkey tribal council to the Federal government during their recognition hearings. While they may contain their own biases, as these are records and documents vetted and submitted by the tribe itself, I felt that they would present data on how the tribe codifies and views itself. A second source of archival documents was those of the Virginia Foundation for the Humanities. The Virginia Foundation for the Humanities holds the Commonwealth's records regarding the Pamunkey and other state recognized tribes in Virginia. Through their Virginia Indian Program, the Virginia Foundation for the Humanities conducts and collects research on the Pamunkey and other Virginia Indian tribes. The final archival resource which I wanted to draw from was the Pamunkey Indian Museum and Cultural Center, which is located on the Pamunkey Reservation. The Pamunkey Indian Museum and Cultural Center serves as the Pamunkey's tribal archives and as their center for communal and government functions. The museum has, since its inception, collected and commissioned historical and anthropological works on the tribe so I was optimistic as to what I could find with them.

However, once I began my research I ran into a major roadblock. With the tribe's recent federal recognition, the majority of these archival sources were simply not

available to the general public. The Commonwealths archives including general documentation of tribal customs, surveys, ethnographies, and supporting research for the tribe's dealings with the Commonwealth where in a state of bureaucratic limbo. The difficulty in accessing these documents primary had to do with the Federal government's new oversight over the tribe. The records were therefore under analysis for their transfer to either the Bureau of Indian Affairs Archive or to the tribal government at the time of my research. Further the archives of the Bureau of Indian Affairs were in much the same state as they were on hold for the ongoing processes inherent to a tribe's recent recognition. Inquiries for access ultimately were accepted but not possible within the timeframe with which I could devote to research this thesis.

Of the original three archival sites I wished to utilize only the Pamunkey Indian Museum was able to be of assistance. I found however that their research and preservation efforts were focused on historical education and the Pamunkey's placement within pre-European contact North American. However, the Pamunkey Indian Museum staff were able to point me toward several previous anthropological works that I utilized within this thesis. My historical data is focused on the early 20<sup>th</sup> century up until the present day when the Pamunkey received Federal recognition. This research was drawn from several anthropological works completed earlier, recent news coverage of the Pamunkey's petition, and finally from publish works by tribal members that tell their story.

These realities led to a distinct shift in the original plan for my thesis. While my original intent was to interpret the Pamunkey's lived experience through the theories of

native sovereignty and resurgence, I instead had to invert the interpretation. Focusing instead on the theory and utilizing the restricted data on the Pamunkey's lived experience that I could obtain to interpret those theories was the ultimate result. The interpretation of the Pamunkey's lived experience is directly tied with the conflict of reconciliation and recognition that the Pamunkey have navigated as their socioeconomic and political realities have shifted. From their participation in historical interpretation at Williamsburg to the establishment of the Pamunkey Museum many of the tribe's actions go hand in hand with the concepts of indigenous resurgence. In the active embodiment of their identity through maintaining traditional means of subsistence and engagement in the production of historical narrative the Pamunkey have continuously demonstrated the elements of native sovereignty (Biolsi 2005, 252).

I paid a great deal of attention to examining the tribe's relationship with the Commonwealth. The Pamunkey's treaties with the Commonwealth represent the longest standing governmental relationship that the tribal government has maintained from colonial times until the present day. The maintenance of this relationship and the treaties that define it are a central part of the Pamunkey's claim to sovereignty. Additionally, the violation of Virginia Indians rights and prohibition of their native identity in the early 20<sup>th</sup> century is a strong impetus to much of the Pamunkey's drive for Federal recognition.

Building on this relationship between the Pamunkey and the Commonwealth I looked at the ways in which the Pamunkey have redefined their relationship with other polities and their neighboring communities. From shifting the way in which their cultural narrative is displayed and presented, to the foundation of secure economic ventures on

their reservation that is respectful of their traditional culture, the last century has been one of many changes for the Pamunkey. Looking into the cultural patterns and historical processes that led to the development and adoption of these changes lent much to my understanding of the Pamunkey's path to Federal recognition.

The final element of analysis for this thesis that I touched upon was the way in which the Pamunkey's recent Federal recognition is significant for the other Virginia Indian Tribes and U.S. state recognized tribes through the United States. The Pamunkey have long standing ties to several of the tribes recognized by the Commonwealth. These include both political ties as members of the former Powhatan Confederacy as well as shared ancestry. Examples of these political and ancestral ties can be seen in the Mattaponi tribe, which is an offshoot of the Pamunkey tribe (Roundtree 1996, 189). At the beginning of my research six of these tribes with a history of close contact with the Pamunkey were seeking Federal recognition. The status of the Virginia Indian in the Commonwealth changed quite dramatically through the course of my research, with all six of the tribes that had applied for Federal recognition receiving it shortly after the Pamunkey's recognition. The struggles of the Pamunkey and their path to recognition within the greater context of the Virginia Indian are important to our understanding of the transformative process that receiving Federal recognition is for a tribe. The interconnectedness of native history and native identity that make the Pamunkey so fascinating to me can be seen in the experiences of many other native tribes throughout the United States. Further, the narrative of native sovereignty and resurgence are an important point of discussion in the story of Native Americans as they not only seek to

gain recognition but also maintain it. The study of the Pamunkey, both in relations to other Virginia Indian tribes as well as the broader discourse on native sovereignty, is a valuable tool in our understanding of the Native American in the 21<sup>st</sup> century.

### CHAPTER THREE - HISTORICAL CONTEXT

*“We’re a member, our tribe, of the Algonquin Nation, the Mattaponi and Pamunkey, under Chief Powhatan’s ruling. Chief Powhatan was the ruler of thirty-two tribes. Of the thirty-two, Mattaponi and the Pamunkey are the oldest. They are always exempted from tax. They would carry some kind of game, mostly beaver skin, and pay the tax to a representative of the king of England. That’s why we’re still doing that now. To keep up that same old tradition. That’s way back in 1600.”* Chief Tecumseh Deerfoot “Peach” Cook (Fast 199, 15)

Given the deep importance of Native American history to both a tribe’s lived experience itself as well as the theories of native sovereignty and resurgence it is only fitting that I begin with the history of my subject population. No culture exists within a vacuum and the Pamunkey are no exception to this fact. While the focus of this thesis is concerned with understanding the events of the 20<sup>th</sup> century, the history of the Pamunkey before that date is none the less important. Before we can understand the political and social changes that the Pamunkey underwent in recent years, we must examine the context from which they developed. In this chapter I will briefly explore the history of the Pamunkey and other Virginia Indians by looking at the significant elements of their history prior to the 20<sup>th</sup> century.

The first is the Powhatan Paramountcy and the early colonial American period leading up to the Treaty of Middle Plantation in 1677. The history of the Pamunkey and in turn most Virginia Indians has been dominated by the existence of the Powhatan Paramountcy. This confederacy of Virginia Algonquian peoples was formed under the efforts of a Pamunkey tribal leader and came to dominate a significant portion of modern-day Virginia east of the Fall Lines, the border between the Piedmont and Coastal regions in Virginian geography. With early European contact, the founding of the Jamestown settlement, taking place shortly after the foundation of the Powhatan Paramountcy this polity played a significant role in early colonial politics. Both in its existence and later collapse under pressure from colonialism the Powhatan Paramountcy has had an indelible mark on the socio-political landscape of the Virginia Indian.

Next, I will investigate the changes and challenges to the Pamunkey Indians' land rights and political authority following the Treaty of Middle Plantation. From the political changes made within the tribe's government to U.S. Independence the Pamunkey and other Virginia Indians found themselves navigating new political realities. Over the course of the 18<sup>th</sup> and 19<sup>th</sup> century the reservation and independently held lands of the Virginia Indian were reduced through migration of the tribes themselves, shrinking populations, and finally assimilation by the broader Virginian population. The loss of their landholdings coupled with the dwindling political power of the Virginia tribes saw much of Pamunkey land lost to European settlers. Furthermore, conflicts with the Commonwealth leading up to and during the American Civil War placed the Pamunkey in a contentious position with the Commonwealth's government. Reconstruction politics

and Federal suzerainty over the state governments following this further complicated the relationship between the Pamunkey and the Commonwealth of Virginia.

By briefly review the historical context of the Pamunkey, and other Virginia Indian, during these times we will have a better understanding of how the political and cultural status of the tribe at the start of the 20<sup>th</sup> century came into being. They are important as many of these early achievements and difficulties continued to play a role in the struggles of the 20<sup>th</sup> century. It is because they form the base of the tribe's sovereignty and demonstrate the tenuous position the Pamunkey wished to elevate themselves out of through Federal Recognition that they must be addressed.

