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S. HRG. 107–921

THOMASINA E. JORDAN INDIAN TRIBES OF VIRGINIA FEDERAL RECOGNITION ACT

HEARING

BEFORE THE

COMMITTEE ON INDIAN AFFAIRS
UNITED STATES SENATE

ONE HUNDRED SEVENTH CONGRESS

SECOND SESSION

ON

S. 2694

TO EXTEND FEDERAL RECOGNITION TO THE CHICKAHOMINY TRIBE, THE CHICKAHOMINY INDIAN TRIBE—EASTERN DIVISION, THE UPPER MATTAPONI TRIBE, THE RAPPAHANNOCK TRIBE, INC., THE MONACAN TRIBE, AND THE NANSEMOND TRIBE

OCTOBER 9, 2002
WASHINGTON, DC

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THOMASINA E. JORDAN INDIAN TRIBES OF VIRGINIA FEDERAL RECOGNITION ACT

WEDNESDAY, OCTOBER 9, 2002

U.S. SENATE,
COMMITTEE ON INDIAN AFFAIRS,
Washington, DC.

The committee met, pursuant to notice, at 10:03 a.m. in room 485, Russell Senate Office Building, Hon. Ben Nighthorse Campbell (vice chairman of the committee) presiding.

Present: Senators Campbell and Inouye.

STATEMENT OF HON. BEN NIGHTHORSE CAMPBELL, U.S. SENATOR FROM COLORADO, VICE CHAIRMAN, COMMITTEE ON INDIAN AFFAIRS

Senator CAMPBELL. The Senate Committee on Indian Affairs will be in session. This morning we will be taking testimony on S. 2694, the Thomasina Jordan Indian Tribes of Virginia Federal Recognition Act of 2002.

[Text of S. 2694 follows:]

II

107TH CONGRESS
2D SESSION

S. 2694

To extend Federal recognition to the Chickahominy Tribe, the Chickahominy Indian Tribe—Eastern Division, the Upper Mattaponi Tribe, the Rappahannock Tribe, Inc., the Monacan Tribe, and the Nansemond Tribe.

IN THE SENATE OF THE UNITED STATES

JUNE 27, 2002

Mr. ALLEN (for himself and Mr. WARNER) introduced the following bill; which was read twice and referred to the Committee on Indian Affairs

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A BILL

To extend Federal recognition to the Chickahominy Tribe, the Chickahominy Indian Tribe—Eastern Division, the Upper Mattaponi Tribe, the Rappahannock Tribe, Inc., the Monacan Tribe, and the Nansemond Tribe.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Thomasina E. Jordan Indian Tribes of Virginia Federal Recognition Act of 2002''.

TITLE I—CHICKAHOMINY INDIAN TRIBE

SEC. 101. FINDINGS.

Congress makes the following findings:

(1) In 1607, when the English settlers set shore along the Virginia coastline, the Chickahominy Indian Tribe was 1 of about 30 tribes who received them.

(2) In 1614, the Chickahominy Indian Tribe entered into a treaty with Sir Thomas Dale, Governor of the Jamestown Colony, agreeing to provide 2 bushels of corn per man and send warriors to protect the English. Sir Thomas Dale agreed in return to allow the tribe to continue to practice their own tribal governance.

(3) In 1646, a treaty was signed which forced the Chickahominy from their homeland to the area around the York River in present-day King William County, leading to the formation of a reservation.

(4) In 1677, following Bacon's Rebellion, the Queen of Pamunkey signed the Treaty of Middle Plantation on behalf of the Chickahominy.

(5) In 1702, the Chickahominy were pushed off their reservation, which caused the loss of a land base.

(6) In 1723, the College of William and Mary in Williamsburg established a grammar school for Indians called Brafferton College. A Chickahominy child was one of the first Indians to attend.

(7) In 1750, the Chickahominy Indian Tribe started to migrate from King William County back to the area around the Chickahominy River in New Kent and Charles City Counties.

(8) In 1793, a Baptist missionary named Bradby took refuge with the Chickahominy and took a Chickahominy woman as his wife.

(9) In 1831, the names of the ancestors of the modern-day Chickahominy Indian Tribe began to appear in the Charles City County census records.

(10) In 1901, the Chickahominy Indian Tribe formed Samaria Baptist Church.

(11) From 1901 to 1935, Chickahominy men were assessed a tribal tax so that their children could receive an education. The Tribe used the proceeds from this tax to build the first Samaria Indian School, buy supplies, and pay a teacher's salary.

(12) In 1919, C. Lee Moore, Auditor of Public Accounts for Virginia, told Chickahominy Chief O.W. Adkins that he had instructed the Commissioner of Revenue for Charles City County to record

Chickahominy tribal members on the county tax rolls as Indian, and not as white or colored.

(13) During 1920–1930, various Governors of the Commonwealth of Virginia wrote letters of introduction for Chickahominy Chiefs who had official business with Government agencies in Washington, D.C.

(14) In 1934, Chickahominy Chief O.W. Adkins wrote to John Collier, Commissioner of Indian Affairs, requesting money to acquire land for the Chickahominy Indian Tribe's use, to build school, medical, and library facilities and to buy tractors, implements, and seed.

(15) In 1934, John Collier, Commissioner of Indian Affairs, wrote to Chickahominy Chief O.W. Adkins, informing him that Congress had passed the Indian Reorganization Act of 1934, but had not made the appropriation to fund the bill.

(16) In 1942, Chickahominy Chief O.W. Adkins wrote to John Collier, Commissioner of Indian Affairs, asking for help in getting the proper racial designation on Selective Service records for the Chickahominy soldiers.

(17) In 1943, John Collier, Commissioner of Indian Affairs, asked Douglas S. Freeman, editor of

the Richmond (Virginia) News-Leader newspaper, to help Virginia Indians obtain proper racial designation on birth records. Collier states that his office cannot officially intervene because it has no responsibility for the Virginia Indians, ''as a matter largely of historical accident'', but is ''interested in them as descendants of the original inhabitants of the region''.

(18) In 1948, the Veterans' Education Committee of the Virginia State Board of Education approved Samaria Indian School to provide training to veterans. This school was the one established and run by the Chickahominy Indian Tribe.

(19) In 1950, the Chickahominy Indian Tribe purchased land and donated it to the Charles City County School Board, to be used to build a modern school for students of the Chickahominy and other Virginia tribes. The Samaria Indian School included grades 1 through 8.

(20) In 1961, Senator Sam Ervin, Chairman of the Subcommittee on Constitutional Rights, Senate Committee on the Judiciary, requested Chickahominy Chief O.W. Adkins to provide assistance in analyzing the status of the constitutional rights of Indians ''in your area''.

(21) In 1967, the Charles City County school board closed Samaria Indian School and converted it to a countywide primary school as a step toward full school integration.

(22) In 1972, the Charles City County school board began receiving funds under title IV of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) on behalf of Chickahominy students. This continues today under title V of that Act.

(23) In 1974, the Chickahominy Indian Tribe bought land and built a tribal center using monthly pledges from tribal members to finance the transactions.

(24) In 1983, the Chickahominy Indian Tribe was granted recognition as an Indian tribe by the Commonwealth of Virginia, along with 5 other tribes.

(25) In 1985, Virginia Governor Gerald Baliles was the special guest at an intertribal Thanksgiving Day dinner hosted by the Chickahominy Indian Tribe.

SEC. 102. DEFINITIONS.

For the purposes of this title—

(1) the term ''Tribe'' means the Chickahominy Indian Tribe;

(2) the term ''Secretary'' means the Secretary of the Interior; and

(3) the term ''member'' means an enrolled member of the Tribe, as of the date of the enactment of this Act, or an individual who has been placed on the membership rolls of the Tribe in accordance with this Act.

SEC. 103. FEDERAL RECOGNITION.

(a) FEDERAL RECOGNITION.—Federal recognition is hereby extended to the Tribe. All laws and regulations of the United States of general application to Indians or nations, tribes, or bands of Indians, including the Act of June 18, 1934 (25 U.S.C. 461 et seq.) which are not inconsistent with any specific provision of this Act, shall be applicable to the Tribe and its members.

(b) FEDERAL SERVICES AND BENEFITS.—

(1) IN GENERAL.—The Tribe and its members shall be eligible, on and after the date of the enactment of this Act, for all future services and benefits provided by the Federal Government to federally recognized Indian tribes without regard to the existence of a reservation for the Tribe or the location of the

residence of any member on or near any Indian reservation.

(2) SERVICE AREA.—For purposes of the delivery of Federal services to enrolled members of the Tribe, the Tribe's service area shall be deemed to be the area comprised of Charles City County, Virginia.

SEC. 104. MEMBERSHIP.

Not later than 18 months after the date of the enactment of this Act, the Tribe shall submit to the Secretary a membership roll consisting of all individuals currently enrolled for membership in the Tribe. The qualifications for inclusion on the membership roll of the Tribe shall be determined by the membership clauses in the Tribe's governing document, in consultation with the Secretary. Upon completion of the roll, the Secretary shall immediately publish notice of such in the Federal Register. The Tribe shall ensure that such roll is maintained and kept current.

SEC. 105. CONSTITUTION AND GOVERNING BODY.

(a) CONSTITUTION.—

(1) ADOPTION.—Not later than 24 months after the date of the enactment of this Act, the Tribe shall conduct, by secret ballot, an election to adopt a constitution and bylaws for the Tribe.

(2) INTERIM GOVERNING DOCUMENTS.—Until such time as a new constitution is adopted under

paragraph (1), the governing documents in effect on the date of enactment of this Act shall be the interim governing documents for the Tribe.

(b) OFFICIALS.—

(1) ELECTION.—Not later than 6 months after the Tribe adopts a constitution and bylaws pursuant to subsection (a), the Tribe shall conduct elections by secret ballot for the purpose of electing officials for the Tribe as provided in the constitution and bylaws.

(2) INTERIM GOVERNMENT.—Until such time as the Tribe elects new officials pursuant to paragraph (1), the governing body of the Tribe shall be the governing body in place on the date of the enactment of this Act, or any new governing body selected under the election procedures specified in the interim governing documents of the Tribe.

SEC. 106. RESERVATION OF THE TRIBE.

(a) IN GENERAL.—Notwithstanding any other provision of law, if, not later than 25 years after the date of the enactment of this Act, the Tribe transfers land within the boundaries of the Virginia counties of Charles City, James City, or Henrico, to the Secretary, the Secretary shall take such land into trust for the benefit of the Tribe.

