



March 7, 2016

Honorable Myron D. Jackson, Chairman
Committee on Culture, Historic Preservation, Youth & Recreation
Legislature of the Virgin Islands
Capitol Building, Post Office Box 1690
St. Thomas, U.S. Virgin Islands 00804

Reference: Invited Testimony on VI Legislative Bill 31-0303 on Recognition of & Respect for VI Sacred National Patrimony & Rights of Caribbean Indigenous Peoples of the VI for March 8th, 2016

Enunciation

Ancestral Indigenous Inspiration

Preparation

I am Dr. Chenzira Davis Kahina, an Indigenous Ancestral Global Afrakan woman of the Caribbean's 21st century "African Diaspora" socialized with familial heritage roots in the Caribbean Americas, Dominican Republic, Virgin Islands, Afraka, and daughter of our shared earth. In respect, humility, strength and ancient harmony, I extend thanks to the 31st VI Legislature's Committee on Culture, Historic Preservation, Youth and Recreation for the invitation to share testimony on Bill 31-0303 in my capacity as the director of the Virgin Islands Caribbean Cultural Center (VICCC) nestled within the College of Liberal Arts and Social Sciences (CLASS) as endorsed by Dr. David Hall, President of the University of the Virgin Islands.

Opening

UVI-VICCC is designated to produce, develop and institute state-of-the-art education, research, publications, mixed media programs, conferences, academic exchanges/internships, community partnerships, interdisciplinary cultural media, economic-heritage tourism initiatives, and a host of other resources throughout the University of the Virgin Islands and wider VI Caribbean community in support, cooperation, collaboration and cooperative partnerships with existing organizations, institutions and agencies i.e. *National Park Service (NPS-STX); Caribbean Pan African Network (CPAN); St. Croix Unified for Community, Culture, Environment and Economic Development (SUCCEED); University of Puerto Rico-Rio Piedras; University of the West Indies- Cave Hill Barbados; Rutgers University (NCAS); California State University-Northridge; Virgin Islands Developmental Disabilities Council (VIDDC); Center for Social Justice, Human Rights and Civil Rights at the University of Georgia, Athens; George Washington University; Alexander Hamilton Awareness Society; Smithsonian Institute (NMAAH+); Caribbean Landscape Conservation Cooperative (CLCC); Global Breadfruit Heritage Council;* and others.

UVI-VICCC continues to serve as a primary contributor in the research, composition and protocol-centered implementation for proclamations, resolutions and related documentations for preservation, cultural heritage restoration and sacred ancestral matrimony blended with patrimony of ancient traditions in contemporary times for Indigenous people of the VI Caribbean and more. An excerpt of collaborative work engagements for Indigenous VI Affairs includes: "*Indigenous*



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Native Amerindian heritage preservation efforts continue to be protectively supported by the VI Department of Planning and Natural Resources' State Historic Preservation Office, the VI National Park Service of St. Thomas and St. John, the National Park Service of St. Croix- especially within its' Salt River Bay National Historical Park and Ecological Reserve that is home to significant heritage sites of early human settlements in St. Croix and the Caribbean Americas. Respectful Indigenous Amerindian historic preservation, educational research and heritage restoration have been spearheaded by Opi'a Taino International and the United Confederation of Taino People- inclusive yet not limited to established alliances, ancestral support, respectful collaborations and cooperative agreements with Kalinago (Carib), Boriken Taino, Kiskeia Taino, Karifuna, Per Ankh M Smai Tawi and other organizations, nations and families of the Virgin Islands, wider Caribbean, the Americas and beyond.” (VI Government VI Indigenous Native Amerindian Heritage Month Proclamation, November 2014) Multiple annual VI cultural heritage proclamations have continued.