### **Section One: The Powhatan Paramountcy and Colonial Period**

The history of the Pamunkey Indian in Virginia dates back well into the Archaic Period of Native American settlement on the Eastern seaboard. One of the largest tribes in Virginia they came to play a vital role in the formation and leadership of the Powhatan Paramountcy (Pollard 1891, 9). The role of the Pamunkey in Virginia was primarily influenced by Powhatan himself, known as Wahunsenacawh amongst the Pamunkey, and his family who were of paternal descent from the Pamunkey tribal leadership. While paramount chief and leader of the confederacy he and his descendants were not the tribal leaders of the Pamunkey tribe due to the Pamunkey chiefdom having a maternal system of descent and inheritance in traditional times (Brady 2008, 138-139). However, his leadership was instrumental in a series of military and political victories that saw the Pamunkey subjugate neighboring tribes.



Under Powhatan's leadership the Pamunkey came to dominate this growing confederacy of 32 tribes that held land stretching from Maryland and the Potomac in the North to the outer banks of North Carolina in South. Its reaches extended up the river ways of this expanse of the Eastern seaboard to the Virginia Fall Lines the Powhatan Paramountcy reach the ascendancy of its power shortly before the arrival of English colonists in Virginia. Hereby it represented one of the most powerful political entities in Northern America and held sway over many outlying tribal groups under the suzerainty of Wahunsenacawh as its paramount chief, the Powhatan (Roundtree 1992, 146-148). With the foundation of Jamestown and Williamsburg as well as the formation of the Virginia colony the Pamunkey along with other Virginian tribes increasingly came into conflict with English settlers over the holding of land and the distribution of, as well as access to, various resources within colonial Virginia. Particularly the transition of land to large scale export production, for tobacco, and game rights in the region were contentious issues. These conflicts came to a head with the 1622 Indian Massacres in Virginia. The 1622 conflict began when, angered over long-standing disputes for these resources and land rights, the Powhatan Paramountcy attacked the English settlements in Virginia seeking to drive them out. During this conflict many of the Paramountcy's main leaders died and the primacy of the Pamunkey, as well as the stability of the confederacy, declined. Conflict between the tribes and the English colony would continue until 1646 when a peace and subsequent treaty were signed by the various Virginia Indian tribes with the King of England and the governor of the Virginia Colony. The new treaty confirmed land rights for the Pamunkey and other tribes as well as set up an annual

tribute system payable to the Governor of Virginia consisting of game and pelts, a tradition which persist to this day. This peace would become strained in 1675 with the events of Bacon's Rebellion in Virginia. After an attack by the Doeg Indians, members of the Powhatan Confederacy, on settlements in the Upper James River area Virginians under the leadership of Francis Bacon began a serious of large-scale raids against Indian settlements throughout the region. When the Governor of Virginia acted to punish the leaders of these raids for violation of treaties with the Indians colonists revolted against the governor and Crown royal authority. The revolt provoked wider conflict between the Virginia Indians and European Virginians over land rights in a series of retaliatory raids by both sides. Following the end of the rebellion in 1677 the English government stepped into the conflict and after several military victories over the Virginia Indians signed a new treaty. In this Treaty of Middle Plantation, the Crown received the subjugation of the various tribes of the now defunct Powhatan Paramountcy and accepted the maternal succession rights of the incumbent queen of the Pamunkey over their tribe, confirming that their tribal government would remain semi-independent and recognized by the English Crown (Waugaman 2006, 5).

With the acceptance of these traditional rights and subjugation of the tribe many Pamunkey Indians began to assimilate into Western culture. The loss of much of their accessible land lead to the redefining of traditional male roles and identity amongst the Pamunkey. Cooped in on shrinking reservation lands the traditional role of warrior hunter began to lose its earlier significance. By 1694 the last traditional coming of age right for Pamunkey males, the *huskanaw*, was recorded amongst the Pamunkey Indian (Roundtree

1990, 149). Christianity under the Anglican Church additionally began to spread amongst tribal members after the treaty. Eventually claiming the totality of the tribe as adherents of the new faith. Further, the use of the English language spread amongst the tribe supplanting the traditional Algonquian language and leading to a loss of many traditional words. With the changes in culture, religion, and language the Pamunkey in many ways began to resemble and intermarry with their European neighbors. Traditional systems of subsistence and clothing style of the tribe as well changed to align with those of the European settlers with the Pamunkey becoming a part of the colonial export system. These changes gradually took effect throughout the 18<sup>th</sup> century as the Pamunkey slowly assimilated into broader Virginian culture sharing religion, language, and many cultural practices with their European neighbors. That being said the Powhatan still maintained knowledge of and active practice in some traditional forms of commerce and subsistence with traditional ways of hunting and fishing being a chief example of this. The preservation of their traditional ways coupled with an unbroken history of traditional tribal leadership and an active cultural memory of additional tribal practices and beliefs helped to maintain the Pamunkey as the political and cultural landscape of Virginia continued to evolve.

## **Section Two: Political Developments in the 19<sup>th</sup> Century**

*Author's Note: Due to transitioning views on identity and race during the time period discussed this section will see a transition from European and African to white and black as the descriptive terms following 1800. This transition is done to be reflective of the*

*issues around racial identity in Virginia at the time and provide context for the racial issues and policies that emerged during this period.*

The start of the 19<sup>th</sup> century saw the circumstances of many of the Virginia Tribes in a much different state than those at the time of first European settlement. Expanding populations of Europeans and dropping populations of Native Americans were the norm. In many areas native lands were sold off to European settlers, seized in armed conflict, or stolen through biased legal cases. Additionally, growing intolerance of intermarriage between African Americans, both freed and slave populations, and the tribes grew to be a growing point of contentions. These would plague the Virginia Indian tribes over the next century as their “racial purity” and “authenticity” grew to be increasingly questioned by European Americans in Virginia’s new racialized environment. With some tribes such as the Gingaskins being legally terminated from the list of tribes recognized by the Commonwealth in 1813 (Roundtree 1996, 163).

The Pamunkey tribe fared better than most in the 19<sup>th</sup> century. Having always been a politically strong tribe with a large amount of land that was situated on a peninsula they did not have to contend with as many attempts to encroach on their land as other Virginia tribes. While they continued to practice their traditional ways of subsistence their political and religious life went through several changes during this time. Under the newly independent Commonwealth of Virginia in the years following the American War of Independence they were able to prevent many of the illegal claims on their reservation lands with the Commonwealth setting up a Trustee board to oversee the Pamunkey Reservation. The period following the American War of Independence also saw the tribe

shift away from the traditional roles of women in the tribal government and shift toward a patriarchal leadership system (Roundtree 1996, 168). The male dominated political system that was established is still active up to this day with many positions of tribal leadership still based partially upon patrilineal descent in the modern day (Fast 1999, 19-22).

As the century progressed a major issue arose as blood purity became a widely held prejudice within the Commonwealth. Blood purity doubts combined with increasing hostility against non-white populations within the Commonwealth was to prove a major challenge for the Pamunkey. Chief amongst the issues that perpetuated this friction was the differential between the definition of “Indian” within the Virginia Tribes and their European neighbors. For many Virginia Tribes what was required to be considered an Indian was for an individual to be a descendent of a native group and in communion with a tribe (Roundtree 1996, 189). However in the 1820’s the definition of “non-white” populations amongst the white populations began to be defined in stricter genetically based terms. The prejudice this entailed was only made worse by an increasing belief that there were no longer any “pure” Indians, the common belief being that all existent Indians by the 1830’s were mulattos, and that any amount of black ancestry was racially polluting. The end results of these ideas were that those of European descent sought to reduce all non-white populations to the same social standing as enslaved blacks by curtailing the rights of tribes and in some cases denying or revoking their status as free people of Indian descent. The severity of the threat of this shifting view on racial purity came to be an item of great importance to the Pamunkey who undertook efforts to

prevent intermarriage with blacks and mulattos. Further they sought to maintain the “purity” of their Indian descent by intermarrying with other tribes both within and from outside of Virginia such as the Catawbas from South Carolina (Roundtree 1996, 194).