(b) CONSTRUCTION.—Nothing in this section shall be construed to satisfy the terms for an exception under section 20(b)(1)(B) of the Indian Gaming Regulatory Act (25 U.S.C. 2719(b)(1)(B)) to the prohibition on gaming on lands acquired by the Secretary in trust for the benefit of an Indian tribe after October 17, 1988, under section 20(a) of such Act (25 U.S.C. 2719(a)).

SEC. 107. HUNTING, FISHING, TRAPPING, GATHERING, AND WATER RIGHTS.

Nothing in this Act shall expand, reduce, or affect in any manner any hunting, fishing, trapping, gathering, or water rights of the Tribe and its members.

TITLE II—CHICKAHOMINY INDIAN TRIBE—EASTERN DIVISION

SEC. 201. FINDINGS.

Congress makes the following findings:

(1) In 1607, when the English settlers set shore along the Virginia coastline, the Chickahominy were one of about 30 tribes who received them.

(2) In 1614, the Chickahominy Indian Tribe signed a treaty with Sir Thomas Dale, Governor of the Jamestown Colony, agreeing to provide 2 bushels of corn per man and send warriors to protect the English. Sir Thomas Dale agreed in return to allow

the Tribe to continue to practice their own tribal governance.

(3) In 1646, a treaty was signed which forced the Chickahominy from their homeland to the area around the York River in present-day King William County, leading to the formation of a reservation.

(4) In 1677, following Bacon's Rebellion, the Queen of Pamunkey signed the Treaty of Middle Plantation on behalf of the Chickahominy.

(5) In 1702, the Chickahominy were pushed off their reservation, which caused the loss of a land base.

(6) In 1723, the College of William and Mary in Williamsburg established a grammar school for Indians called Brafferton College. A Chickahominy child was one of the first Indians to attend.

(7) In 1750, the Chickahominy Indian Tribe started to migrate from King William County back to the area around the Chickahominy River in New Kent and Charles City Counties.

(8) In 1793, A Baptist missionary named Bradby took refuge with the Chickahominy and took a Chickahominy woman as his wife.

(9) In 1831, the names of the ancestors of the modern-day Chickahominy Indian Tribe began to appear in the Charles City County census records.

(10) In 1870, a census showed an enclave of Indians in New Kent County which is believed to be the beginning of the Chickahominy Indian Tribe-Eastern Division. Records were destroyed when the New Kent County courthouse was burned. A State census was the only record at this time.

(11) In 1901, the Chickahominy's formed Samaria Baptist Church. During the first few decades of the 20th century, Chickahominy men were assessed a tribal tax so that their children could receive an education. The Tribe used the proceeds from this tax to build the first Samaria Indian School, buy supplies, and pay a teacher's salary.

(12) In 1910, a school was started in New Kent County for the Chickahominy Indian Tribe-Eastern Division. Grades 1 through 8 were taught in this 1-room school.

(13) In 1920–1921, the Chickahominy Indian Tribe-Eastern Division began forming their own tribal government. E.P. Bradby was the founder of the Tribe and was elected to be Chief.

(14) In 1922, Tsena Commocko Baptist Church was organized.

(15) In 1925, a certificate of incorporation was issued to the Chickahominy Indian Tribe-Eastern Division.

(16) In 1950, the Indian school was closed and students were bused to Samaria Indian School in Charles City County.

(17) In 1967, both Chickahominy tribes lost their school to integration.

(18) In 1982–1984, Tsena Commocko Baptist built a new sanctuary to accommodate church growth.

(19) In 1983, the Chickahominy Indian Tribe-Eastern Division was granted State recognition along with 5 other Virginia Indian tribes.

(20) In 1985, the Virginia Council on Indians was organized as a State agency and the Chickahominy Indian Tribe-Eastern Division was appointed to a seat on the Council.

(21) In 1988, a nonprofit organization known as the United Indians of Virginia was formed. Chief Marvin ''Strongoak'' Bradby of the Eastern Band of the Chickahominy presently chairs the organization.

SEC. 202. DEFINITIONS.

For the purposes of this title—

(1) the term ''Tribe'' means the Chickahominy Indian Tribe—Eastern Division;

(2) the term ''Secretary'' means the Secretary of the Interior; and

(3) the term ''member'' means an enrolled member of the Tribe, as of the date of the enactment of this Act, or an individual who has been placed on the membership rolls of the Tribe in accordance with this Act.

SEC. 203. FEDERAL RECOGNITION.

(a) FEDERAL RECOGNITION.—Federal recognition is hereby extended to the Tribe. All laws and regulations of the United States of general application to Indians or nations, tribes, or bands of Indians, including the Act of June 18, 1934 (25 U.S.C. 461 et seq.) which are not inconsistent with any specific provision of this Act, shall be applicable to the Tribe and its members.

(b) FEDERAL SERVICES AND BENEFITS.—

(1) IN GENERAL.—The Tribe and its members shall be eligible, on and after the date of the enactment of this Act, for all future services and benefits provided by the Federal Government to federally recognized Indian tribes without regard to the existence of a reservation for the Tribe or the location of the

residence of any member on or near any Indian reservation.

(2) SERVICE AREA.—For purposes of the delivery of Federal services to enrolled members of the Tribe, the Tribe's service area shall be deemed to be the area comprised of New Kent County, Virginia.

SEC. 204. MEMBERSHIP.

Not later than 18 months after the date of the enactment of this Act, the Tribe shall submit to the Secretary a membership roll consisting of all individuals currently enrolled for membership in the Tribe. The qualifications for inclusion on the membership roll of the Tribe shall be determined by the membership clauses in the Tribe's governing document, in consultation with the Secretary. Upon completion of the roll, the Secretary shall immediately publish notice of such in the Federal Register. The Tribe shall ensure that such roll is maintained and kept current.

SEC. 205. CONSTITUTION AND GOVERNING BODY.

(a) CONSTITUTION.—

(1) ADOPTION.—Not later than 24 months after the date of the enactment of this Act, the Tribe shall conduct, by secret ballot, an election to adopt a constitution and bylaws for the Tribe.

(2) INTERIM GOVERNING DOCUMENTS.—Until such time as a new constitution is adopted under

paragraph (1), the governing documents in effect on the date of enactment of this Act shall be the interim governing documents for the Tribe.

(b) OFFICIALS.—

(1) ELECTION.—Not later than 6 months after the Tribe adopts a constitution and bylaws pursuant to subsection (a), the Tribe shall conduct elections by secret ballot for the purpose of electing officials for the Tribe as provided in the constitution and bylaws.

(2) INTERIM GOVERNMENT.—Until such time as the Tribe elects new officials pursuant to paragraph (1), the governing body of the Tribe shall be the governing body in place on the date of the enactment of this Act, or any new governing body selected under the election procedures specified in the interim governing documents of the Tribe.

SEC. 206. RESERVATION OF THE TRIBE.

(a) IN GENERAL.—Notwithstanding any other provision of law, if, not later than 25 years after the date of the enactment of this Act, the Tribe transfers any land within the boundaries of New Kent County, James City County, or Henrico County, Virginia, to the Secretary, the Secretary shall take such land into trust for the benefit of the Tribe.

(b) CONSTRUCTION.—Nothing in this section shall be construed to satisfy the terms for an exception under section 20(b)(1)(B) of the Indian Gaming Regulatory Act (25 U.S.C. 2719(b)(1)(B)) to the prohibition on gaming on lands acquired by the Secretary in trust for the benefit of an Indian tribe after October 17, 1988, under section 20(a) of such Act (25 U.S.C. 2719(a)).

SEC. 207. HUNTING, FISHING, TRAPPING, GATHERING, AND WATER RIGHTS.

Nothing in this Act shall expand, reduce, or affect in any manner any hunting, fishing, trapping, gathering, or water rights of the Tribe and its members.

TITLE III—UPPER MATTAPONI TRIBE

SEC. 301. FINDINGS.

Congress makes the following findings:

(1) From 1607 until 1646, the Chickahominies lived about 20 miles from Jamestown; were major players in English-Indian affairs in those years. Mattaponis, who joined them later, lived farther away. In 1646, the Chickahominies moved to Mattaponi River basin, away from the English.

(2) In 1661, the Chickahominies sold land at ''the cliffs'' on the Mattaponi River.

(3) In 1669, the Chickahominies appeared in the Virginia Colony's census of Indian bowmen; lived then in ''New Kent'' County, which included the Mattaponi River basin at that time.

(4) In 1677, the Chickahominies and Mattaponis were subjects of the Queen of Pamunkey, who was a signatory to the Treaty of 1677 with the King of England.

(5) In 1683, the Mattaponi town was attacked by Senecas; the Mattaponis took refuge with the Chickahominies, and the history of the 2 groups was intertwined for many years thereafter.

(6) In 1695, the Chickahominies/Mattaponis were assigned a reservation by the Virginia Colony and traded it for land at ''the cliffs'' they had owned before 1661 (now the Mattaponi Indian Reservation).

(7) In 1711, the Chickahominies had a boy at the Indian School at the College of William and Mary.

(8) In 1726, the Virginia Colony discontinued funding of interpreters for the tribes. James Adams, who served as an interpreter to the tribes know today as the Upper Mattaponi and Chickahominy, elected to stay with the Upper Mattaponi. Today, a

majority of the Upper Mattaponi have ''Adams'' as their surname.

(9) In 1787, Thomas Jefferson, in Notes on the Commonwealth of Virginia, mentioned Mattaponis on reservation in King William County and said Chickahominies were ''blended'' with them and nearby Pamunkeys.

(10) In 1850, the United States census showed a nucleus of about 10 families, all ancestral to modern Upper Mattaponis, living in central King William County about 10 miles from the reservation.

(11) From 1853 until 1884, King William County marriage records listed Upper Mattaponis as ''Indian'' when marrying reservation people.

(12) From 1884 until the present, county marriage records usually call Upper Mattaponis ''Indians''.

(13) In 1901, Smithsonian anthropologist James Mooney heard about the Upper Mattaponis but did not visit them.

(14) In 1928, University of Pennsylvania anthropologist Frank Speck published a book on modern Virginia Indians with a section on the Upper Mattaponis.

(15) From 1929 to 1930, the Tribe's leadership fought against a ''colored'' designation in the 1930 United States Census, and won a compromise in which their Indian ancestry was recorded but questioned.