Areas for intellectually accurate inclusion of historic references to “Indigenous Virgin Islanders” are linked to research pertinent to pre-Columbian presence of Negroid and Mongoloid people i.e. Afrakans and Asians. *“I had come to the Virgin Islands a year after the Smithsonian had reported the Hull Bay find. According to the Associated Press report on the discovery, the skeletons of two Negroid males in their late thirties had been found buried in soil layers dated A.D. 1250. Clamped around the wrist of one of the skeletons was a ceramic vessel of pre-Columbian Indian design. Examination of the teeth of the skeletons indicated ‘dental mutilation characteristic of early African cultures.’ The find must have generated considerable excitement at first, since the area adjoining the grave had been acquired at the cost of hundreds of thousands of dollars... The find at Hull Bay (VI) remains, therefore, an open question. Further diggings in that area may establish the pre-Columbian presence of Africans in the Virgin Islands, after all. But the matter is being prematurely closed by a conspiracy of silence, a space of insidious rumors, and an apparent ignorance of African metallurgical history...By March 1976, however, when I visited the site, a blanket of secrecy had descended. The grave had degenerated into a garbage dump. I learned from information filtering out of the Smithsonian that interest had evaporated because the skeletons found in the grave could not be properly dated. Saltwater had seeped into the bones, disturbing the carbon content, leading to wildly fluctuating readings of skeletal age...” (Van Sertima: 1976)*

Implementation

UVI VICCC supports the sacred intentions and over-arching potentials implied in VI Legislative Bill 31-0303. UVI VICCC respectfully requests additional information, revisions to comply with federal authority protocols, historic inclusivity and cultural analyses. Essentially, UVI VICCC:

- a) Recommends that a strategic task force, inclusive of professional personnel with expertise in cultural heritage preservation, indigenous diplomatic affairs, planning and socio-historic documentation, be established to collaboratively restructure bill 31-0303 to insure efficient and effective passage in compliance with federal jurisdiction and authority essential to this legislation regarding artifacts, land improvements, historic preservation activities et.al.
- b) Requests clarification and access to reports of surveys of existing conditions pertinent to specific site improvements/modifications referenced in Bill 31-0303 before submission of a formal recommendation to support this well intended legislation



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- c) Communicated with NPS-STX Supt. Joel Tutein who indicated “before he can officially make comments on the Bill, he would prefer to get his solicitor legal opinion on turning over museum items to any agency or groups.”
- d) Learned that “NPS has professional historians and cultural resource managers that would have to weigh in on any plans to release collection items to anyone or agency. There are policies and guidelines that are internal to NPS/DOI in dealing with Human Remains.”
- e) Revisited the fact that “NAGPR* does not apply to the territories or commonwealths, this act only apply to federally recognized tribes on the U.S. Mainland.”
- f) Supports NPS-STX’s position that a “World Heritage Site would be a good standard to accomplish for the areas in the Bill under consideration.”
- g) Supports the intention of this proposed legislation and desires to work with the Committee on Culture...to revise the language with due diligence to strengthen the path of success on or before the UN-designated World Indigenous Peoples Day- August 9.2016

**Native American Graves Protection and Repatriation Act* of November 1990.

A potential definition for “indigenous” to explore for inclusion is: *“While the great internal ethnic diversity and the richness of the defining characteristics of ‘indigenous’ underscore that ‘indigenous’ is not a unified category, the indigenous peoples of the world can be recognized as belonging to one or more of the following political types: (1) those who are distinct along racial and ethnic lines from the ruling majority of the country; (2) a majority that is ruled by a colonial minority; (3) those residing in countries whose population and government are largely indigenous. The first category describes indigenous groups in most of the world; it includes peoples in certain previously British colonies, the United States, the former Soviet Union, Asia, and South America. The prime example of the second category use to be South Africa under apartheid. The last category is most evident in Africa and Papua New Guinea.”* (Barkan: 2000)

Requested Clarifications, Recommendations and Inquiries on VI Legislative Bill 31-0303 include:

- a) Page 2 lines 7-9: Was archaeological evidence uncovered of any VI cultures earlier than the Taino or other people referenced as Native Amerindians?
- b) Page 2 lines 18-20: May the specific legislation passed referenced herein be included by Act number?
- c) Page 3 lines 1-2: Include definitions of “actualized” and “optimum preservation” as referenced.
- d) Page 3 lines 5-11: Research and confirm federal authority and local jurisdiction insure enforcement of statements regarding “mandates” and recognition of “Amerindian tribes” within U.S. territories and commonwealth lands like the VI, PR etc.
- e) Page 3 line 16: Clarification of this language may be strengthened by replacing “should be recognized” to “are recognized” to acknowledge work done by respective organizations.
- f) Page 4 lines 6-15: Research data exists for inclusivity of additional organizations and ancestral ascendants of Indigenous people of the VI engaged in the preservation, maintenance of ancestral traditions and cultural heritage work in excess of 20 years.
- g) Page 5 Section 1: Include definition of “indigenous” as:
- h) “Considering the diversity of indigenous peoples, an official definition of “indigenous” has not been adopted by any UN-system body. Instead the system has developed a modern understanding of this term based on the following: • *Self- identification as indigenous peoples at the individual level and accepted by the community as their member.* • *Historical continuity with pre-colonial and/or pre-settler societies* • *Strong link to territories and surrounding natural resources* • *Distinct social,*



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- economic or political systems • Distinct language, culture and beliefs • Form non-dominant groups of society • Resolve to maintain and reproduce their ancestral environments and systems as distinctive peoples and communities. A question of identity • According to the UN the most fruitful approach is to identify, rather than define indigenous peoples. This is based on the fundamental criterion of self-identification as underlined in a number of human rights documents.”* (http://www.un.org/esa/socdev/unpfii/documents/5session_factsheet1.pdf)
- i) Will VI Legislature allocate funding to initiate, maintain and sustain the multiple designations and directives addressed within Bill 31-0303? If so, in what amounts for each respective governmental and non-governmental agency referenced herein?
 - j) Page 6 lines 5-9: Clarification on the VI Legislature’s authority and jurisdiction to “repatriate the remains of Amerindians found in the Danish West Indies before and after 1917...” may require intervention from the U.S. Congress, Department of the Interior or other federal entity. A review of NAGPRA applicability in the Virgin Islands of the USA is essential. http://www.nps.gov/history/local-law/FHPL_NAGPRA.pdf <http://www.nps.gov/nagpra/TRAINING/NAGPRA-ARPA-106.pdf> and apply UN Declaration of Rights of Indigenous People http://www.un.org/esa/socdev/unpfii/documents/DRIPS_en.pdf
 - k) Page 6 lines 16-23: Clarification on VI and USA protocol and procedures to inter or reinter human remains may be further research to strengthen the positive intentions of this legislation.
 - l) Page 7 line 23: Include the name of the University referenced i.e. “by the University of the Virgin Islands.” For this work that UVI is fully capable of completing, particularly via the UVI- VI Caribbean Cultural Center, it is recommended that annual funding be allocated as the language currently reads as “That this data bank registry must be conducted by the University...”
 - m) Page 8 lines 14-15: Specifics of what the VI Government will do in the August 9th annual observances will strengthen the implementation of this proposed legislation i.e. Legislative, Executive and related governmental agencies proclamations, public commemorations etc. The United Nations designated August 9th annually as the International Day of the World's Indigenous People by UN Resolution 49/214 on December 23rd, 1994 and strengthened by the UN Resolution 61/295 on September 13th, 2007 with the creation of the Declaration on the Rights of Indigenous People. <http://www.un.org/en/events/indigenousday/>
 - n) Page 8 after line 15: Insert language to include “The Government shall annually observe the month of November as ‘VI Indigenous Native American Heritage Month’ in harmony with ‘National Native American Heritage Month’ observances of the U.S. pursuant PL101-343 (H J Res 577) *Authorize and request the president to proclaim November 1990 and every November thereafter “National American Indian Heritage Month.” Introduced by FALEOMAVEGA, D-Am. Samoa, May 24, 1990. House Post Office and Civil Service discharged. House passed, amended, June 26. Senate Judiciary discharged. Senate passed July 19. President signed Aug. 3, 1990.* <https://www.gpo.gov/fdsys/pkg/STATUTE-104/pdf/STATUTE-104-Pg391.pdf>