In 1842 the first effects of this racial ideas came to affect the Pamunkey as a petition to revoke their native identity and reservation was circulated in Virginia by a Thomas W.S. Gregory. In this petition he asserted that the Pamunkey were all mulattoes, and that as such had no right to retain their reservation. The rhetoric of this petition with its virulent racial bias gained many signatures before reaching the Virginia General Assembly in January 1843 (Roundtree 1996, 194). The Pamunkey were able at the time to garner enough support for their counter petitions that the petition by Gregory was rejected by the Assembly. However, the fact that Gregory’s petition made it as far as it did, showed the Pamunkey the real threat that the white majorities bias against Indians and non-whites posed to them. The tribe in turn became more isolated following this episode, as many tribal leaders came to believe that maintaining minimum contact with non-Indians and rejecting those of African descent was the safest measure.

The next threat to the Pamunkey’s identity came in 1857 when locals attempted to disarm Pamunkeys as under the current laws of the time non-whites, particularly blacks and mulattoes, were forbidden from carrying weapons. Disarming of the Pamunkey by the local government was only overturned with assistance from the Virginia Governor who reasserted the rights of the Pamunkey to bear arms, listing it as an intrinsic right of Indians on their reservation. Additionally, he recommended at this time that to prevent further such attempts the Pamunkey should conduct an annual census. It was his

recommendation as well that all those in the Pamunkey's tribal lands during the censuses that were found to be of mixed descent from blacks be removed from the tribal registry to prevent blood quota arguments against the Pamunkey in the future (Roundtree 1996, 198). The Pamunkey complied with the Governor's suggestion, tightening their membership rules and distancing themselves from black populations. The Pamunkey's distancing from outside populations continued through the American Civil War and afterwards with the introduction of Jim Crow laws during the Reconstruction period, when the post war government of the Commonwealth placed increasingly stricter regulations on all non-whites. Discriminatory regulations that were enacted in the post-Civil War period in turn lead to the foundation of the Pamunkey Indian Baptist Church in 1865 when local discrimination forbade non-whites from attending the Colosse Baptist Church, which had been the Pamunkey's primary worship site up until that point (Fast 1999, 73). As well as the later establishment of a state-run Indian school on reservation land to provide Pamunkey children with a basic education when the local schools began rejected them as students (Roundtree 1992, 200-204). By the late 19<sup>th</sup> century the Pamunkey's policies of non-fraternization had become clearly defined and regulated. By 1887 laws forbidding marriage to any not of Indian or white descent, marriage to white spouse by Pamunkey women, and limiting the time a non-tribal person could remain on the reservation were recorded by the Smithsonian Institution's Bureau of American Ethnology (Pollard 2012, 16-17). What can be seen throughout the Pamunkey's early history is a continued abjuration of their sovereign rights to maintain native identity and sovereign power by the Commonwealth through a continued cycle of reconciliatory

policies. Unfortunately, despite the Pamunkey's efforts to reconcile with the Commonwealth many of these same threats to the Pamunkey's identity would continue to hound the Pamunkey well into the 20<sup>th</sup> century.



## CHAPTER FOUR – NATIVE RESURGENCE

*“Being an Indian person is not easy. We have been held back, and in the past people looked down on us. I was a shy person who kept my own identity to myself. But being a member on the Council of Indians changed me. I have learned not to be afraid to speak up, and how to do what is needed at the state capitol... My dad and his dad were brought up saying, ‘Don’t make too much noise or you’ll lose what you have.’ I can understand that because in the past so much has been taken from them. Now here was this young radical saying, ‘Let’s go for it.’ So, we went after state recognition.”* Chief Stephen Adkins, Chickahominy (Waugaman 2006, 42-45)

Before we move on to the events of the 20<sup>th</sup> century it is important to put the narrative of the Pamunkey’s history into a broader context for a while. With the continued abjuration of native sovereignty as discussed in Chapter 3 the Pamunkey’s identity and rights were increasingly put at risk by the Commonwealth’s policies. The Pamunkey’s reliance on reconciliation policies and treaties placed the tribe in a position of limited power to address the Commonwealth’s mistreatment of the Virginia Indian.

The theory of native resurgence has been championed by Taiaiake Alfred, an ethnic Mohawk, in recent years. Through his research and activism on behalf of both his tribe and other tribes in the struggle for native sovereignty rights and self-governance he developed this concept as a means of addressing the inherent prejudices of reconciliation

policies. His underpinning of the concept with the theory of the conflict of recognition and reconciliation acts as a key point in the discourse of what native sovereignty means and more importantly how the Native American can achieve sovereignty.

Most of the period across the 17<sup>th</sup>-19<sup>th</sup> centuries show some common trends in the development of realities of Native Americans status in Virginia and in how other polities viewed the Pamunkey and other Virginia Indians. First is the declining sovereign and political power of the Virginia Indian in the Commonwealth. We can look at the loss of power both in terms of population and military capacity as well as increasing confinement of the remaining Indians in Virginia through the creation of reservations and treaties that inhibited them as a major part of this decline in native power. Next was a questioning of the validity of their right to be seen as “legitimate Indians”. The traditional pathways both economic, political, and cultural practiced by the Pamunkey and other Virginia Indians were treated as substandard by outside polities and that their ethnic identity itself was put into question. The questioning of their ethnic identity can be put forth as perhaps the most troubling trend as native identity is at the very foundations of native sovereignty. We will see this trend of increasing scrutiny of native identity continue into the 20<sup>th</sup> century. But before we track this trend into the modern era, we should explore the theoretical basis from which we should explore why this disenfranchisement of the native population and more importantly how these trespasses against their sovereignty can be fought against by Native Americans.

## **Section One: Native Resurgence**

The first thing I must address is the concept of native resurgence, the embodiment of the native culture and identity as a means of reclaiming inherent native sovereignty. Why is it necessary in the first place and why should it be a relevant strategy in reclaiming native sovereignty? In this line of discussion, we should first investigate what are the lived experiences of the native that embody the need for a resurgence. Of course, to begin that investigation we must begin with a discussion of the systemic biases that stand in the way of native identity and how these are impediments to native sovereignty.

Before we can discuss cultural resurgence, we must first accept that there is a cultural degradation of the identity and culture. Alfred argues that in the face of political and social oppression the native has had to subdue their voice, putting aside their traditional cultural identities and the means of expressing their sovereign power. The loss of native voice is seen in the abrogation of traditional systems of political and social systems in favor of Western systems in order to meet the desires of colonial powers (Alfred 2009, 3). By looking at the circumstances of the Pamunkey in the 19<sup>th</sup> century we can see abrogation of traditional systems at play in their gradual shift over the decades from an independent sovereign power to one that was under the juris of the Commonwealth's systems of governance and culture. Their reliance on these outside systems in turn placed them in a position in which they were forced to seek outside help in order to define and defend their identity (Roundtree 1996, 198). This reliance on an outside entity is not simply a symptom of an issue but the cause of others as it places the Pamunkey in a situation by which they are continually at the mercy of others defining

them. Dependency on the nation-state governments by indigenous peoples only perpetuates colonizing structures and places tribes in a submissive role. In his words, "... the crisis of dependency we face, which is defined in psychological and spiritual terms in addition to economic terms, requires a restoration of a relationship, on spiritual, psychological and physical terms, between indigenous people..." (Alfred 2015, 7). We will see the results of this in the 20<sup>th</sup> century, where the Commonwealth attempted to remove their native identity to fit them into the state's cultural and political system. However, it is important to note here that in this we see that the definitions that are inherent to the native and the non-native are often very different with the systems of value and identity held by the two being one such case (Alfred 2009, 66-67).

Once we have accepted that there is an inherent issue that needs to be addressed due to both historical inequalities as well as the differences that define those inequalities, we can look toward correcting them. What is needed in these circumstances is that native breaks from the oversight of outside polities and seeks to begin defining themselves and their traditional means of governance and identity in their own terms (Alfred 2009, 94). Such a break calls for them to consciously address the inequalities and then embody their identity actively and constantly. By actively practicing and preserving their traditional cultures, and the skills and language of their ancestors Alfred argues that native peoples are able to actively embody their culture. Embodying their culture is both an act of liberation from Western systems of beings as well as a conscious political statement of the tribe's unique existence as a political entity. Conscious acts of reinforcing native identity is the ultimate statement of native resurgence, the conscious embodiment of their

native identity and the ability to be the agent of their own identity. By doing this tribes seeking to gain their sovereign power can attain not just that sovereignty but also be respectful their history and cultural identity by embracing traditional systems of identity and cultural expression (Alfred 2009, 180-181).