(16) From 1942 until 1945, the Tribe's leadership, with the help of Frank Speck and others, fought against the Tribe's young men being inducted into ''colored'' units in the Armed Forces. A tribal roll was compiled.

(17) From 1945 to 1946, negotiations to get some of the Tribe's young people admitted to high schools for Federal Indians (especially at Cherokee); no high school coursework was available for Indians in Virginia schools.

(18) In 1983, the Upper Mattaponi Tribe applied for and won State recognition.

SEC. 302. DEFINITIONS.

For the purposes of this title—

(1) the term ''Tribe'' means the Upper Mattaponi Tribe;

(2) the term ''Secretary'' means the Secretary of the Interior; and

(3) the term ''member'' means an enrolled member of the Tribe, as of the date of the enact-

ment of this Act, or an individual who has been placed on the membership rolls of the Tribe in accordance with this Act.

SEC. 303. FEDERAL RECOGNITION.

(a) FEDERAL RECOGNITION.—Federal recognition is hereby extended to the Tribe. All laws and regulations of the United States of general application to Indians or nations, tribes, or bands of Indians, including the Act of June 18, 1934 (25 U.S.C. 461 et seq.) which are not inconsistent with any specific provision of this Act, shall be applicable to the Tribe and its members.

(b) FEDERAL SERVICES AND BENEFITS.—

(1) IN GENERAL.—The Tribe and its members shall be eligible, on and after the date of the enactment of this Act, for all future services and benefits provided by the Federal Government to federally recognized Indian tribes without regard to the existence of a reservation for the Tribe or the location of the residence of any member on or near any Indian reservation.

(2) SERVICE AREA.—For purposes of the delivery of Federal services to enrolled members of the Tribe, the Tribe's service area shall be deemed to be the area comprised of King William, Richmond, Henrico, Petersburg, Chesterfield, Newport News,

Chesapeake, Hanover, and Hopewell Counties in the Commonwealth of Virginia.

SEC. 304. MEMBERSHIP.

Not later than 18 months after the date of the enactment of this Act, the Tribe shall submit to the Secretary a membership roll consisting of all individuals currently enrolled for membership in the Tribe. The qualifications for inclusion on the membership roll of the Tribe shall be determined by the membership clauses in the Tribe's governing document, in consultation with the Secretary. Upon completion of the roll, the Secretary shall immediately publish notice of such in the Federal Register. The Tribe shall ensure that such roll is maintained and kept current.

SEC. 305. CONSTITUTION AND GOVERNING BODY.

(a) CONSTITUTION.—

(1) ADOPTION.—Not later than 24 months after the date of the enactment of this Act, the Tribe shall conduct, by secret ballot, an election to adopt a constitution and bylaws for the Tribe.

(2) INTERIM GOVERNING DOCUMENTS.—Until such time as a new constitution is adopted under paragraph (1), the governing documents in effect on the date of enactment of this Act shall be the interim governing documents for the Tribe.

(b) OFFICIALS.—

(1) ELECTION.—Not later than 6 months after the Tribe adopts a constitution and bylaws pursuant to subsection (a), the Tribe shall conduct elections by secret ballot for the purpose of electing officials for the Tribe as provided in the constitution and bylaws.

(2) INTERIM GOVERNMENT.—Until such time as the Tribe elects new officials pursuant to paragraph (1), the governing body of the Tribe shall be the governing body in place on the date of the enactment of this Act, or any new governing body selected under the election procedures specified in the interim governing documents of the Tribe.

SEC. 306. RESERVATION OF THE TRIBE.

(a) IN GENERAL.—Notwithstanding any other provision of law, if the Tribe transfers any land within the boundaries of King William County to the Secretary, the Secretary shall take such land into trust for the benefit of the Tribe.

(b) CONSTRUCTION.—Nothing in this section shall be construed to satisfy the terms for an exception under section 20(b)(1)(B) of the Indian Gaming Regulatory Act (25 U.S.C. 2719(b)(1)(B)) to the prohibition on gaming on lands acquired by the Secretary in trust for the benefit

of an Indian tribe after October 17, 1988, under section 20(a) of such Act (25 U.S.C. 2719(a)).

SEC. 307. HUNTING, FISHING, TRAPPING, GATHERING, AND WATER RIGHTS.

Nothing in this Act shall expand, reduce, or affect in any manner any hunting, fishing, trapping, gathering, or water rights of the Tribe and its members.

TITLE IV—RAPPAHANNOCK TRIBE

SEC. 401. FINDINGS.

Congress makes the following findings:

(1) During the initial months after Virginia was settled, the Rappahannocks had 3 encounters with Captain John Smith. The first occurred when the Rappahannock weroance (headman) traveled to Quiyocohannock (a principal town across the James River from Jamestown) where he met with the Englishman to determine if Smith had been the ''great man'' who had previously sailed into the Rappahannock River, killed a Rappahannock weroance, and kidnaped Rappahannock people. He determined that Smith was too short to be that ''great man''. On a second meeting, during John Smith's captivity (December 16, 1607 to January 8, 1608), Smith was taken to the Rappahannock principal village to show

the people that Smith was not the ''great man.'' A third meeting took place during Smith's exploration of the Chesapeake Bay (July to September 1608), when Smith was prevailed upon to make peace between the Rappahannock and the Moraughtacund Indians. The Moraughtacunds had stolen 3 women from the Rappahannock King. In the settlement, Smith had the 2 tribes meet on the spot of their first fight. When it was established that both sides wanted peace, Smith told the Rappahannock King to select which of the 3 women he wanted; the Moraughtacund King got second choice; Mosco, a Wighcocomoco (on the Potomac River) guide, was given the third woman.

(2) In 1645, Captain William Claiborne tried unsuccessfully to establish treaty relations with the Rappahannocks. The Rappahannocks had not participated in the Pamunkey-led uprising in 1644, and the English wanted to ''treat with the Rappahannocks or any other Indians not in amity with Opechancanough, concerning serving the county against the Pamukeys''.

(3) In April 1651, the Rappahannocks conveyed their first tract of land to an English settler, Colonel Morre Fauntleroy. The deed was signed by

Accopatough, weroance of the Rappahannock Indians.

(4) In September 1653, Lancaster County signed a treaty with Rappahannock Indians. The terms of the treaty gave Rappahannocks the rights of Englishmen in the county court, and it tried to make the Rappahannocks more accountable to English law.

(5) In September 1653, Lancaster County defined and marked the bounds of its Indian settlements. According to the Lancaster clerk of court, ''the tribe called the great Rappahannocks lived on the Rappahannock Creek just across the river above Tappahannock''.

(6) In September 1656, (Old) Rappahannock County (modern-day Richmond and Essex Counties) signed a treaty with Rappahannock Indians. The treaty mirrored the Lancaster County treaty from 1653 (see above), and added 2 points: Rappahannocks were to be rewarded, in Roanoke, for returning English fugitives and the English encouraged the Rappahannocks to send their children to live among the English as servants, who the English promised would be well treated.

(7) In 1658, the Virginia Assembly revised a 1652 Act stating that ''there be no grants of land to any Englishman whatsoever de futuro until the Indians be first served with the proportion of 50 acres of land for each bowman''.

(8) In 1669, the colony conducted a census of Virginia Indians. At that time, the majority of the Rappahannocks were residing at their hunting village on the north side of the Mattaponi River. At the time of the visit, census takers were counting only the tribes along the rivers. This explains the low number of 30 Rappahannock bowmen counted on that river. The Rappahannocks used this hunting village on the north side of the Mattaponi River as their primary residence until they were removed in 1684.

(9) In May 1677, the Treaty of Middle Plantation was signed with England. The Pamunkey Queen Cockacoeske signed on behalf of the Rappahannocks ''who were supposed to be her tributaries''. However, before the treaty could be ratified, the Queen of Pamunkey complained to the Virginia Colonial Council ''that she was having trouble with Rappahannocks and Chickahominies, supposedly tributaries of hers''.

(10) In November 1682, the Virginia Colonial Council established a reservation for the Rappahannock Indians of 3,474 acres ''about the town where they dwelt''. The Rappahannocks ''town'' was their hunting village on the north side of the Mattaponi River, where they had lived throughout the 1670's. The acreage allotment was based on the 1658 Indian land act (seen above), which translates into a bowman population of 70, or an approximate total Rappahannock population of 350.

(11) In 1683, following raids by Iroquoian warriors on both Indian and English settlements, the Virginia Colonial Council ordered the Rappahannocks to leave their reservation and unite with the Nanzatico Indians at Nanzatico Indian Town, which was located across and up the Rappahannock River some 30 miles.

(12) Between 1687 and 1699, the Rappahannocks migrated out of Nanzatico, returning to the south side of the Rappahannock River at Portobacco Indian Town.

(13) In 1706, by order of Essex County, Lieutenant Richard Covington ''escorted'' the Portobaccos and Rappahannocks out of Portobacco Indian Town, out of Essex County, and into King

and Queen County were they settled along the ridgeline between the Rappahannock and Mattaponi Rivers, the site of their ancient hunting village and 1682 reservation.

(14) During the 1760's, 3 Rappahannock girls were raised on Thomas Nelson's ''Bleak Hill'' Plantation in King William County. One girl married a Saunders man, 1 a Johnson man, and the third had 2 children, Edmund and Carter Nelson, fathered by Thomas Cary Nelson. In the 19th century, these Sauders, Johnson, and Nelson families are among the core Rappahannock families from which the modern tribe traces its descent.

(15) In 1819 and 1820, Edward Bird, John Bird and his unnamed wife, Carter Nelson, Edmund Nelson, and Carter Spurlock (all Rappahannock ancestors) were listed on the tax roles of King and Queen County. They are taxed at the county poor rate. Edmund Bird is added to the list in 1821. This is significant documentation because the overwhelming majority of pre-1864 records for King and Queen County were destroyed by fire.

(16) Beginning in 1819, and continuing through the 1880's, there was a solid Rappahannock presence in the membership at Upper Essex Baptist

Church. This is the first instance of conversion to Christianity by at least some Rappahannocks. Twenty-six identifiable and traceable Rappahannock surnames appear on the pre-1863 membership list; 28 were listed on the 1863 membership roster; that number had declined to 12 in 1878 and had risen only slightly to 14 by 1888. One reason for the decline: in 1870, a Methodist circuit rider, Joseph Mastin, secured funds to purchase land and construct St. Stephens Baptist church for the Rappahannocks living nearby in Caroline County. Mastin documented from 1850 to 1870, ''These Indians, having a great need for moral and Christian guidance''. St. Stephens was the dominant tribal church until the Rappahannock Indian Baptist Church was established in 1964. At both, the core Rappahannock family names of Bird, Clarke, Fortune, Johnson, Nelson, Parker, and Richardson predominate.

