Institute for Historical Biology (IHB) Review of the Virginia Department of Historic Resources (DHR) Validation and Assessment Report on the Burial Ground for Negroes, Richmond, Virginia by C. M. Stephenson, 25 June 2008.

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Summary

The Institute for Historical Biology of the College of William and Mary concurs that the Validation and Assessment report of the Virginia DHR provides documentation of the presence of the historic Burial Ground for Negroes (circa 1750-1816) on land currently owned by the Virginia Commonwealth University. The spatial extent of VCU's encroachment of the cemetery was not shown, however, despite contrary conclusions of the report. Appropriate archaeological test excavations are recommended as necessary to demonstrate the area of a VCU parking lot that is built over the Burial Ground.

Background

The Institute for Historical Biology, a bioarchaeological unit of the Department of Anthropology of the College of William and Mary, provides herein an unsolicited review of the DHR report of 25 June 2008. The report was brought to the attention of the IHB by press coverage of agreements being sought between the Virginia Commonwealth University (VCU) and the public regarding a VCU-owned parking lot alleged to be built over the 18th and 19th century Burial Ground for Negroes. As has been observed over recent years, Richmond community groups representing African American concerns have taken keen interest in the disposition of the Burial Ground that is the oldest municipal cemetery for blacks in the City, intending to restore it as sacred or cultural space. The agreements apparently being sought would rest in part on the accuracy of the DHR assessment as to whether or not the parking lot encroaches upon the historic cemetery. DHR used available archival and environmental impact data as well as historic and contemporary maps in order

to assess the extent of the cemetery area impacted by the modern parking lot as well as to assess the integrity of the original surface of the Burial Ground.   The report shows evidence of an intact original cemetery surface nearly 10 feet below the surface of the current parking lot. A model of the spatial boundaries of the cemetery was used to determine that a 50 foot wide strip of land adjacent to I-95 comprised the extent of the cemetery extant beneath the VCU's parking lot. This finding is of public importance since the 50' strip would become the focus of reasonable discussions among the various stakeholders (including VCU and representatives of descendant community) regarding memorialization, preservation, and research.

Findings

Upon careful examination of the DHR report, the IHB concludes the following:

1. Evidence of an intact historic surface is substantial.
2. Evidence of VCU parking lot encroachment over the cemetery is substantial.
3. Evidence of the boundaries and extent of the cemetery is insubstantial and potentially misleading. The report itself acknowledges that the cemetery boundaries are unknown, yet constructs a model of boundaries that is unjustifiably small. The 50' area of overlap based on that model may stand as a minimum area of overlap, at best.
4. To our thinking, the substantial primary data contained within the DHR report points clearly to the need for archaeological test excavation (trenches) as the only means of determining the extent of overlap of parking lot and Burial Ground spaces.

Discussion

The DHR report attests to having no documentation of boundaries of the Burial Ground for Negroes since "[t]here are no boundary indications on these maps that would indicate the size of the total area used for burial "(p.2). This observation is key, because knowledge of the extent of the cemetery, especially its eastern boundary under the VCU parking lot, is *required* in order to determine the extent to which the area of the parking lot overlaps with that of the cemetery. The author(s) of the report created his or her own boundaries for the site that are modeled on a factually unsupported hypothesis, representing the cemetery as implausibly small.

The DHR report defines the area of the cemetery as land within a rectangle it has drawn as closely as possible around the name, "Burial Ground for Negroes" where it appears as a label on an 1810 map (red shaded area in figure 1). According to the report, "Because no formal boundaries were recorded, or verbally described for the *Burial Ground,* the distribution limit for graves cannot be determined accurately.

However, if the area enclosed by the historic verbal map marking [i.e. its inscribed label] approximates the actual size of the *Burial Ground*, then a very small portion of [it] may intrude upon the VCU parking lot (p.1)."

What is the basis for making the cemetery the size of its label? Elizabeth Kambourian, an avocational historian long interested in the cemetery was interviewed by DHR on June 20 and 24, 2008. Accordingly, "It was her hypothesis that the boundary of the Burial Ground was correlated with the limits of the inscription on the 1810 Young map…(p.4)." The reasoning behind Ms. Kambourian's hypothesis, and DHR's endorsement of it, is unclear in the report.*

More importantly, this hypothesis was never tested and is therefore not a fact. A modest test might be made with the other properties on the same 1810 map for which both names and boundary lines are inscribed. Even this simple examination should reveal the habits of the cartographer, Young, regarding the relationship between labels and boundary lines when he made the map that shows the Burial Ground. One can easily see that those boundaries always extend well beyond the space occupied by the inscriptions of place names and owner's names. We have found no evidence in the DHR report in support of the Kambourian hypothesis or the DHR's decision to limit the burial ground to the area of its inscribed label.