Native resurgence is ultimately about reclaiming agency. It is about renegotiating the discourse around historical marginalization into one of pride and conscious embodiment. Throughout the history of the native within the confines of the United States their status and identity have been controlled by outside forces. Native resurgence as proposed by Alfred and other native scholars argues that the native must consciously embody their identity and claim back the agency to define their identity. This is because native sovereignty is based first upon one's native identity and without this first step, the native can never claim sovereignty.

## **Section Two: Balancing Recognition and Resurgence**

At this point the question arises however, how does a native claim sovereignty while consciously embodying their identity? How have they addressed and negotiated this sovereignty in the past and more importantly what is the path forward? Alfred places the conflict of recognition and reconciliation at the center of understanding the movement for an indigenous resurgence (Alfred 2015, 5-8). He argues that native peoples should focus, not on reconciliation with nation-states but rather on actively seeking recognition. I will discuss both, but we must first begin with the discussion of reconciliation. In as such

we must discuss why it is not the best path, yet also one that has been historically taken by many tribes.

What I mean by reconciliation is a policy by Native American Tribes to seek to deal with state and Federal polities on the terms of those polities. It is a policy of accepting the terms and traditions of those Western polities when defining the relationship between them and the tribe. Historically this can be seen as a path that was forced upon many tribes due to conflict and military conquests by Western powers. In the case of the Pamunkey the Treaty of Middle Plantation is representative of this circumstance with the Pamunkey ceding to the English Crown following a state of conflict (Waugaman 2006, 5). The ongoing issue with reconciliation policies is that they place the impetus of the relationship on the dominate power, the state or Federal government. In as such it is Western juris and Western conventions that dominate the relationship. The power that Western domination of the relationship between the state and the native places the native tribe in a position in which their identity and continued sovereignty is depending on a continued good relationship with its overseeing polity (Cobb 2007, 230). Furthermore, through reconciliation we can see that the position the native tribes are placed in have the inevitable result of affirming the rights and power of the overseeing polity to continue to dominate the tribe. Reaffirming the rights and powers of the overseeing polity only serves to justify the status quo of this relationship and keep the native in a perpetual state of subjugation (Alfred 2009, 72).

By examining the relationship that is formed between the native and the state we can see why reconciliation with both state and Federal governments can be detrimental to

tribes seeking to gain or maintain sovereignty. The acceptance of terms by the Pamunkey and other tribes from a colonizing force grants a measure of legitimate claim of power over the tribe by these forces. In the case of the Pamunkey it is the acceptance of terms from the Commonwealth during the 19<sup>th</sup> and earlier centuries from a place of political powerlessness that saw a continued degradation of their native identity and ultimately their sovereignty. In other Virginia Indians Tribes such as the Gingaskins this led to the complete loss of both their home and culture (Roundtree 1996, 163). The loss of the Gingaskins was possible because reconciliation by Native Americans is in the end a policy of accepting an unequal power structure whereby the native surrenders the right to define themselves to an outside polity. The relationship that this engenders is ultimately one that is lacking in respect of the native's inherent sovereignty and places their identity and sovereign power into the hands of these outside polities. The transferal of that sovereign powers is in the end both to the detriment of native sovereignty and against the very nature of sovereignty. Indeed, it can be seen in the case of politicians and native tribes that it is this disparity in status that places the native at a disadvantage given the goals of the State and Federal governments are not also the same as native goals and in many cases outright dismissive of them (Alfred 2009, 80-81).

Alfred argues that native peoples should focus not on reconciliation with nation-states, but rather on actively seeking recognition. Reconciliation, that is passively fitting into the system of the modern nation state, is, according to Alfred, nothing more than a kind of recolonization. He argues that dependency on the nation-state governments by indigenous peoples only perpetuates colonizing structures and places tribes in a

submissive role. In his words, “the crisis of dependency we face, which is defined in psychological and spiritual terms in addition to economic terms, requires a restoration of a relationship, on spiritual, psychological and physical terms, between indigenous people” (Alfred 2015, 7). To remove the native from a situation in which they are dependent on an overseeing polity, Alfred argues that indigenous peoples should seek recognition of their former status as equal partners in their relationships with the government and address the inequalities of the past through embracing their rightful lands and cultural heritage (Alfred 2015, 6).

The nature of recognition in this context is rooted in a recognition of historical inequalities and acceptance of the native tribe as an entity that is both deserving of respect and holding the inherent right to sovereignty (Cobb 2007, 238-239). It is a process of enforcing and demanding the recognition of their native identity through legislative and legal means to ultimately reinforce the right to exercise their native sovereignty. Through the recognition of native identity and lived experience throughout their history and in their present day this form of relationship with other polities reinforces the authority of traditional native pathways (Alfred 2009, 170-171).

### **Section Three: Critiquing Recognition and Resurgence**

While the conflict of reconciliation versus recognition is the primary concept that I have used to define the Pamunkey’s experiences it is not without critique. The body of study within the anthropological community on native sovereignty is broad and several



theorists have questions both elements of and principal points of native resurgence and recognition.

In her work, Audra Simpson (2014) questions the limitation of native choices to only those of reconciliation and recognition (Simpson 2014, 193). Simpson argues that the use of this two-path pattern in native resurgence is both limiting and that it ignores the abilities of native peoples to work and exist outside of the conventions of traditional governmental systems (Simpson 2014, 176). Instead, a third path exist in the concept of refusal. The argument for refusal as an option to the native is that recognition and the resistance that it implies only reaffirms the historically weak position of the native in the power dynamic between tribe and state. By refusing to take part in this relationship the native denies the authority of the state to dictate the discourse of power and forces the state to address the native (Simpson 2014, 106). The central principle that underpins this concept of refusal is that ultimately through either reconciliation or recognition the native is still beholden to the inequitable relationship of colonizing powers which seek to “confine” the native (Simpson 2014, 20). By engaging in this relationship, the native only serves to continue in the process of legitimization of the state’s power over the native. In refusal the native calls into question the authority of the state and reaffirms that the tribe is not subject to outside sovereignty and that the relationship between the state and the tribe is subject to change (Simpson 2014, 128 & 143).

The danger of legitimization of the states power in its relationship to tribal nations regardless of recognition is a principle concern. Looking at other theorist the question is can the transition to recognition be enough? While recognition can be a transformative

process for many tribes considering the history of the state in terms of the violation of native sovereignty recognition is often just not enough to effect a significant change in the circumstances of the native (Coulthard 2014, 4). The state has always had a contentious relationship with native sovereignty with many of its policies of the past and present based upon the perpetuation of the states power and the assumption or assimilation of the sovereign native for the purposes of the state's own goals (Coulthard 2014, 125). The recognition of the tribe does not negate the sovereign goals or authority of the state which has recognized the native, it only reorients the discourse around which the state continues to reinforce its own policies toward the native (Coulthard 2014, 6). The native through recognition has in theory only gained a new mutual agreement with the state and is still not able to operate on an equal standing with the state in a nation to nation discourse (Elliot 2015, 75-76).

Despite the critique that can be placed upon the conflict between reconciliation and recognition I believe that in the context of the Virginia Indian this conflict is still the best means by which we can analyze the historical narrative of the Pamunkey tribe's path to Federal recognition. When looking at this narrative of recognition versus reconciliation we can see that it has a deep impact on how we can analyze the Pamunkey's transition to a Federally recognized tribe. The events of the 19<sup>th</sup> century, and as we will see in the next chapter the early 20<sup>th</sup> century, were brought about by reconciliation policies. While the nature of the Pamunkey's relationship with the state was defined in Treaties based on reconciliation there was still the opportunity to gain a new relationship with the Federal government based on recognition. Recognition of the Pamunkey by the U.S. government

places them in better a position to protect their cultural and legal legitimacy within Virginia territory and political landscape. While this recognition is only an ideal, without further work on the part of the Pamunkey, we cannot dismiss the value of recognition or the beneficial nature of the native utilizing sovereignty as a tool in this discourse (Elliot 2015, 76). The value of this recognition is due to the nature of the relationship between the Federal government and that of the Commonwealth. The Commonwealth, under the terms of its relationship with the Federal government, has ceded its ability to interfere in the affairs of Federally recognized tribes and after Federal recognition is limited in how it interacts with the Pamunkey (Ashley 2004, 16-18). As the primary agent of previous infringements on the sovereign rights of the Pamunkey it is the separation from the authority of the Commonwealth that was crucial for the tribe. The history of struggle for federal recognition by the Pamunkey in the 20th century is a narrative of transition from the idea of reconciliation with the Commonwealth to that of recognition by the Federal government. The Pamunkey's efforts over the past century have led them to redefine their sovereignty and their status in the political and cultural landscape of Virginia. Through initiatives towards a native resurgence in the 20<sup>th</sup> century the Pamunkey have gradually addressed some of the historical inequalities as a prerequisite to recognition. They have sought recognition in order to regain their own cultural sovereignty and preserve their traditional ways. This transition is important as it shows the depth of Alfred's argument against reconciliation and displays why it is so important for not only the Pamunkey but Native Americans and the Virginia Indian as a whole.