(17) During the early 1900's, James Mooney, noted anthropologist, maintained correspondence with the Rappahannocks, surveying them and instructing them on how to formalize their tribal government.

(18) November 1920, Speck visited the Rappahannocks and assisted them in organizing the fight for their sovereign rights. In 1921, the Rappahannocks were granted a charter from the Commonwealth of Virginia formalizing their tribal government. Speck began a professional relationship with the Tribe that would last more than 30 years and document Rappahannock history and traditions as never done before.

(19) April 1921, Rappahannock Chief George Nelson asked the Governor of Virginia, Westmoreland Davis, to forward a proclamation to the President of the United States. A list of tribal members and a handwritten copy of the proclamation itself were appended. The letter concerned Indian freedom of speech and assembly nationwide.

(20) In 1922, the Rappahannocks established a formal school at Lloyds, Essex County, Virginia. Prior to that time, Rappahannock children were taught by a tribal member in Central Point, Caroline County, Virginia.

(21) In December 1923, Rappahannock Chief George Nelson testified before the United States Congress appealing for a $50,000 appropriation to establish an Indian school in Virginia.

(22) In 1930, the Rappahannocks were engaged in an ongoing dispute with the Commonwealth of Virginia and the United States Census Bureau about their classification in the 1930 Federal census. In January 1930, Rappahannock Chief Otho S. Nelson wrote to the Chief Statistician of the United States Census Bureau asking that the 218 enrolled Rappahannocks be listed as Indians. In February, Leon Truesdell replied to Nelson saying that ''special instructions'' were being given about classifying Indians. That April, Nelson wrote to William M. Steuart at the Census Bureau asking about the enumerators' failure to classify his people as Indians. Nelson said that enumerators had not asked the question about race when they interviewed his people. In a follow-up letter to Truesdell, Nelson reported that the enumerators were ''flatly denying'' his people's request to be listed as Indians. Furthermore, the race question was completely avoided during interviews. The Rappahannocks had talked with Caroline and Essex County enumerators, and with John M.W. Green already, without success. Nelson asked Truesdell to list people as Indian if he sent a list of members. The matter was settled by William Steuart who concluded that the Bureau's rule was

that people of Indian descent could only be classified as ''Indian'' if Indian ''blood'' predominated and ''Indian'' identity was accepted in the local community. The Virginia Vital Statistics Bureau classed all nonreservation Indians as ''negro'', and it failed to see why ''an exception should be made'' for the Rappahannocks. Therefore, in 1925, the Indian Rights Association took on the Rappahannock case to assist them in fighting for their recognition and rights as an Indian Tribe.

(23) During the Second World War, the Pamunkeys, Mattaponis, Chickahominies, and Rappahannocks had to fight the draft boards about their racial identity. The Virginia Vital Statistics Bureau insisted that certain Indian draftees be inducted into Negro units. In the end, 3 Rappahannocks were convicted of violating the Federal draft laws. After spending time in a Federal prison, they were granted conscientious objector status and served out the remainder of the war working in military hospitals.

(24) In 1943, Frank Speck noted that there were approximately 25 communities of Indians left in the Eastern United States that were entitled to

Indian classification. The Rappahannocks were included in this grouping.

(25) In the 1940's, Leon Truesdell, Chief Statistician, United States Bureau of the Census, listed 118 members in the Rappahannock tribe in the Indian population of Virginia.

(26) April 25, 1940, the United States Department of the Interior, Office of Indian Affairs includes the Rappahannocks in their list of Tribes by State and Agency.

(27) In 1948, the Smithsonian Institution Annual Report included an article by William Harlen Gilbert entitled, ''Surviving Indian Groups of the Eastern United States''. The Rappahannock Tribe was included and described in this article.

(28) In the late 1940's and early 1950's, the Rappahannocks operated a school at Indian Neck. The State agreed to pay a tribal teacher to teach 10 students bused by King and Queen County to Sharon Indian School in King William County, Virginia. In 1965, Rappahannock students entered Marriott High School (a white public school) by Executive order of the Governor of Virginia. In 1972, the Rappahannocks worked with the Coalition of Eastern Native Americans to fight for Federal recogni-

tion. In 1979, the Coalition established a pottery and artisans company, operating with other Virginia tribes. In 1980, the Rappahannocks received funding through the Administration for Native Americans, to develop an economic program for the Tribe.

(29) In 1983, the Rappahannocks received State recognition.

SEC. 402. DEFINITIONS.

For the purposes of this title—

(1) the term ''Tribe'' means the organization possessing the legal name Rappahannock Tribe, Inc., only and no other tribe, subtribe, band, or splinter groups representing themselves as Rappahannocks;

(2) the term ''Secretary'' means the Secretary of the Interior; and

(3) the term ''member'' means an enrolled member of the Tribe, as of the date of the enactment of this Act, or an individual who has been placed on the membership rolls of the Tribe in accordance with this Act.

SEC. 403. FEDERAL RECOGNITION.

(a) FEDERAL RECOGNITION.—Federal recognition is hereby extended to the Tribe, which entitles the Rappahannocks to all sovereign powers and rights as autonomous Native American Nations. All laws and regula-

tions of the United States of general application to Indians or nations, tribges, or bands of Indians, including the Act of June 18, 1934 (25 U.S.C. 461 et seq.) which are not inconsistent with any specific provision of this Act, shall be applicable to the Tribe and its members.

(b) FEDERAL SERVICES AND BENEFITS.—

(1) IN GENERAL.—The Tribe and its members shall be eligible, on and after the date of the enactment of this Act, for all future services and benefits provided by the Federal Government to federally recognized Indian tribes without regard to the existence of a reservation for the Tribe or the location of the residence of any member on or near any Indian reservation.

(2) SERVICE AREA.—For purposes of the delivery of Federal services to enrolled members of the Tribe, the Tribe's service area shall be deemed to be the area comprised of King and Queen, Caroline, and Essex Counties, Virginia.

SEC. 404. MEMBERSHIP.

Not later than 18 months after the date of the enactment of this Act, the Tribe shall submit to the Secretary a membership roll consisting of all individuals currently enrolled for membership in the Tribe. The qualifications for inclusion on the membership roll of the Tribe shall be

determined by the membership clauses in the Tribe's governing document, in consultation with the Secretary. Upon completion of the roll, the Secretary shall immediately publish notice of such in the Federal Register. The Tribe shall ensure that such roll is maintained and kept current.

SEC. 405. CONSTITUTION AND GOVERNING BODY.

(a) CONSTITUTION.—

(1) ADOPTION.—Not later than 24 months after the date of the enactment of this Act, the Tribe shall conduct, by secret ballot, an election to adopt a constitution and bylaws for the Tribe.

(2) INTERIM GOVERNING DOCUMENTS.—Until such time as a new constitution is adopted under paragraph (1), the governing documents in effect on the date of enactment of this Act shall be the interim governing documents for the Tribe.

(b) OFFICIALS.—

(1) ELECTION.—Not later than 6 months after the Tribe adopts a constitution and bylaws pursuant to subsection (a), the Tribe shall conduct elections by secret ballot for the purpose of electing officials for the Tribe as provided in the constitution and bylaws.

(2) INTERIM GOVERNMENT.—Until such time as the Tribe elects new officials pursuant to para-

graph (1), the governing body of the Tribe shall be the governing body in place on the date of the enactment of this Act, or any new governing body selected under the election procedures specified in the interim governing documents of the Tribe.

SEC. 406. RESERVATION OF THE TRIBE.

(a) IN GENERAL.—Notwithstanding any other provision of law, if the Tribe transfers the land described in subsection (b) and any other land within the boundaries of King and Queen County, Essex County, and Caroline County, Virginia, to the Secretary, the Secretary shall take such land into trust for the benefit of the Tribe.

(b) CONSTRUCTION.—Nothing in this section shall be construed to satisfy the terms for an exception under section 20(b)(1)(B) of the Indian Gaming Regulatory Act (25 U.S.C. 2719(b)(1)(B)) to the prohibition on gaming on lands acquired by the Secretary in trust for the benefit of an Indian tribe after October 17, 1988, under section 20(a) of such Act (25 U.S.C. 2719(a)).

SEC. 407. HUNTING, FISHING, TRAPPING, GATHERING, AND WATER RIGHTS.

Nothing in this Act shall expand, reduce, or affect in any manner any hunting, fishing, trapping, gathering, or water rights of the Tribe and its members.

TITLE V—MONACAN TRIBE

SEC. 501. FINDINGS.

Congress makes the following findings:

(1) In 1677, the Monacan Tribe signed the Treaty of Middle Plantation between Charles II of England and 12 Indian ''Kings and Chief Men''.

(2) In 1722, in the Treaty of Albany, Governor Spotswood negotiated to save the Virginia Indians from extinction at the hands of the Iroquois. Specifically mentioned are the Monacan tribes of the Totero (Tutelo), Saponi, Ocheneeches (Occaneechi), Stengenocks, and Meipontskys.

(3) In 1782, the First National Census records Benjamin Evans and Robert Johns, both ancestors of the present Monacan community. They are listed as white with mulatto children. Tax records also begin for these families.

(4) In 1850, the Census records 29 families, mostly large, with Monacan surnames, who are genealogically related to the present community.

(5) In 1870, a log structure at the Bear Mountain Indian Mission was built. In 1908, this structure became an Episcopal Mission and is now listed as a National Historic Landmark.

(6) In 1920, 304 Amherst Indians are listed on the Census.

(7) From 1930 through 1931, a flurry of letters from Monacans to the United States Bureau of the Census results from Dr. Walter Plecker's (head of State Bureau of Vital Statistics) decision not to allow Indians to register as such for the 1930 census. The Monacans succeed in being allowed to claim their race, albeit with an asterisk attached to a note from Dr. Plecker stating that there are no Indians in Virginia.

(8) In 1947, D'Arcy McNickle, a Salish Indian, saw some of the children at the Amherst Mission and requested that the Cherokee Agency visit them because they appeared to be Indian. This letter was forwarded to the Department of the Interior, Office of Indian Affairs, Chicago, Illinois. Chief Jarrett Blythe of the Eastern Band of Cherokee did visit the Mission and wrote that he ''would be willing to accept these children in the Cherokee school''.