Bill 31-0303 provides learning and economic development opportunities for Indigenous People of the Virgin Islands to be respected, protected and honored for contributions provided to human civilization and beyond. *“Humanoids existed on Earth for around four million years as hunters and gatherers living in small communal groups that through their movements found and populated every continent. Some two hundred thousand years ago, human societies, having originated in Sub-Saharan Africa, began migrating in all directions, and their descendants eventually populated the globe. Around twelve thousand years ago, some of these people began staying put and developed agriculture-mainly women who domesticated wild plants and began cultivating others. As a birthplace of agriculture and the towns and cities that followed, America is ancient, not a ‘new world.’ Domestication of plants took place around the globe in seven locales during approximately*

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the same period, around 8500 BC. Three of the seven were in the Americas, all based on corn: The Valley of Mexico and Central America (Mesoamerica); the South-Central Andes in South America; and eastern North America. The other early agricultural centers were the Tigris-Euphrates and Nile River systems, Sub-Saharan Africa, the Yellow River of northern China, and the Yangtze River of southern China.” (Dunbar-Ortiz: 2014)

Closing

For optimal success of Bill 31-0303, annual funding allocations are essential. VI Centennial Commission has invited UVI-VICCC to continue coordinating their community lecture series. In March-April 2016, the 2nd lecture series theme is “*Indigenous People of the Virgin Islands.*” Detailed research presentations are scheduled that will provide academic, scientific, spiritual, culturally-accurate and holistic supports to complement revisions to strengthen the affirmative passage of Bill 31-0303 and related legislation. UVI-VICCC with NPS-STX is launching the *Heritage Education and Arts Legacy (HEAL365©)* Calendar Project. This facilitates the institutionalization and permanence of historic preservation, heritage narratives and cultural restoration education to strengthen our community’s collective acknowledgement, awareness, respect and reparative justice for *Culture, Heritage and Identity= CHI©*. “*Some minority populations are rediscovering a sense of identity, fighting against the advancing wave of global culture.*” (Wells: 2002) Revisions to this bill will insure federal and local legal proficiencies and authority to protect, preserve, research, teach, respect and restore the shared humanity of Indigenous Ancestral people, lands, resources and spiritual legacies of the Virgin Islands. With sacred intentions our community will minimize insular limitations to historic truths while simultaneously remaining respectfully inclusive of the diverse historic narratives and cultural period waves of Pre-Columbian people self-identifying as Indigenous Virgin Islanders—Amerindians, Afrakans, EurAsians and others. Let us continue to restore our collective humanity. Acknowledge, Respect, and Protect Indigenous People, Lands and Legacies.

Shared in Culture, Heritage and Education,

Dr. Chenzira Davis Kahina
Director

VICCC –A Center nestled within the College of Liberal Arts & Social Sciences at the University of the Virgin Islands — Preserving, Cultivating, Nurturing & Respecting Cultural Research and Technology, Educational Publications, Heritage Restoration, Traditional Arts & Sciences, Inclusivity & Disabilities’ Rights, Socio-Economic Sustainability and beyond for the VI and Caribbean Visit VICCC online @ www.viccc.net TuneIn2 VICCNNotes on WUVI AM1090 FM97.3 Mons& Thurs @1pm Streaming on www.wuvi.am UVI is “Historically American, Uniquely Caribbean, Globally Interactive” www.uvi.edu



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<http://www.un.org/esa/socdev/unpfii/documents/2015/sowip2volume-ac.pdf> State of the Worlds Indigenous People© 2015