## CHAPTER FIVE - PAMUNKEY IN THE 20<sup>TH</sup> CENTURY

*“You ask me about the Pamunkey’s tribute to the governor of Virginia. We made a treaty with the government in colonial days and we renewed it with the General Assembly of Virginia, whereby the Pamunkeys should occupy their reservation, so long as the Pamunkey River ebbed and flowed. Our parts of the treaty, we have never broken. But the palefaces, I am sorry to say, have broken their treaty so much that we don’t even know where the peace is.”* Chief George Major Cook’s speech to the Governor of Virginia 1928 (Bradby 2008, 112-113).

The history of the Pamunkey prior to the 20<sup>th</sup> century represents a rich tapestry of relationships that the tribe has had with successive Western governments. From the early English colony to the current post reconstruction Commonwealth of Virginia the tribe has had to navigate changing attitudes and forms of governance while still staying true to many of the original treaty terms enacted in the early 17<sup>th</sup> century. As we can see from their early history the Pamunkey also went through major cultural shifts as the Powhatan Confederacy fractured and the Indian tribes of Virginia took independent paths. The cultural shift that the Pamunkey underwent placed them in a very different relationship with both other Virginia tribes and the Commonwealth of Virginia as they entered the 20<sup>th</sup> century.

As the Pamunkey Indians entered the 20<sup>th</sup> century they found a political climate much changed since their days as head of the Powhatan Paramountcy. The growth of the other populations in Virginia and shift from the earlier colonial government had seen a drastic change in the culture of Virginia. No longer were the Virginia Indians a populous confederation of tribes with the political and military might to directly confront the Commonwealth's government and laws. Instead they were a scattered people with only a portion on the Pamunkey and Mattaponi reservations holding onto their traditional lands, the oldest existent reservations in the United States (Waugaman 2006, 6). As the Commonwealth's policies toward the Pamunkey continued to be negligent at best the continued denunciation of their native rights and recognition began to cause deeper problems for the Pamunkey and other Virginia Indians. The continued rejection of the Pamunkey's inherent sovereignty would in response require the Pamunkey Indian to rethink their previous associations with the Commonwealth and put into question the position of reconciliation with the Commonwealth government that in many ways had marked their previous association.

Since the mid-20th century the Pamunkey tribe has undertaken the process of seeking Federal recognition from the government of the United States of America. While they have possessed political recognition from the Commonwealth of Virginia since Colonial times till now, they were until recently not recognized by the federal government as a sovereign, federally recognized Native American tribe that would be eligible for benefits in accordance with the federal Indian regulations (25 CFR 83, 2015). Recognition on the federal level confirms with it many benefits that can completely

change both tribal structure and legislation. Grants and funding for housing, research, or education as well as sovereign control of their land, membership, and representation are amongst these benefits (Evans 2011, 24-27). To achieve federal recognition therefore is a first step toward overcoming social and ethnic inequalities and provides a deal of economic and political clout to protect and preserve traditional lifeways and practices.

The road to Federal recognition however was neither short nor an easy one to follow for the Pamunkey. Further, while the process for it was started in the mid-twentieth century it developed from decades of struggle and treaties that defined the relationship of the Pamunkey Indians with neighboring populations. No culture or cultural process exists within a vacuum and no cultural act exist without historical precedent. When looking at the issue of tribal sovereignty and federal recognition we must look towards the historical precedent that both justifies Federal recognition and that lead the tribe to reaffirm their identity as a sovereign federally recognized tribe (Barsh 1980, 270-271). It is for this reason that an understanding of the historical events and treaties that led to Federal recognition must be undertaken in order to understand why a transition from U.S. state to Federal recognition was so important to the identity of the Pamunkey Indians and from that, elicit why this is a process that will be repeated by other tribes currently only holding recognition by their home states.

With the analysis of historical accounts through theories of race and identity, usurpation of governmental power, and popular sovereignty we can understand how and why this shift to federal recognition occurred and how this historic case can be utilized to understand the socio-cultural processes that define identity and sovereignty for Native

Americans. As such we will examine these theories and historical context before briefly looking at the main events that helped to reaffirm Pamunkey identity and sovereignty leading up to their recognition in 2015 from this contextual understanding.

### **Section One: The Early 20<sup>th</sup> Century and the Plunker Era**

We must begin with the tribe's relationship with the state of Virginia and the issues presented for them in terms of racial integrity. Virginia's relationship with the tribe was a precarious one and the Commonwealth often sought to relegate the Virginia Indian to a historical footnote or deny their existence. Following the end of the 19th century the Pamunkey were in a fairly stable if not prosperous state due to integration with the European population and the exercise of sovereign power over their nation through right of treaty with the Commonwealth. These rights and treaties between them and the Commonwealth having persisted and been reaffirmed through many decades by then. Further while integrated the Pamunkey people still maintained their distinct identity through tribal membership and traditional practices such as subsistence hunting on tribal land (Fast 1999; Bradby 2008). A challenge to native identity and sovereignty came in the early 20th century however when with mounting racial tensions spreading throughout the South the Racial Integrity Act of 1924 was passed by the Commonwealth (Waugaman 2006, 6). The act dictated that residences of the Commonwealth of Virginia could only be white or black with no other option being presented (Waugaman 2006, 33). These new regulations were born out of issues stemming from the shift in racial policies within the state dating back to the early 19<sup>th</sup> century and brought to a head during the

Reconstruction period which saw the rise of the Jim Crow Laws and heavy racially based discrimination.

Yet how and why was Racial Integrity Act of 1924 a threat to identity and sovereignty? The context of racial identity and the angst that was held point toward the ways in which states have and continue to push their policies toward disenfranchised groups and maintain or establish a sense of national identity through the systematic appropriation, diffusion, or destruction of identity. Without these notions of identity and the protection they bring with them we see a loss of both cultural agency as the traditional identity is disparaged and the political disenfranchisement of the minority through loss of that identity. In as such the process by which the creation of a new ethnic identity can be a means of social control and political enfranchisement. Here in we see a process of centralization as a means of exerting political control in which the concepts of black and white were used to separate and break down the local structures and use members of native minorities as tools through which government structures could be enforced. The destruction of these local cultural structures can be seen as a process of removing the indigenous identity of the Indians of Virginia as they would have to choose a race to belong to. The sentiment can be seen in many of those who lived through these times with the process being described as “eugenic homicide” and as fair tougher than other forms of prejudice as they sought to “deny they (the Virginia Indian) existed” (Waugaman 2006, 35-36).

The idea of identity and the placement of an individual group or ethnicity, their creation, and diffusion can become powerful tools of both liberation and oppression. The



body politic and the idea of sovereignty as well as the structures they create therefore stand as key elements to the agency of the people they encompass. As such many of the Pamunkey chose to be listed as white in the census (Roundtree 1997, 221-223). While this erased the records of their native ancestry on the state registries, a blow to their political identity as a treaty entity, it allowed them to escape much of the racial violence of the early 20th century unscathed and granted continued access to state funds and support.

Of further importance to the cultural identity of the Pamunkey Indian the Racial Integrity Act of 1924 showed members of the tribe that although they still held treaty status within the Commonwealth of Virginia stronger means of protection for their traditional culture and identity would be needed. The initiatives that the tribe came to take in order to achieve protection for their traditional culture and identity were three tiered and addressed strategies to gain, maintain, and produce power as well as maintain their standing within the broader social structures. First was to establish and build a strong means of production both for maintenance of traditional skills and crafts as well as to bring economic stability to the community. Second was the creation of a means to oversee the production of knowledge and to provide a legitimate means of transmitting cultural knowledge and information across generations. Finally, they sought to address sovereign power through assumption of the powers of the state in order to guarantee that the right to organize and order their social and political lives remained within the hands of tribal members.