(9) In 1979, a Federal Coalition of Eastern Native Americans grant established the Monacan Cooperative Pottery at the Mission. Some important pieces are produced, including one that was sold to the Smithsonian.

(10) In 1981, the Mattaponi-Pamunkey-Monacan Consortium was created and since organized as a nonprofit corporation that serves as a vehicle to obtain funds for the tribes through the Native American Program of the Job Training Partnership Act (Department of Labor).

(11) In 1989, the Monacan Tribe is officially recognized by the Commonwealth of Virginia, which enables the Tribe to apply for grants and other programs. In 1993, the Tribe received tax-exempt status as a nonprofit corporation from the Internal Revenue Service.

SEC. 502. DEFINITIONS.

For the purposes of this title—

(1) the term ''Tribe'' means the Monacan Tribe;

(2) the term ''Secretary'' means the Secretary of the Interior; and

(3) the term ''member'' means an enrolled member of the Tribe, as of the date of the enactment of this Act, or an individual who has been placed on the membership rolls of the Tribe in accordance with this Act.

SEC. 503. FEDERAL RECOGNITION.

(a) FEDERAL RECOGNITION.—Federal recognition is hereby extended to the Tribe. All laws and regulations of the United States of general application to Indians or nations, tribes, or Tribes of Indians, including the Act of June 18, 1934 (25 U.S.C. 461 et seq.) which are not inconsistent with any specific provision of this Act, shall be applicable to the Tribe and its members.

(b) FEDERAL SERVICES AND BENEFITS.—

(1) IN GENERAL.—The Tribe and its members shall be eligible, on and after the date of the enactment of this Act, for all future services and benefits provided by the Federal Government to federally recognized Indian tribes without regard to the existence of a reservation for the Tribe or the location of the residence of any member on or near any Indian reservation.

(2) SERVICE AREA.—For purposes of the delivery of Federal services to enrolled members of the Tribe, the Tribe's service area shall be deemed to be the area comprised of all lands within 150 miles of the center of Amherst, Virginia.

SEC. 504. MEMBERSHIP.

Not later than 18 months after the date of the enactment of this Act, the Tribe shall submit to the Secretary a membership roll consisting of all individuals currently

enrolled for membership in the Tribe. The qualifications for inclusion on the membership roll of the Tribe shall be determined by the membership clauses in the Tribe's governing document, in consultation with the Secretary. Upon completion of the roll, the Secretary shall immediately publish notice of such in the Federal Register. The Tribe shall ensure that such roll is maintained and kept current.

SEC. 505. CONSTITUTION AND GOVERNING BODY.

(a) CONSTITUTION.—

(1) ADOPTION.—Not later than 24 months after the date of the enactment of this Act, the Tribe shall conduct, by secret ballot, an election to adopt a constitution and bylaws for the Tribe.

(2) INTERIM GOVERNING DOCUMENTS.—Until such time as a new constitution is adopted under paragraph (1), the governing documents in effect on the date of enactment of this Act shall be the interim governing documents for the Tribe.

(b) OFFICIALS.—

(1) ELECTION.—Not later than 6 months after the Tribe adopts a constitution and bylaws pursuant to subsection (a), the Tribe shall conduct elections by secret ballot for the purpose of electing officials for the Tribe as provided in the constitution and bylaws.

(2) INTERIM GOVERNMENT.—Until such time as the Tribe elects new officials pursuant to paragraph (1), the governing body of the Tribe shall be the governing body in place on the date of the enactment of this Act, or any new governing body selected under the election procedures specified in the interim governing documents of the Tribe.

SEC. 506. RESERVATION OF THE TRIBE.

(a) IN GENERAL.—Notwithstanding any other provision of law, if the Tribe transfers to the Secretary a parcel consisting of approximately 10 acres located on Kenmore Road in Amherst County, Virginia, and a parcel of land consisting of approximately 165 acres located at the foot of Bear Mountain in Amherst County, Virginia, the Secretary shall take such land into trust for the benefit of the Tribe.

(b) CONSTRUCTION.—Nothing in this section shall be construed to satisfy the terms for an exception under section 20(b)(1)(B) of the Indian Gaming Regulatory Act (25 U.S.C. 2719(b)(1)(B)) to the prohibition on gaming on lands acquired by the Secretary in trust for the benefit of an Indian tribe after October 17, 1988, under section 20(a) of such Act (25 U.S.C. 2719(a)).

SEC. 507. HUNTING, FISHING, TRAPPING, GATHERING, AND WATER RIGHTS.

Nothing in this Act shall expand, reduce, or affect in any manner any hunting, fishing, trapping, gathering, or water rights of the Tribe and its members.

TITLE VI—NANSEMOND TRIBE

SEC. 601. FINDINGS.

Congress makes the following findings:

(1) From 1607 until 1646, Nansemonds lived about 30 miles from Jamestown; were major players in English-Indian affairs in those years. After 1646, there were 2 sections of the tribe, in communication with each other: the Christianized Nansemonds in Norfolk County lived as citizens, while the traditionalist Nansemonds farther west (various counties) had a reservation.

(2) In 1638, a Norfolk County Englishman married a Nansemond woman, according to an entry in a 17th century sermon book still owned by the Chief's family. The couple are lineal ancestors of all of the present Nansemond tribe (so are some of the traditionalists).

(3) In 1669, the Tribe's 2 sections appeared in Virginia Colony's census of Indian bowmen.

(4) In 1677, Nansemonds were signatories to the Treaty of 1677 with the King of England.

(5) In 1700 and 1704, the Nansemonds and other Virginia tribes were prevented by Virginia Colony from making a separate peace with the Iroquois. Virginia represented them in the final Treaty of Albany, 1722.

(6) In 1711, the Nansemonds had a boy at the Indian School at the College of William and Mary.

(7) In 1727, Norfolk County allowed to William Bass and kinsmen the ''Indian privileges'' of clearing swamp land and bearing arms (forbidden to other nonwhites) because of their Nansemond descent, which meant they were original inhabitants of said land.

(8) In 1742, Norfolk County issued a certificate of Nansemond descent to William Bass.

(9) From the 1740's to the 1790's, the traditionalist section of the Nansemond tribe, 40 miles west, was dealing with reservation lands. The last surviving members of that section sold out in 1792, with permission of the Commonwealth of Virginia.

(10) In 1797, Norfolk County issued a certificate stating that William Bass was of Indian and English descent; the Indian line of ancestry ran directly back to the early 18th century elder in a traditionalist section of Nansemonds on the reservation.

(11) In 1833, a State law passed enabling European and Indian descended people to get a special certificate of ancestry; a bill originated from the county where Nansemonds lived, and mostly Nansemonds took advantage of the law (few people in other counties).

(12) Around 1850, a Methodist mission was established for Nansemonds which is now a standard Methodist congregation and still with Nansemond members.

(13) In 1901, Smithsonian anthropologist James Mooney visited the Nansemonds and took a tribal census counting 61 households. The census was later published.

(14) In 1922, Nansemonds got a special Indian school in Norfolk County's segregated school system. The school survived only a few years.

(15) In 1928, University of Pennsylvania anthropologist Frank Speck published a book on modern Virginia Indians with a section on the Nansemonds.

(16) In 1984, the Nansemonds were organized formally, with elected officers; then applied for and won State recognition.

SEC. 602. DEFINITIONS.

For the purposes of this title—

(1) the term ''Tribe'' means the Nansemond Tribe;

(2) the term ''Secretary'' means the Secretary of the Interior; and

(3) the term ''member'' means an enrolled member of the Tribe, as of the date of the enactment of this Act, or an individual who has been placed on the membership rolls of the Tribe in accordance with this Act.

SEC. 603. FEDERAL RECOGNITION.

(a) FEDERAL RECOGNITION.—Federal recognition is hereby extended to the Tribe. All laws and regulations of the United States of general application to Indians or nations, tribes, or bands of Indians, including the Act of June 18, 1934 (25 U.S.C. 461 et seq.) which are not inconsistent with any specific provision of this Act, shall be applicable to the Tribe and its members.

(b) FEDERAL SERVICES AND BENEFITS.—

(1) IN GENERAL.—The Tribe and its members shall be eligible, on and after the date of the enactment of this Act, for all future services and benefits provided by the Federal Government to federally recognized Indian tribes without regard to the existence of a reservation for the Tribe or the location of the

residence of any member on or near any Indian reservation.

(2) SERVICE AREA.—For purposes of the delivery of Federal services to enrolled members of the Tribe, the Tribe's service area shall be deemed to be the area comprised of the cities of Chesapeake, Hampton, Newport News, Norfolk, Portsmouth, Suffolk, and Virginia Beach, Virginia.

SEC. 604. MEMBERSHIP.

Not later than 18 months after the date of the enactment of this Act, the Tribe shall submit to the Secretary a membership roll consisting of all individuals currently enrolled for membership in the Tribe. The qualifications for inclusion on the membership roll of the Tribe shall be determined by the membership clauses in the Tribe's governing document, in consultation with the Secretary. Upon completion of the roll, the Secretary shall immediately publish notice of such in the Federal Register. The Tribe shall ensure that such roll is maintained and kept current.

SEC. 605. CONSTITUTION AND GOVERNING BODY.

(a) CONSTITUTION.—

(1) ADOPTION.—Not later than 24 months after the date of the enactment of this Act, the Tribe shall conduct, by secret ballot, an election to adopt a constitution and bylaws for the Tribe.

(2) INTERIM GOVERNING DOCUMENTS.—Until such time as a new constitution is adopted under paragraph (1), the governing documents in effect on the date of enactment of this Act shall be the interim governing documents for the Tribe.

(b) OFFICIALS.—

(1) ELECTION.—Not later than 6 months after the Tribe adopts a constitution and bylaws pursuant to subsection (a), the Tribe shall conduct elections by secret ballot for the purpose of electing officials for the Tribe as provided in the constitution and bylaws.

(2) INTERIM GOVERNMENT.—Until such time as the Tribe elects new officials pursuant to paragraph (1), the governing body of the Tribe shall be the governing body in place on the date of the enactment of this Act, or any new governing body selected under the election procedures specified in the interim governing documents of the Tribe.

SEC. 606. RESERVATION OF THE TRIBE.

