

R-3s – Resolution Requesting Reconsideration of Water Intake Site to Avoid Monacan Nation Ancestral Village and Grave Sites and to Provide Improved Protection of Graves of Native American and Enslaved People

Resolved: That the 225th Annual Convention of the Diocese of Virginia meeting November 14-16, 2019 in Arlington, Virginia, standing with our sisters, brothers, and siblings of the Monacan Nation, a State- and Federally-recognized Indian nation:

1. Request that the James River Water Authority (JRWA), as well as Commonwealth and federal permitting authorities, carefully reconsider the location and routing of the proposed JRWA water intake, pipeline, and treatment plant in Fluvanna County in order to avoid the site of Rassawek, a former capital of the Monacan Indian Nation, land containing the buried remains of many Monacan ancestors; and
2. Request that our Bishop and others representing the Diocese of Virginia before the General Assembly, seek and support improved legal protection against unwarranted disturbance of burial grounds and graves which may not have been adequately recorded in land records, particularly burial grounds of Native American, enslaved people, and paupers; and
3. Direct that the Secretary of the Diocese send a copy of this resolution to the elected leaders of the Monacan Nation, to the Governor of Virginia, the Board of Supervisors of Louisa and Fluvanna Counties, the James River Water Authority and to the District Engineer of the Army Corps of Engineers.

Background

Rassawek in the 1600's was the capital of the Monacan Indian Nation located on the banks of the James River. Captain John Smith mentioned this city along with 4 other Monacan cities in his writings in 1612. This proposed project site, within the Diocese of Virginia, infringes on a historic Native American tribal site where ancestors of the Monacan Nation are buried. Today, all that is left of those ancestors is dust and bones. To disturb this land will disturb the remains of the ancestors. There are other sites along the James River that have been identified as appropriate sites for this water project.

We in our baptismal covenant promise to respect the dignity of every human being. Disturbing the remains of Native American Indian ancestors is not respectful of the dead or their living descendants. This proposed site infringes on a historic Native American tribal site. Those buried there deserve to rest in peace.

The Monacan Nation is the largest of our Virginia tribes and the least known. Their tribal grounds are located in the Diocese of Southwestern Virginia in Amherst County. They worship at St, Paul's Episcopal Church, Bear Mountain adjacent to those tribal grounds. As our sisters and brothers in Christ, we stand with them in protesting the location of this water project on the site of their historic tribal city and its burial grounds.

The Committee on Aging is part of the Tri-Diocesan Council on Aging that puts on the annual Fall Camp held at Shrine Mont the end of October every year. Members of the Monacan Nation have been participants in this event over the years. We are grateful that the late Chief of the Monacan Nation, Sharon Bryant, attended annually Fall Camp before her death and presented several workshops enlightening us about her tribe. The outreach project last year went to help support the culture classes for the youth of the Monacan Nation for making their dance regalia, and learning more about their crafts, stories, language and traditions.

Submitted by The Rev. Marian K Windel on behalf of the Diocesan Committee on Aging

Additional Background: From the Resolutions Committee:

Federal law extends some protection to the burial grounds and graves of federal recognized Indian nations. This law, the Native American Graves Protection and Repatriation Act, 25 U.S.C. section 3001, *et seq.*, provides for the respectful handling and repatriation of Native American human remains and funerary objects located on federal or tribal lands, and provides some degree of protection against unwarranted disturbance of these burial grounds and human remains. By its terms, that federal law does not apply to Monacan Nation tribal lands, though permitting authorities appear to be extending those procedures to this project, seeking to minimize disturbance of human remains. The website containing many of the reports about this project is at <https://www.fluvannacounty.org/bc-jrwa>

Virginia law governing abandoned cemeteries does not appear to extend any express protection to unrecorded Native American burial grounds, though that law does provide general procedures to follow to avoid such cemeteries in planning and construction and to contact living descendants, to the extent feasible, when the reburial of human remains is required. Virginia Code Ann. Section 57-36. Recent amendments expressly address issues arising from the location of abandoned cemeteries and gravesites of enslaved Virginians, and requires notice to appropriate authorities and recording of such sites in public records in the event such gravesites are located.¹

Given our history of racial and economic discrimination in Virginia, including discrimination by The Episcopal Church, it is very fitting for this Diocese to address this situation. Thus, the resolution asks us to lead efforts to improve the protections given to the gravesites of Native Americans, enslaved people, poor people, and others whose gravesites went unrecorded in land records, even though these locations are very important to their descendants and to their communities.

¹ Any locality that has acquired by any means land on which a previously unidentified or abandoned cemetery or gravesite of any Virginian held as a slave at the time of his death is located shall notify the Virginia Department of Historic Resources of the location of such cemetery or gravesite. The Department shall record the location of the cemetery or gravesite. A listing of the locations of all previously unidentified or abandoned cemeteries and gravesites of Virginians held as slaves at the time of their deaths that have been provided to the Department shall be maintained by the Department as a public record.