The ability to build and maintain a means of productions both in terms of economic and dietary resources play an important role in social progress, self-subsistence, and the creation or maintenance of a burgeoning society. To obtain self-subsistence the Pamunkey utilized two traditional means of production and subsidence that had stayed within their community for generations. The first was to turn to their system of subsistence hunting and for this goal they chose to expand upon the means of sustainable production of food products that was in line with the natural resources on hand at their reservation. The resource that they chose was the native Shad fish, a hatchery for which they established in 1918 and would expand over the years (Waugaman 2006, 14-17). Utilizing traditional methods of catching, preserving, and then hatching new generations of Shad in coordination with modern technology they quickly insured food stability for their population and grew to be an integral part of conservation efforts for Shad on the Eastern seaboard, as even into the 21<sup>st</sup> century the Pamunkey's hatchery is the largest Shad hatchery on the Eastern seaboard. Next was a recognition of the traditional roles of women as an important element of their society and their historic control of production methods such as farming, weaving, and the production of pottery. To develop and expand economic options for their female population utilizing State funding and support in 1932 the Pamunkey undertook an initiative to establish a pottery production facility on the reservation (Waugaman 2006, 74). This pottery production facility became a powerful focal point for the reservation's women who create and sell the pottery utilizing clay procured from the local marshland. In this capacity the tradition has continued up until the modern day with their work still being a part of the local

reservation economy. These initiatives both provided stable employment for members of their community, utilized the natural resources at hand on the reservation, reinforced traditional lifeways, and in addition to bringing in a sustainable revenue stream to their community also increased interest on the state level for support of the tribe.

### **Section Two: Reclaiming the Native Voice**

The second initiative the Pamunkey needed to engage in is where they sought to address the production and reproduction of knowledge. As we can see from the discussion of native resurgence earlier the ability to embody one's culture is paramount. Here in is where one must realize education as an important means of producing and maintaining cultural identity within the tribal community and amongst other polities. By formulating a legitimate means for communicating cultural ideologies and beliefs across generations native populations can stabilize production of knowledge regarding the community and history, educate outsiders about themselves, and ensure that future generations of the community had access to their cultural history (Maddox 2005, 53).

As a means of achieving this goal it was important to have tribal members engage in the production of knowledge by participating in historical reenactment and stage productions about the tribe. In the Commonwealth the myth of Pocahontas, that being the false narrative of historical events as opposed to the very real Pamunkey Indian that inspired them, was common (Brady 2008, 116-120). The Pamunkey saw the continuation of historical narratives about the Virginia Indian in the general public as both a threat and a blessing as it kept them in the public eye. While the common knowledge of the events

and the narrative presented was false it was important that the Pamunkey participated in the creation of these historical narratives. By participating and producing their own renditions of these historical events they were able to change the narrative of these historical reenactments to represent the realities of their cultural heritage. They had a need to show themselves as not a dying or lost people but as living inheritors of their ancestors that possessed the agency to tell their own story (Maddox 2005, 48-49). As such the Pamunkey began to host their own reenactments of the Pocahontas story.

Traveling around the Commonwealth they put on plays in what was broadly considered “Indian” garb at the time to show off their nativeness (Brady 2008, 123). Through these performances they were able to show themselves to the rest of the world and promote their interest on a broader scale. By gaining reputation for their engaging historical reenactments the Pamunkey were able to secure a spot in the 1907 Ter-Centennial Anniversary celebrations at Jamestown (Waugaman 2006, 106-107). Through successive performances over the years and continued cooperation in the Jamestown Anniversaries they became an important part of the foundation of the historical living history areas of the Jamestown Settlement park, founding and staffing the historical Powhatan Indian Village (Waugaman 2006, 107-110). Tribal participation in historical reenactment and native representation at Jamestown allowed them further ability to participate in the production of knowledge at these sites. By having Pamunkey tribal members in these historic roles at these locations we can see a move towards reclaiming the historical narrative around their people and a means of redefining the locus of this production of historical knowledge from the vantage point of the tribe.

With the help of funding from the Commonwealth, economic capital provided by the production initiatives, and the academic support of various universities in the region they would achieve their goal of furthering public education on their history. In 1979 with the help of anthropologists, both native and from outside the community, the Pamunkey Indian Tribe Museum was founded on their reservation in King William County. This museum became an area for education for both tribal members and outsiders on the Pamunkey's history, culture, and traditional means of living. However, the museum was only one step in the greater narrative of the Pamunkey reclaiming their native voice. It was only after decades of work and many different methods of cultural production that they were able to achieve control over the production of knowledge surrounding their history. As we have seen in previous chapters in this thesis the performance or embodiment of one's culture is particularly relevant to the case of the Native American.

### **Section Three: Reclaiming Sovereignty**

The last initiative was the hardest and took the greatest amount of time to achieve, the assumption of the powers of the state by the tribal leadership on behalf of their community. It was in this assumption of the powers of the state that they could ensure that they and they alone had the means to organize and order their community and were no longer at the whims of outside legislation. Influenced by the neighboring U.S. populations, the Pamunkey had supplanted their traditional matrilineally descended chiefdom for an elected council and tribal chief that was not dependent on heredity. By

this means they ensured a consistent leadership for their tribe and protected the rights and voice of individual members of the tribe within the tribal governance. It was this new system of tribal Council that in 1982 began the process to achieve Federal recognition for the Pamunkey tribe, the last part of their initiative to protect their traditional cultural identity and to ensure the future of their tribe. Speaking on the matter to a local journal Chief Brown, who for many years led the initiative for Federal Recognition, said “We were overlooked in 1776 . . . that’s when we should have been recognized. We deserve justice. Our treaty was with England and predates the Constitution. Now it’s time to have the United States government recognize us for who we are. We are not going to go away.” (Gardner 2013, 9). After years of legislative processes by the staff of their council and museum, community members, as well as state archivist and anthropologist from various local universities or national institutions, many of whom were tribal members or affiliates and had received state funding to attend higher education, they achieved this goal. In July of 2015 the Pamunkey became the 567<sup>th</sup> Federally recognized Indian tribe. In doing so they were the first Indian tribe in Virginia and the first amongst their fellow tribes of the former Powhatan Confederacy to be recognized. With Federal recognition the struggles and sacrifices of many generations of Pamunkey were validated as the Pamunkey took their place as a sovereign native tribe. They were able through Federal recognition to further advance the cause of their people, both Pamunkey and other Virginia Indians, as well as to protect their identity and heritage.

When looking at the history of the Pamunkey Indians one can see that their struggles are a strong example of the process of redefining power and reclaiming

sovereignty for a community. The history of this process for the Pamunkey clearly demonstrates the contentious nature of the struggle to maintain the identity of a community and the role that the embodiment of power can play in the transfer of power from the state to the community. By looking at the historical context in which the Pamunkey's struggle played out, the impetus for change in the status of the people involved and understanding the different ways in which inequalities of power can be addressed by a local community in the process to attain Federal recognition a greater appreciation for the historical context behind social movements can be found. Further it is better understood that no social activity exists within a vacuum but that it is indeed born of the historical context of the subject group and cannot be separated therefrom. The historic precedent of any process must always come to the forefront of any discourse on the matter. Decisions both good and bad that were taken in history and led to the moment of realization for their goals must be evaluated in terms of the long-term trajectory of the community as well as the final results of those actions. Further research on the Pamunkey and their history is warranted due to their historical importance, modern-day innovations in the Commonwealth of Virginia, as well as their recent Federal recognition. As the first of the Virginia Indian tribes to be recognized by the Federal government their example is likely to be followed by other members of the former Powhatan Confederacy and an understanding of the social processes that will go into obtaining Federal recognition for those tribes will most certainly be helped by understanding the changing pathways that led to the recognition of the Pamunkey Indians.

From the Pamunkey's history we can see how the fight against the state's racial laws in the early 20<sup>th</sup> century up to the 1960's became a key rallying point for the tribe. During the early half of the 20<sup>th</sup> century many of the tribe's internal regulations on membership developed. More importantly for my thesis however is how these struggles changed the Pamunkey's views on the state of Virginia and the way they should conduct themselves as a sovereign tribe and in relation to the Federal government. Because of the lack of the Commonwealth's support for education, economic support, and infrastructure the tribe undertook the funding and construction of these themselves. The Pamunkey's ability to take on supporting themselves is a key factor that allowed for them to redress their cultural heritage and begin to conduct themselves as a political entity. Further in the struggle to preserve their cultural heritage, one could note their very existence, they saw the need to begin initiatives for educations of tribal members on their heritage. By tapping into resources and institutes that would allow them to bring the story of their people to a broader stage this goal was achieved with the creation of the tribal museum and the tribe's involvement in historical interpretation at various sites in Virginia.