(a) IN GENERAL.—Notwithstanding any other provision of law, if the Tribe transfers any land it acquires to the Secretary, the Secretary may take such land into trust for the benefit of the Tribe.

(b) CONSTRUCTION.—Nothing in this section shall be construed to satisfy the terms for an exception under section 20(b)(1)(B) of the Indian Gaming Regulatory Act (25 U.S.C. 2719(b)(1)(B)) to the prohibition on gaming on lands acquired by the Secretary in trust for the benefit of an Indian tribe after October 17, 1988, under section 20(a) of such Act (25 U.S.C. 2719(a)).

SEC. 607. HUNTING, FISHING, TRAPPING, GATHERING, AND WATER RIGHTS.

Nothing in this Act shall expand, reduce, or affect in any manner any hunting, fishing, trapping, gathering, or water rights of the Tribe and its members.

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Senator CAMPBELL. I see Senator Allen is here. We were just doing an introductory statement. You are welcome to join us at the dais. Senator Inouye has informed me that he is going to have to leave early, so before I make my opening statement, I would like to call on the Chairman, if he would like to say a few words before he leaves.

STATEMENT OF HON. DANIEL K. INOUYE, U.S. SENATOR FROM HAWAII, CHAIRMAN, COMMITTEE ON INDIAN AFFAIRS

The CHAIRMAN. I thank the Vice Chairman very much. I have to leave shortly for a conference of the Department of Defense Appropriations Bill; but I wanted to be here to welcome our colleagues from the House, Mr. Moran, and the Virginia Delegation of the Senate.

I want to commend all of you for your support of the bill that is before the committee today. I wish to advise all of you that I have read the statements, and I believe that you make a most compelling case for the Virginia tribes that your bill seeks to address.

I am particularly grateful that you have identified and appreciate the difference between Federal recognition and other matters for which there are separate processes and distinct thresholds that must be met, such as the taking of land in trust and the conduct of gaming activities.

The prepared statement of our colleague from the House, Congressman Moran, details the sad and tragic history of the Virginia tribes; and ladies and gentlemen, I want to assure you that this committee will work with you and the Virginia tribes to develop a new chapter in our history books, one of which we can all be proud.

With that, Mr. Chairman, I thank you very much, and I regret I must leave.

Senator CAMPBELL. Thank you, Mr. Chairman.

This bill was introduced on June 27, 2002 by Senator Allen, for himself and Senator Warner. We have the pleasure of having Senator Allen here. I understand Senator Warner is on his way, but Congressman Moran is also on the Floor voting and may not be here.

This bill would provide legislative recognition to the six Indian Groups that are located in the Commonwealth of Virginia. The ancestors of the tribes in Virginia were among the first Native peoples of the Americas to encounter Europeans when the latter arrived in the early 1600s, and we are very familiar with those stories.

The Virginia tribes were recognized and dealt with by the Crown of England as sovereign entities with whom treaties were struck. The six groups seeking Federal acknowledgment are currently recognized as Indian tribes by the Commonwealth of Virginia and England as well.

I am told by the staff that while he was Governor, Senator Allen took part in an annual treaty-honoring ceremony with the Virginia tribes, that took place at Thanksgiving at the Governor's home in Richmond. I commend him for doing that.

In February 1999, both the Virginia House of Delegates and the Virginia Senate passed H.J. Res. 754, urging the U.S. Congress to

grant historic Congressional Federal recognition of the eight tribes recognized by the State of Virginia.

The bill before us would do just that, but would exempt the Mattaponi and the Pamunkey, which have elected not to take part in this legislation. When he was the Governor of Virginia, Senator Allen called for the tribes to be recognized.

As both Senators know, I have generally been opposed to legislative recognition as a substitute for the Federal acknowledgment process, except in extenuating circumstances; and I am sure we may hear some of those today.

Nonetheless, I understand the frustration of petitioning groups. Some have waited generations to have their petition acted on. These Virginia tribes have submitted petitions for Federal acknowledgment to the Branch of Acknowledge and Research, called the BAR, and have attempted for some years to obtain legislative recognition; but to date, have been unsuccessful.

In light of the upcoming 400th anniversary of the foundation of the Jamestown Colony in 1607, the Commonwealth understandably wants to fully include the Virginia tribes in the celebrations and, in fact, supports the tribes' bid for the Federal acknowledgment.

I look forward to hearing from our colleagues and our witnesses. With that, I would ask Senator Allen if he has some comments that he would like to make before we hear from the witnesses.

STATEMENT OF HON. GEORGE ALLEN, U.S. SENATOR FROM VIRGINIA

Senator ALLEN. Yes; I would, Mr. Chairman. First and foremost, I want to thank you, Senator Campbell, for your leadership, your statement and understanding, as well as that of the chairman, Senator Inouye, for having this hearing on such short notice. I recognize that there are many issues arising, but this is something that is very important to these six Virginia Indian tribes.

I think that the views that I will be expressing will be amplified by those of Senator Warner, who also joins me in this effort. Virginians are unified.

I respectfully have asked this committee to begin the process of Federal recognition for the Chickahominy, the Eastern Chickahominy, the Upper Mattaponi, the Rappahannock, the Monacan, and the Nansemond Tribes, by voting in favor of this measure, which we call the Thomasina Jordan Indian Tribes of Virginia Federal Recognition Act of 2002.

I have introduced this legislation with my colleague, Senator Warner, to provide long overdue recognized status for a group of Americans that have been part of this country's history from its inception; when the English settlers came into Virginia.

The six tribes that are seeking Federal recognition have suffered humiliation and indignities that have gone largely unnoticed by most Americans.

Many of these injustices were not a result of any action the Virginia Indians undertook. They were rather due to Government policies that sought to eliminate their culture and heritage. I believe, because of these facts, the circumstances of their situation warrants Congressional motion for Federal recognition.

I can understand the concern that my colleagues express over granting Federal recognition without the investigative processes used by the Department of the Interior. However, if one closely examines the history of these Virginia Indians, they will see why this legislation has been introduced, and why my colleagues, Congresswoman Joanne Davis and Congressman Jim Moran, continue to push for recognition on the House side.

The history of these six tribes begins well before the first Europeans landed on this continent. History has shown their continuous inhabitance of Virginia.

Through the last 400 years, they have undergone great hardship. However, many have worked to maintain their traditions and their heritage, through those difficult centuries.

To put the long history of the Virginia Indians in context, while many frederally-recognized tribes have signed agreements with the U.S. Government, the Virginia Indian tribes hold treaties with the King of England, including a treaty in 1677, between the tribes and Charles II.

Indeed, the ceremony that Senator Campbell mentioned, where there is a tribute paid, is a treaty that goes way back before our succession and independence from Britain, where the tribes were to pay taxes to the Crown Colony of 20 beaver pelts at the going of the geese. That is a continuation of that heritage and that treaty, again, that precedes even our independence from Britain.

Like the plight of many Indian tribes across America during the last four centuries, the Virginia tribes were continually moved off their land, and many assimilated into U.S. society. Even then, the Indians of Virginia were not extended the same rights offered to U.S. citizens. The years of racial discrimination and coercive policies took a tremendous toll on the population of Virginia Indians.

During the 20th Century, at the turn of the 20th Century, members of these six tribes suffered even more injustice. New state mandates forced Virginia Indians to renounce their Indian names and heritage.

The passing of the Racial Integrity Act of 1924 began a dark time in the history of the Commonwealth of Virginia. This measure, which was enforced by a state official, the Registrar of the Bureau of Vital Statistics, a man named Walker Plecker, sought to destroy all records of the Virginia Indians, and recognize them as "colored."

People were threatened with imprisonment for noting "Indian" on their birth certificate. Mothers were not allowed to take their newborn children home, if they were given an Indian name. This policy, along with the over-zealous enforcement by Dr. Plecker, has left many Virginia Indians searching for their true identity.

I am going to incorporate, if I may, into the record, an article by respected journalist, Peter Harden, who did research on this in a comprehensive article that appeared on March 5, 2000, in the Richmond Times Dispatch. It shows a good research into this matter, and I would like it in the record.

The point is, the Racial Integrity Act left the records of thousands of Virginia Indians inaccurate, or deliberately misleading, until 1997. As Governor that year, we signed into law legislation that directed state agencies to correct all State records related to

Virginia Indians, reclassifying them as "American Indian," and not colored.

As Governor my administration championed this initiative, after learning of the pain and the concern of this racist policy, and how it inflicted that pain on many Virginia citizens.

I was also briefed on the problems that many Virginia Indians experience when attempting to even trace back their ancestry, or have the records of their children or their deceased family members corrected.

So to combat those injustices, we ensured that any American Indian, whose certified copy of a birth record contains an incorrect racial designation, were able to obtain a corrected birth certificate, without paying a fee.

It is bad enough what was done in the past; but to make a citizen have to pay a fee, because of a State policy that forces racial discrimination was clearly wrong, so we made sure there were no costs in that regard.

Now because of the arrogant, manipulating policies of the Virginia Racial Integrity Act, the Virginia Tribes have had a difficult time collecting and even substantiating official documents necessary for Federal recognition.

Through no fault of their own, the records they need to meet the stringent and difficult requirements for Federal recognition are simply not available, and they are trying to work through it.

I fear that unless my colleagues take action legislatively, these six tribes will be faulted and denied Federal recognition for circumstances and discrimination over which they had no control

The Virginia tribes have filed a petition with the Department of Interior's Branch of Acknowledgment and Recognition. However, I believe Congressional action is the appropriate path for Federal recognition.

The six Indian tribes represented here today have faced discrimination and attacks on their culture that are unheard of in most regions and states of the United States.

The Federal recognition brings numerous benefits to Virginia Indians, including access to education assistance, housing assistance, and health care services, which are available to most American Indians.

The education grants, in particular, would provide an avenue for Virginia Indians to improve the prospects for employment and, hopefully, secure even better jobs, along with health benefits in that job.

The benefits that are offered by Federal recognition would not be restitution for the years of institutional racism and hostility, but it would provide new opportunities for members of the six tribes.

This recognition, Mr. Chairman, Senator Campbell, and I see my colleague from Virginia, Senator Warner is here, is really a matter of justice. It is a matter of fair treatment, and it is a matter of honor and pride of heritage and family.

Yes, the health benefits, the education opportunities all matter. But it is also a recognition that we, as a Federal Government, want to do what is right by these individuals. I am not blaming the Federal Government for what Virginia did; but nevertheless, this recognition is a long time in coming.