Two of the three objectives of the DHR report (demonstration of the relation of burial ground to modern urban features and recommendations as to treatment of the space) are based on a non-factual and implausible premise and therefore have not been met. The third objective, to demonstrate the presence of the cemetery, has been met by the report's findings.   Place names are within the boundaries of the place referred to when possible on the on the Young map, as is common cartographic practice. Therefore, the rectangle presented by DHR as a model of the extent of the cemetery is arbitrarily limited to a segment of what may reasonably be the center of the cemetery (around historic 15th street, just east of the Shockoe Creek, and immediately surrounding the map's label for the cemetery) and which today is nearly equally divided by I-95. The extent of the cemetery remains unknown.

The Institute has considered two alternative models of the boundaries of the cemetery that we believe are more plausible than the DHR model. Yet we use these mainly to explore the potential and limitations of the data available to the DHR. Ultimately, we demonstrate that additional information is needed, and possible, for an adequate determination of cemetery boundaries. While "the distribution limit for graves cannot be determined accurately" by relying on archival and oral sources,

the distribution limit of remaining burials can be accurately determined by archaeological methods described in the Recommendations of this review.

First, it is possible that any and all of the undeveloped land around the label, "Burial Ground for Negroes" that is shown as white space on the 1810 map, comprises the Burial Ground (figure 1). This area is at least 5 times the area speculated in the DHR report if one limits the cemetery to the undeveloped area north of Broad Street where the cemetery's name is inscribed, bounded by the Creek on its eastern end and development on the western end (area within the green line in figure 2). All maps referred to in this review are those used by DHR.

We, secondly, estimated the boundaries as corresponding to the very irregular private property lines that circumscribe the better known part of the cemetery in the 1817 map. The assumption in this model is that property lines abutting the cemetery would have delineated the shape of the adjacent cemetery and the irregularly oriented property lines might well correspond to such a feature (area within irregular blue line in figure 2). Note that while such a correspondence between private property lines and cemetery boundaries seems plausible in some locations, such as the northwestern portion, cemetery boundaries are violated by encroaching private property (Rutherfoord's property) in the clearly marked southern part of the cemetery. This difference may reflect on properties purchased before vs. after the cemetery was closed, but we have not invested resources necessary to test this possibility, which would be the responsibility of DHR. If this model is found to be roughly correct, the extent of the cemetery is about 3 times that estimated by the DHR report. Importantly, both estimates show that most of the VCU parking lot may rest atop the Burial Ground for Negroes.

An archival study would have done well to attempt an estimate of the potential extent of demand for the use of the cemetery. This might be accomplished by documenting the number of deaths that would have lead to burial, including mortality among recently imported captives, jailed and executed persons of color and whites (a gallows and jail were on or adjacent to the Burial Ground), enslaved industrial workers hired out by surrounding plantations, and Richmond's enslaved and free populations over the period of time the cemetery was in use. The period of 1750-1816 is marked by high levels of domestic and transatlantic trade in human captives by Richmonders as well as an unusually high rate of natural increase in Virginia's enslaved populations when compared to other cities in the Americas. The African and African American demand for cemeteries in Richmond may have been higher than that of whites during periods of this cemetery's use. The DHR report shows, importantly, the need for additional cemetery space claimed by free and enslaved blacks, suggesting that the cemetery was crowded and perhaps large by

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the time it closed. There would have been pressure to use undeveloped land at this location during previous years. Burials at New York's African Burial Ground extended beyond its boundaries and into a low lying area near marshland as that 18th century cemetery became full, prior to the establishment of a new African Burial Ground.

The spatial density of burials can be modeled from cemeteries in other port cities. Colonial African and African American cemeteries in the *northern* U.S. rival the estimated size of Richmond's cemetery. Why should the New York African Burial Ground be several times the size of the DHR estimated site in Richmond? The many other remarkable similarities between the history of the New York African Burial Ground National Monument site and Richmond's Burial Ground for Negroes should give pause.