## CHAPTER SIX –INTERPRETING NATIVE SOVEREIGNTY

*“The reservations were established as sovereign states by treaty with the British Government, before there was a United States. We deal with state and local governments on a state-to-state basis.”* Chief William “Swift Water” Miles (Waugaman 2006, 9)

The history of the struggle for Federal recognition by the Pamunkey in the 20<sup>th</sup> century is a narrative of the transition from the idea of reconciliation to that of recognition. The Pamunkey’s story mirrors that of other native populations. It displays the value of recognition over reconciliation and how recognition can be used to address inherent huddles to Native American Sovereignty. Reconciliation places the native in a tenuous relationship with western society whereby they are beholden to outside oversight over their cultural expression and native identity. Such a relationship can be stated through understanding that it is near impossible for a native population to make any claim to Sovereignty without being first recognized as holding inherent sovereignty in and of themselves. But what is this sovereignty and how do we define it? To discern what is the value that it holds must be our next step in understanding this process from reconciliation to recognition.

## **Section One: The Inherent Powers of the Nation vs. the State**

What is the nature of the powers of the nation, what makes them a nation? How does this differentiate from those of a state, what makes them a state? In this section we will discuss the nature of the nation, state, and nation-state as social constructs. We must define how the above must embody and constantly reaffirm their power. As social constructs all these entities are both very real and at the same time non-existent. By saying that they are at the same time both real and non-existent we mean that their existence is dependent upon the act of recognition by another such entity as well as further by the embodiment and active reaffirmation of their power and sovereignty.

As such the three must be clearly defined within the context of this thesis. What differentiates them are the locus of their sovereignty and the means by which they can enforce it. The nation is foremost in and of itself an entity which is defined by holding sovereignty by nature of its constitute population. The locus of a politics sovereign power is important in the context of Native American Sovereignty as their tribes are by their nature defined as a nation under Federal juris in the United States by their inherent right to self-government (Hubbard 2004, 14). On the other hand the state and the nation-state hold rights and sovereign power through their ability to structure and enforce their identity through both legal and forceful means. The use of force in much a way being the exclusive purview of the state (Alfred 2009, 71-73).

Sovereignty has a need to be acted out and enforced, it must be continually performed and reproduced. Performing and reproducing sovereignty is arguably the most important role of entities that assume the powers of a state such as the semi-sovereign

nations of the various American Indian Tribes. Key is the distinction of who and what makes up the community that it claims. One of the principal powers of a federally recognized tribe is the ability for it to dictate who is and is not a member of its community based upon an enforced identity and preexisting relationship with its constituent members or ancestral forbearers. It is in the creation of community that this power is realized. The people form and represent the authority that justifies the tribes' inherent sovereignty (Hubbard 2004, 24). In this sense tribes with federal recognition fulfill and assume the role of sovereign nation in this sense. Assuming the role of a sovereign nation results in structures that both define and protect the tribe as a distinct nation as well as structure that can covertly and overtly carry out the will of those that the tribe claims to hold juris over.

The state, by nature of existing as the distinct entity we recognize as a state, holds several rights unique unto itself. Foremost is the exclusive right to the enforcement of its legitimacy and sovereign right to order and configure the population within its claimed socio-political territory. Yet through treaty and federal recognition of native status we can see a transferal of these rights (Barsh 1980, 109). Within each of these cases we can see a common theme of the abjuration of the rights of the state within the context of discourse with its population and the formation of semi-sovereign entities that take on the role of sovereign power in their self-defined communities (Cohen 1988, 122). Tribes through receiving Federal recognition, while remaining still answerable to the Federal government in some ways, becomes sovereign entity that embodies the power of a nation. We define them as such because while they are most certainly a nation, in the sense of the

ethnically or regionally definition thereof, they cannot utilize the full powers of a sovereign state (Barsh 1980, 286). However, this is only in the sense that they do not hold military power and some other minor roles of a sovereign state as well as they are ultimately subject to and part of the broader infrastructure of the Federal government (Harring 1994, 32-33).

### **Section Two: Revisiting Sovereignty and Identity**

What we see in this historical context is a narrative between a people and a state. In terms of addressing the status of the Native American population we are confronted with a group of people that are both part of and outside of the boundaries of the state. A given population defined not in and of itself but as a point intersecting multiple shifting planes of identity, relativity, social interaction, and political agency. We must, as too the state, account for those that reside within these permeable boundaries of existence within the state and understand that in this narrative there are areas in which culture, language, or national concepts become vague (Cobb 2007, 230).

When looking at the history of the Pamunkey Indians one can see that their struggles are a strong example of the process of redefining power and reclaiming sovereignty for a community. The history of redefining power and reclaiming sovereignty for the Pamunkey clearly demonstrates the contentious nature of the struggle to maintain the identity of a tribal community and the role that the embodiment of power can play in allowing tribal groups to overcome historical inequities. By looking at the historical context in which this struggle played out, the impetus for change in the status of the

people involved and understanding the different ways in which inequalities of power can be addressed by a tribe in the process to attain Federal recognition a greater appreciation for the historical context behind social movements can be found. Further it is better understood that no social activity exists within a vacuum but that it is indeed born of the historical context of the subject group and cannot be separated therefrom. The historic precedent of any process must always come to the forefront of any discourse on the matter. Decisions both good and bad that were taken in history and led to the moment of realization for their goals must be evaluated in terms of the long-term trajectory of the community as well as the results of those actions. As the first of the Virginia Indian tribes to be recognized by the Federal government the Pamunkey's example is likely to be followed by other members of the former Powhatan Confederacy and an understanding of the social processes that will go into obtaining Federal recognition for those tribes will most certainly be helped by understanding the changing pathways that led to the recognition of the Pamunkey Indians.

## CHAPTER SEVEN –CONCLUSION

*“Putting problems into perspective is a good thing, but it doesn’t mean we won’t keep working to improve things. We’re still here and we’re not going away! We still have a long way to go, and I hope the Virginia Indians who follow us will be driven to continue working to improve things.”* Assistant Chief Gene Adkins, Chickahominy (Waugaman 2006, 47)

Sovereignty, and Native Sovereignty at that, is a complex issue within the context of United States history. As we can see from the historical narrative and experiences of the Pamunkey Indians of Virginia the path that the native must take to receive the recognition they deserve is often long and marred by the shadow of injustices. When Europeans first came to modern day Virginia, they found a strong, unified confederacy of native tribes lead by the Pamunkey. Through centuries of conflict and discrimination this confederacy was broken and the Pamunkey forced to accept a treaty build upon the policy of reconciliation. Because the treaties that resulted from the Pamunkey’s early history were built upon the acceptance of terms that granted a measure of legitimate claim of power over the tribe both the Colonial government of Virginia and the later Commonwealth kept the Pamunkey in an exploited state. The discriminatory policies of the Commonwealth during the 19<sup>th</sup> and earlier 20<sup>th</sup> centuries saw a continued degradation of the Pamunkey’s native identity and ultimately their sovereignty. This discrimination

that the Pamunkey faced is reflective of the dangers of reconciliation policies when embraced by native tribes and reflective of the value of recognition to gain native sovereignty.

From the example of the Pamunkey we can see that it is not simply recognition that is required to claim sovereignty for the native tribe. Native sovereignty is inherent for native tribes, but its sovereign power resides within the people that compose the tribe. Through the recognition of native identity and lived experience throughout their history and in their present day this form of relationship with other polities reinforces the authority of traditional native forms of identity and governance (Alfred 2009, 170-171). In order to reinforce their sovereignty, the Pamunkey sought recognition from the Federal government and with it the recognition that their native sovereignty was of value and deserved to be treated with validity. Through a century long process, they constantly embodied the tenants of native sovereignty by both embracing and enriching their traditional culture and native pathways. Championing their traditional means of subsistence, craft work, and the presentation of their culture to outsiders they show how the argument for the conscious embodiment of indigenous culture has a strong impact on uplifting native tribes.