Now I understand that there are concerns of some members of Congress. I share the concern about gambling, which becomes a big issue in property claims that relate to federally-recognized Indian tribes. Many members of Congress place the issue of gambling and casinos front and center, when discussing Federal recognition of Indian tribes.

While I do not doubt that some states have experienced difficulties as a result of Indian tribes erecting casinos, I feel confident that gambling is not the goal of these six tribes.

The tribes have stated that they have no intention of seeking casino gambling licenses, and do not currently engage in bingo enterprises or operations, even though they have permission to do so under Virginia law.

So to allay any fears, as you go through each and every one of these specific tribes, I have put in the legislation, as has my colleague and cosponsor, Senator Warner, and it is the same as the House version, it makes it very clear that there are proper safeguards under Virginia law and the Indian Gaming Regulatory Act.

The concern that Federal recognition will result in gambling or casino problems in Virginia have been sufficiently addressed. Only if Virginia somehow would allow casino gambling in the state would Virginia Indians be able to do so.

So the point is, Virginia does not allow it. I do not foresee it in Virginia, and I cannot imagine the state changing those laws to allow it on any Indian lands.

I have spoken to many of the members of these six tribes, and again, they are not seeking this recognition for any superficial gain. They, instead, seek recognition to reaffirm their place as American Indians, after that right has been stripped from them for many decades.

Mr. Chairman and Senator Campbell, have worked with these six tribes over the last 5 years. The circumstances in this case are unique and special, and that is why I have introduced this legislation with my colleague, Senator Warner.

I am hopeful that this committee will objectively review their situation, the bad history as far as how they have been treated, and then make the right decision to move this measure to the Floor for approval.

I thank you again, Senator Campbell, for your care, your consideration, in taking time from your busy schedule to have this hearing today.

Senator CAMPBELL. Thank you, Senator; and for those in the audience from Virginia, Senator Allen and I served in the House together. We were great friends, and have been here in the Senate.

He left us for awhile to do the affairs of state, but we are happy to have him back here. We have known for years that he has always been a very sensitive, fair-minded person, when it comes to issues dealing with American Indians.

Senator ALLEN. Just for a matter of record, I have no problem with casino gaming for Indian tribes. [Laughter.]

Senator CAMPBELL. You do not have to sell me. I have always supported it, as long as they are within the framework of IGRA.

I would like now to turn to our senior colleague, Senator Warner, also a great friend of mine. Senator Warner, do you have a statement before we hear some testimony?

STATEMENT OF HON. JOHN WARNER, U.S. SENATOR FROM VIRGINIA

Senator WARNER. Well, I thank you, Mr. Chairman.

Mr. Chairman, you have been a pioneer leader, together with Senator Inouye, to protect the rights of our Native Americans, and to do it in such a way that you bring the Congress, and certainly the Senate, with you on the mission.

Now we have this initiative by my colleague, and I associate myself with your remarks, Senator Allen. They were beautifully written. As I listened, they reflected on your personal study of years and years and years of the historical precedence that justifies this legislation.

I think it is most appropriate that you, as a former Governor of the Commonwealth of Virginia, who in that capacity assisted the tribes in various ways during that period of time, are the one to take the lead. I am very privileged to be associated with you and your cosponsor.

So I thank you, Mr. Chairman, and I thank you, Senator Allen. My remarks are very brief, because I associate myself with those remarks given by my colleague.

On the issue of the gambling, we respect the wishes of your State, as you respect the current wishes of our state. This was an issue, but I think Senator Allen and others in Congress, who we work with very carefully, recognize that the framework of Federal laws, now appropriately and properly, are placed in the hands of the respective Governors, working with their State legislatures, to deal with this issue.

Because while the tribes and the leadership in Virginia today have committed that their intention is not to pursue gambling we recognize that what we are about to do will last for generations, and we have to consider future generations of leaders and their followers, as to what they might do in the future.

But again, as Senator Allen said, we assure the citizens of our great State, 7-plus million, that the issue of gambling is not implicit in this, and it is well protected by a framework of laws.

So first, I wish to welcome many that I recognize have traveled long distances to be here so early today. Usually the Senate does not get started this early on major issues, and you had a long journey to get up quite early for this morning.

It reflects the sincerity and depth of your individual and collective views on this important piece of legislation. I hope those that could not make this trip, and indeed, had there been others, I do not know how we would have fit them in, because every seat is taken, but I hope that they appreciate your long-time efforts on behalf of everyone who takes pride in this recognition, as Senator Allen said, that is long overdue.

I would hope, Mr. Chairman, that this matter could be addressed in this Congress. Our visitors today are not familiar with, I guess you might call it, the eccentricities of what we are now experienc-

ing in the Congress. We are about to go out as a Congress. The question of a lame duck, of course, is before us.

But could the Chair comment a little bit on how he and Chairman Inouye would hope to move this legislation? I think it is important that our visitors understand that.

Senator CAMPBELL. Well, I might, if the Senator would yield.

Senator WARNER. Yes.

Senator CAMPBELL. As you know, we have anything between 2 more days and 5 or 6 more days. We have literally no idea. The leadership has not told us firmly when we are going to out. I guess that decision has not been made.

It is my understanding that there was a hearing already on the House side on this bill, that Congressman Hansen did, about 3 weeks ago. I have not conferred with Senator Inouye or Congressman Hansen, either one.

But just offhand, I would say that the possibility of moving this bill through this time around is very, very slim, particularly as I understand, that the Administration, through the Department of the Interior, is not supporting it. So we will just have to hear what they have to say.

Senator WARNER. Well, I would say to the Chair and my colleague, that it would be our hope, I assume, to join together and introduce this on the opening day of the next Congress, and renew our efforts in the coming Congress.

Because I feel that so many visitors do not understand that once a Congress concludes its 2-year life, then all legislation that has been introduced and has not been acted upon simply dies. That is the phrase that we use.

But while this may die, it will be revived, am I not correct, Senator Allen?

Senator ALLEN. Right.

Senator WARNER. We should not give up.

Senator CAMPBELL. Well, we can establish at least a hearing and some dialog.

Senator ALLEN. I would say to my colleague, having watched this and seeing the progress, and the progress has been slow, then justice has been long.

But the progress here is progress, and this the first time there has ever been a hearing, in the history of this august body, on recognition of these six tribes of Virginia Indians.

Senator WARNER. Well, most importantly, if you would yield, it is the first time that Virginia Senators have put this in.

Senator ALLEN. So it is the first time that the bill was introduced. That is the first great progress in recognition. Second, thanks to Senator Campbell and Chairman Inouye, we are having this hearing. This is great progress.

Things move very slowly here. I am not one of great patience; but I have to be patient, and recognize that sometimes progress moves slowly. But I think that with the help of Senator Campbell, Chairman Inouye, and others, that progress is made.

The fact that we are having this hearing here today, this will help bring this issue to the forefront. People will pay attention to the facts and the unique circumstances. I am hopeful that as we start off the 108 Congress, in the event that this cannot get done

in the last 2 or 5 days, however many are left, we will have a good running start next year.

Again, I want to thank Senator Campbell, because your leadership is absolutely essential. You, as well as Chairman Inouye, are ones who people look to for guidance and leadership.

Senator WARNER. Many Native American tribes have waited hundreds of years for recognition. I think we can assure them, Senator Allen, that they will not have to wait much longer for this piece of legislation.

Senator CAMPBELL. I might tell both Senators that, as you probably know, the appropriations process for Interior, which provides all the money for Indian tribes, is pretty well through for next year now. So it is a matter of justice for you, but it is also going to be a matter of finances for the Bureau.

How many people total, in the six tribes, are we talking about?

Senator ALLEN. It is however many applied. Maybe one of our witnesses can answer that.

Senator CAMPBELL. Well, I can ask them.

Senator ALLEN. It is in the nature of thousands. It is not tens of thousands. It would be a few thousand.

Senator WARNER. I think it would be helpful, the chief says was 2,700.

Senator CAMPBELL. Okay, the reason I asked is because some groups that have come before the committee have as many as, as I understand it, 40,000 or 45,000 members. There was a group in, last week, in fact, testifying on a different issue, that had a total of 12 members.

Well, let me tell you, there is a big difference, when you talk about providing services, between 45,000 and 12 people. So that is the other thing that we are going to have to consider.

Senator ALLEN. In the entire Commonwealth of Virginia, and somebody can correct me if I am wrong, but I believe there are about 26,000 American Indians of all different tribes, in the whole Commonwealth of Virginia.

There are two other tribes, the Mattaponi and the Pamunkey, that you mentioned, that do have their own reservations. They are State recognized and are not seeking this Federal recognition.

Senator CAMPBELL. May I ask why?

Senator ALLEN. Maybe they feel they have sufficient recognition, in that they actually have their two reservations and their own lands. These other tribes do not have those.

Senator CAMPBELL. Well, let us go ahead and get started. We will include Congressman Moran's testimony in the record.

[Prepared statement of Mr. Moran appears in appendix.]

CAMPBELL. I would like to go ahead and start with Mr. Michael Smith, the Director of Tribal Services from the Bureau of Indian Affairs.

Mr. Smith, if you would just go ahead and come to the table there, and if you have anybody that is going to testify with you or speak in support, they are welcome to come, too. Your complete testimony will be included in the record. If there is anything you would like to abbreviate, please feel free to do so.

STATEMENT OF MICHAEL R. SMITH, DIRECTOR OF TRIBAL SERVICES, BUREAU OF INDIAN AFFAIRS, DEPARTMENT OF THE INTERIOR, ACCOMPANIED BY LEE FLEMING, BRANCH CHIEF FOR THE BRANCH OF ACKNOWLEDGMENT AND RESEARCH

Mr. SMITH. Thank you, Mr. Chairman, it is my honor and privilege to appear before you again. Good morning, my name is Mike Smith. I am the director for the Office of Tribal Services within the Bureau of Indian Affairs at the Department of the Interior.

I am here today to provide the Administration's position of opposition to S. 2694, a bill to extend Federal recognition to the Chickahominy Tribe, the Chickahominy Indian Tribe—Eastern Division, the Upper Mattaponi Tribe, the Rappahannock Tribe, Inc., the Monacan Tribe, and the Nansemond Tribe.

Under 25 CFR Part 83, groups seeking Federal acknowledgment as Indian tribes are reviewed in a thorough and objective manner. Each petitioning group must demonstrate that they meet all the seven mandatory criteria established in these Federal regulations.