The 50' east of I-95 estimated by DHR as the extent of the cemetery on the basis of their report's arbitrarily confined boundary model is very likely to rest within the boundary of the cemetery, but does not represent the cemetery's boundary, for which there is no evidence (red line in figure 2). The present review shows that other, plausible boundaries tend toward support for a much larger cemetery, the boundaries of which might encompass all of the VCU parking lot space in question (yellow area in figure 2). All such models are inconclusive, however. The DHR Report also notes that the core borings of the environmental impact study cannot be relied upon to show the extent of the cemetery. That study does suggest, however, that an intact historic surface exists under nearly 10 feet of fill, below which burials are likely to remain intact.
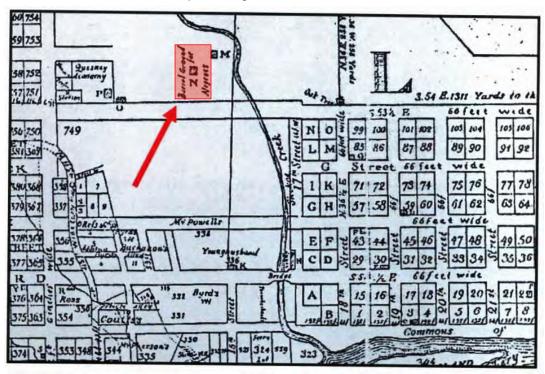
Recommendations

The only reliable means of determining the extent and boundaries of the cemetery is archaeological test excavation, beginning within the 50' strip of the parking lot area known to be under the Burial Ground for Negroes map label and progressing toward places where no burials are observed to be present. Darkly stained soil of the burial shafts will become evident on the original 18th-19th century surface even if there were no lasting grave markers. It is routine for archaeologists to demonstrate the location of burials by the presence of these soil changes without digging deep enough to disturb human remains. The evidence of an intact original surface shows the technical feasibility of such an approach. The surfaces of burial shafts should be observable at nearly 10 feet below the current surface of the VCU parking lot. Carefully supervised back hoe work is required to make those observations.

In addition to initial excavation by heavy machinery, careful archaeological excavation of the soils immediately above and interfacing with the burial stain should be done in order to document any offerings, adornments, markers, or memorials that had been placed on the surface of the graves. Expertise in African-Diasporic mortuary traditions is needed to inform such archaeological investigation due to the specialized form that such grave offerings often take. Such artifacts and features can be restored to their original burial contexts or locations after excavation for the purpose of determining the cemetery's boundaries is complete.

Careful excavation at the tops of the burial shafts both protects the integrity of the original memorials to the dead and provides information about those memorials. Excavation should also be monitored for accidental disturbances of skeletal remains. A priori agreements should be established with the descendant community regarding the treatment of accidentally encountered human bone. Careful monitoring would make immediate reburial at or near an original location possible.

Figure 1
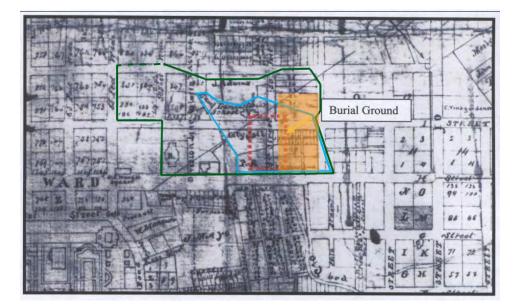
1810 map showing Shockoe Bottom, Richmond

Figure 2   1817 map showing boundary estimates of cemetery

Note

*It may be that the DHR report means to present two of Kamborian's observations as informing her hypothesis. The fact that Rutherford (Rutherfoord), a land speculator, bought property on the burial ground during the year prior to its closure was said to suggest the Burial Ground "was not highly active (p.4)." Yet, we find elsewhere in the report that free blacks had petitioned for another burial ground (or that the existing one be "revived"), beginning in 1812. According to the report, "The granting of a new cemetery [in 1816] allowed the Shockoe Bottom property to be subdivided…The request for a new cemetery suggests that the existing *Burial Ground* may have been filled up, and by inference may have been large (p.3)." Therefore, a reduction of burial activity corresponding to Rutherford's purchase of cemetery land occurred because the cemetery was being closed and had already reached the limits of its capacity as a result of decades of <u>high</u> burial activity. Indeed, Rutherford bought land adjacent to Broad Street that extended across the area where the "Burial Ground for Negroes" inscription had appeared on t he 1810 Young map, west and east to Shockoe Creek (Bates map, 1835). If that land had all been part of the burial ground, as is likely, DHR underestimated the size of the cemetery and most of the VCU parking lot currently rests on it.

An interview was also conducted by the DHR on 16 June with Veronica Davis who had written a book on black cemeteries in Richmond, who "states that the *Burial Ground* was established in the middle 1700s on an acre of land between old 15th St. and Shockoe Creek." The DHR indicates it requested but received no information on how she had arrived at this conclusion. Still, this information suggests the cemetery is larger than that which rests under the inscription of the 1810 map, including significantly more of the VCU parking lot than concluded in the DHR report. Even a one acre lot, however, seems too small to have adequately served the massive enslaved population of Richmond even if, as is common for urban cemeteries, burials were stacked. The DHR had no evidence to support an hypothesis for limiting the area of the cemetery to that which is "enclosed by the historic verbal map marking."

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