From this case of transition from a state recognized tribe to a Federally recognized tribe we can see the value of the theory of native resurgence as a tool to analyze native sovereignty movements in the case of the transitioning from a state of reconciliation to that of recognition. However, while this is a positive step for the tribe, we cannot forget that this is not the end of the Pamunkey's struggle for sovereignty or

that of other native tribes within the United States that only have a relationship with their local state or that have not been officially recognized at all. As Amy Den Ouden (2013) states, “recognition does not settle sovereignty struggles. In fact, it can initiate new struggles and perpetuate or reignite old ones – among the oldest in the United States being the struggles that inure in relations between competing sovereigns.” (Den Ouden 2013, 5). While the Pamunkey have achieved their Federal recognition and are on the road towards addressing in part some of their historical injustices there are still many struggles that they will face under Federal oversight. While recent legislation has become more favorable to negotiating some tenants of the relationship between the Federal government and the native the track record of the United States Federal government has not been without its abuses towards natives (Ashley 2004, 13-25). Even within the context of Federal recognition the Pamunkey are not guaranteed equitable treatment or respect for their traditional governance and native identity. This is a struggle they will continue to fight for many years to come. Further, while they have removed themselves from the oversight of the Commonwealth, the redressing of previous inequalities and discrimination during the Pamunkey’s relationship with the Commonwealth has yet to be addressed. The road to redressing these injustices is a long one that the Pamunkey of Virginia can only achieved through perseverance in the protection of their inherent sovereignty and identity.



## Afterword

*“We know we’ll get federal recognition. It’s not a matter of if. It’s just a matter of when. They know who we are; they know how long we’ve been here. They can’t just turn their backs and ignore us. Whether they like it or not, we are part of American history . . . and proud of it.”* Chief Kevin Brown (Gardner 2013, 9)

The struggle for Federal recognitions by the Pamunkey was not one that ended with them. In the years following their recognition many of the other Virginia Indian tribes in collaboration with the Pamunkey were able to gain Federal recognition. On October 4<sup>th</sup>, 2018 the Eastern Chickahominy, Chickahominy, Mattaponi, Rappahannock, Monacan, and Nansemond stood side by side with the Pamunkey to celebrate their recognition as sovereign Federally recognized tribes. After over two centuries of history within the United States these tribes were finally able to receive the recognition that they were denied in 1776. While their story is still one of unequal battles and struggles to retain their unique identities for now the future seems a little surer and the respect that these fellow human beings deserve closer to realization.

## REFERENCES

- Alfred, Taiaike  
2009. *Peace, Power, Righteousness: An Indigenous Manifesto*. Oxford University Press. New York, NY
- Alfred, Taiaike  
2015. Cultural Strength: Restoring the Place of Indigenous Knowledge in Practice and Policy. *Australian Aboriginal Studies*, Vol. 2015, Issue 1 (2015): 3-11
- Ashley, Jeffery S. and Hubbard Secody J.  
2004. *Negotiated Sovereignty: Working to Improve Tribal-State Relations*. Praeger Publishers. Westport, CT
- Barsh, Russel L. and Henderson James Y.  
1980. *The Road: Indian Tribes and Political Liberty*. University of California Press. London, England
- Biolsi, Thomas  
2005. Imagined Geographies: Sovereignty, Indigenous Space, and American Indian Struggle. *American Ethnologist*, Vol. 32, No. 2 (May 2005): 239-259
- Bradby, Kenneth  
2008. *Pamunkey Speaks: Native Perspectives*. BookSurge Publishing
- Bureau of Indian Affairs, U.S. Department of Interior  
2015. 25 CFR. Department of Interior. Washington, DC
- Cobb, Amanda J.  
2005. Understanding Tribal Sovereignty: Definitions, Conceptualizations, and Interpretations. *American Studies*, 46:3/4 (Fall-Winter 2005): 115-132
- Cobb, Daniel M. and Fowler, Loretta  
2007. *Beyond Red Power: American Indian Politics and Activism since 1900*. School for Advanced Research Press. Santa Fe, NM
- Cohen, Felix

1988. Handbook of Federal Indian Law. Reprint Edition. William S. Hein & Co. Buffalo, NY
- Coleman, Arica  
2013. That the Blood Stay Pure: African, Americans, Native Americans, and the Predicament of Race and Identity in Virginia. Indian University Press. Bloomington, IN
- Coulthard, Glen Sean  
2014. Red Skin, White Masks: Rejecting the Colonial Politics of Recognition. University of Minnesota Press. Minneapolis, MN
- Deloria, Vine and Lytle, Clifford M.  
1984. The Nations Within: The Past and Future of American Indian Sovereignty. University of Texas Press. Austin, TX
- Den Ouden, Amy E. and O'Brien, Jean M.  
2013. Recognition, Sovereignty Struggles, and Indigenous Rights in the United States. University of North Carolina Press. Chapel Hill, NC
- Elliot Michael  
2015. Indigenous Resurgence: The Drive for Renewed Engagement and Reciprocity in the Turn Away from the State. Canadian Journal of Political Science, Vol. 51 No. 1 (2018): 61-81
- Evans, Laura  
2011. Power from Powerlessness: Tribal Governments, Institutional Niches, and American Federalism. Oxford University Press. New York, NY
- Fast, Jane A. & Keroher, Jewell K.  
1999. Chief Tecumseh Deerfoot Cook: A Tribute to Honor His 100<sup>th</sup> Birthday. Chesapeake Bay Marketing, Inc. Warsaw, VA
- Forbes, Jack  
1993. Africans and Native Americans: The Language of Race and the Evolution of Red-Black Peoples. University of Illinois Press. Chicago, IL
- Gardner, Andrew  
2013. We are Not Going to go Away. Colonial Williamsburg Journal. Spring.
- Gleach, Frederic  
2000. Powhatan's World and Colonial Virginia: A Conflict of Cultures. University of Nebraska Press.

- Harring, Sidney L.  
1994. *Crow Dog's Case: American Indian Sovereignty, Tribal Law, and United States Law in the Nineteenth Century*. University of Cambridge Press. Cambridge, England
- Horse, Perry G.  
2005. Native American Identity. *New Directions for Student Services*, 2005, Issue 109: p.61-68
- Justice, Daniel H.  
2010. Rhetorics of Recognition. *Kenyon*, Vol 32(1): 236-261
- Maddox, Lucy  
2005. *Citizen Indians: Native American Intellectuals, Race, and Reform*. Cornell University Press. Ithaca, NY
- Purcha, Francis P.  
1990. *Documents of United States Indian Policy*. University of Nebraska Press. Lincoln, NE
- Pollard, John  
2012. *Pamunkey Indians of Virginia*. Hardpress Publishing. Miami, FL. (*Reprint of Historic Text from Smithsonian Institution Bureau of American Ethnology Archives*)
- Rountree, Helen  
1992. *The Powhatan Indians of Virginia: Their Traditional Culture*. University of Oklahoma Press.
- Rountree, Helen  
1996. *Pocahontas's People: The Powhatan Indians of Virginia through Four Centuries*. University of Oklahoma Press.
- Rountree, Helen  
1997. *Eastern Shore Indians of Virginia and Maryland*. University Press of Virginia. Charlottesville, VA
- Simpson, Audra  
2014. *Mohawk Interruptus: Political Life across the Borders of Settler States*. Duke University Press. Durham, NC
- Waugaman, Sandra F. & Moretti-Langholtz, Danielle  
2006. *We're Still Here: Contemporary Virginia Indians Tell Their Stories*, Revised 3<sup>rd</sup> Edition. Palari Publishing. Richmond, VA
- Wilkins, David E. and Lomawaima k. Tsianina

2001. *Uneven Ground: American Indian Sovereignty and Federal Law*. University of Oklahoma Press. Norman, OK

Wilkins, David E.

2007. *American Indian Politics and the American Political System*. Rowman & Littlefield Publishers. Lanham, MD

Wood, Karenne

2008. *The Virginia Indian Heritage Trail*. Virginia Foundation for the Humanities. Charlottesville, VA

## **BIOGRAPHY**

Matthew L. Jongema was homeschooled, completing his high school education in 2007. He received his Associates of Science in Social Sciences from Northern Virginia Community College in 2011. He then transferred to George Mason University in 2012 where he received his Bachelor of Arts in Anthropology in 2015. Following this he was accepted into the George Mason University Master's Program for Anthropology where he completed his studies for Master of Arts in Anthropology in 2018. He has been employed full-time in Federal Service under the Department of Defense since 2004 and continues to serve in this capacity.