The seven mandatory criteria are that a petitioner: [1] demonstrates that it has been identified as an American Indian entity on a substantially continuous basis since 1900; [2] demonstrates that a predominant portion of the petitioning group comprises a distinct community that has existed as a community from historical times until the present; [3] demonstrates that it has maintained political influence or authority over its members as an autonomous entity from historical times until the present; [4] provides a copy of the group's present governing document, including its membership criteria.

In the absence of a written document, the petitioner must provide a statement describing in full its membership criteria and current governing procedures; [5] demonstrates that its membership consists of individuals who descend from a historical Indian tribe or from historical Indian tribes, which combined and functioned as a single autonomous political entity; [6] demonstrates that the membership of the petitioning group is composed principally of persons who are not members of any acknowledged North American Indian tribe; and [7] demonstrates that neither the petitioner nor its members are the subject of Congressional legislation that has expressly terminated or forbidden the Federal relationship.

A criterion shall be considered met if the available evidence establishes a reasonable likelihood of the validity of the facts relating to that criterion. A petitioner must satisfy all seven of the mandatory criteria in order for tribal existence to be acknowledged.

All six of these groups who would benefit from enactment of S. 2694, have submitted letters of intent and partial documentation to petition for Federal acknowledgment. However, one of these petitioning groups have submitted completed documented petitions demonstrating their ability to meet all seven mandatory criteria.

The Federal acknowledgment regulations provide a uniform mechanism to review and consider groups seeking Indian tribal status. This legislation, however, allows these groups to bypass these standards, allowing them to avoid the scrutiny to which other groups have been subjected.

This concludes my prepared statement. I will be happy to answer any questions the committee may have.

[Prepared statement of Mr. Smith appears in appendix.]

Senator CAMPBELL. Thank you, Mr. Smith.

Your testimony was very brief, and dealt with the standards, criteria, statistics, processes, and so on. I have got a couple of questions, and I am sure Senator Allen does, too.

But let me start by asking you this. If my great grandfather was somehow taken by force and stuck in a school somewhere and told to cut his hair and stop his language and generally forget his tribal culture, and you who are Indians know what I am talking about; and time goes on, and 50, 60, 70, 80, 100 years go by, how in the heck are his descendants going to establish all the standards that the Bureau requires?

How do they establish a process, or how do they have documents, when there were not even birth certificates in those days? I mean, it was before we had a census. It was before we had a lot of things. How do they do that?

Mr. SMITH. Well, I believe our process allows for a number of different ways to provide documentation. Of course, one is by talking to elders, by providing documentation whenever you interview elders or people who would have knowledge about the existence of the tribe.

I know that what you are saying is very true. There are many Indian people throughout the country, who have been denied the right to practice their religion, or to continue to speak their language and practice their traditional and cultural activities.

But we believe there are ways, especially with these groups, to provide information that exists in the archives in Virginia and in public places, where they can obtain these records. We just have not gotten the completed documentation.

Senator CAMPBELL. Well, I appreciate the need for the BAR standards, and I recognize the importance of having whatever factual records that can be provided.

I just wanted to point out that, you know, if there are two groups, and one has a 70-year gap in its existence, and there not circumstances when one group can be acknowledged, it is easy to recognize the other group that has been about to document some things; but obviously, not with that gap.

Let us just take two groups, and if one cannot attribute the gap of that time to Government policy, then perhaps that 70 year gap is a rationale for denying recognition?

Mr. SMITH. Well, here again, we are looking at the seven mandatory criteria and the documentation under each criterion. There have been, as we recognize in some of the petitions that have been forwarded, gaps in the information. The way we deal with that, of course, is specific to that particular criterion.

Senator CAMPBELL. Let me interject another quick question. When you ask questions dealing with statistics and criteria and standards and all, do you ask potential groups things such as their language or their traditional dress or dances, or their story of creation, or any of the other things that most Indian people are raised knowing?

Mr. SMITH. Yes; Mr. Chairman.

Senator CAMPBELL. Then if you have a huge gap between when they were literally dispossessed, as Senator Allen has suggested, how do they establish that recognition?

I mean, we have got kids on reservations now that have lived there their whole live that cannot speak their own language, because it is disappearing in many places. How do you establish any kind of a language chain with a people that have been in the circumstances that we find these tribes in?

Mr. SMITH. Well, again, under the mandatory criterion, and we are looking at 83.7, Part E, the opportunity, I guess, for the petitioner to provide other information that would fill that gap is available under that criterion.

Senator CAMPBELL. I see.

Mr. SMITH. And I know that there are many Indian people who have been disenfranchised, through no fault of their own. We are really not talking necessarily about the loss of identity of the Indian, but of the tribe.

Senator CAMPBELL. I see, but without the tribe, it is difficult for any of them, as individual Indians, to get any kind of Government help. Is that not correct?

Mr. SMITH. Yes, Mr. Chairman; in this particular instance, we also feel that the documented instances of discrimination against the Virginia tribes would be some type of information that we would want to look at, because it identifies them as distinct groups.

Senator CAMPBELL. The Bureau opposes the legislative route, and as I mentioned in my statement, I have been very careful about it, too.

Because I think it has really opened up a Pandora's box of all kinds of groups; most that are legitimately Indian, but clearly some are not, that have applied for recognition; and if they can get an understanding, friendly Senator to introduce a bill to do a run around the Bureau, sometimes that has happened.

But frankly, the time it takes to get these petitions done is just unbelievably long. How long have these tribes been waiting? I have heard some tribes are waiting for 20 years.

Mr. SMITH. I think the oldest documented partial petition is about 20 years old. Some have waited a lesser time; but yes, 20 years.

Senator CAMPBELL. Is it fair to say that some people have people have probably died waiting? Is that correct?

Mr. SMITH. Yes, Mr. Chairman; I believe the Upper Mattaponi is the oldest petition that we have on file, and the Rappahannock.

Senator CAMPBELL. Well, first of all, let me tell you that I really would appreciate it if you and the department would work with our staff here on the committee, to try to develop a comprehensive bill that would revise the whole process.

Because I find that this business of waiting that long for people who are legitimately Indian, I mean, it is just too long. Somehow, we have got to have a better process to move it through.

As you probably know, there was an amendment on the Floor this year to put a moratorium on any more tribes going on the rolls, until we could figure this all out.

Senator Inouye and I opposed that and, in fact, we won that pretty handily when we took a recorded vote. You probably know that, if you watched C–SPAN and the debates on the Floor.

So I am not supporting putting a moratorium on it; but somehow, we have got to have a better process. I would hope the Bureau would work with us on that.

Mr. SMITH. I understand, Mr. Chairman.

Senator CAMPBELL. I understand all six of the tribes that are subject to this bill have submitted petitions to the BAR. Is that correct?

Mr. SMITH. Yes, Mr. Chairman.

Senator CAMPBELL. Are any of them ready for what is called the technical assistance phase?

Mr. SMITH. I would say yes. I think we are prepared to provide technical assistance to all six of the petitioning groups.

What has not happened is, a complete petition would require another kind of observation, and that would be a letter pointing out any obvious deficiencies in their petition. So that would be another step where could provide people assistance.

Senator CAMPBELL. So that would be a letter from the Bureau back to them?

Mr. SMITH. Yes.

Senator CAMPBELL. So if you sent that letter to them, would it be fair to say that you could begin that process; and if it is, how long does it take to complete it, after they get that letter from you?

Mr. SMITH. Well, it really would depend on the petitioning group. And, of course, you know what limitation we have on our resources.

Senator CAMPBELL. Yes; and I am sorry to say that much of that is our fault. Well, after completion of the technical assistance phase, how long would it take the tribes to complete the FAP process?

Mr. FLEMING. If I may respond.

Senator CAMPBELL. Could you provide your name for the record, please?

Mr. FLEMING. My name is Lee Fleming, and I am the Branch Chief for the Branch of Acknowledgment and Research.

After a group responds to the technical assistance review, then under the regulations, another phase begins, which is entitled, active consideration.

The active consideration is basically a formal review of all the documents, and there is a 12 month regulatory timeframe for that review.

I must be honest in saying that before a group is put under active consideration, we already have a number of groups that are in front of groups now just going to be considered for active consideration.

Senator CAMPBELL. Well, it is mighty complicated. Because I have said a number of times on this committee, Indians are the only people in America, that I know of, that are required to carry a card around to prove they are what they already knew they were.

It is a crazy system, but that is what we find ourselves in. It started clear back in the days of giving rations and blankets and so on, in the reservation days.

The year 2007 is a key date for Virginians. It is their 400th anniversary and the 400th anniversary of the founding of the Jamestown Colony. I think it is important to the Commonwealth and important to the tribes.

Can you give the committee any indication that if we did not act legislatively, that these petitions would be done by that very important date?

Mr. SMITH. I really could not predict that, in all honesty, Mr. Chairman. But as I said before, we are prepared to provide technical assistance to these groups.

Senator CAMPBELL. Have any of them asked you, so far, for technical assistance?

Mr. SMITH. Not to my knowledge; well, I guess Mr. Fleming will answer that.

Mr. FLEMING. Yes; we have had several occasions to visit with many of the leaders for technical assistance, and we even met, just recently, within the past 2 weeks, with some of the leaders.

Senator CAMPBELL. I understand that the Bureau has some concerns with the provisions of this bill that establish service areas and reservations for the tribes. In some cases, the service areas overlap other areas.

Should this not be determined by the size of the tribe, the number of people? I would assume these six different tribes have different numbers.

Mr. SMITH. Well, in general, the service area is identified for the tribe, and this really is an approval process that goes through the Deputy Commissioner, as far as the Bureau of Indian Affairs Services, and it may vary for other agencies.

Senator CAMPBELL. Do we have tribes in the country that are already recognized, that have overlapping service areas?

Mr. SMITH. Yes, Mr. Chairman; once we have identified a service area, and we have agreed what the tribe is to that service area, if there is overlapping, then it is up to the tribe or tribes that are involved to come to some agreement as to how their membership will be served, if they are in other jurisdictions.

The other problem that we foresee is that there are other eligible Indians that would have to be served by a particular tribe, once they contract or compact for those Bureau services.

Senator CAMPBELL. It appears that some of the reservation areas may also be overlapping. Is that a problem with the Bureau?

Mr. SMITH. It would not necessarily be a problem, but it would be up to those tribes, again, to work out that situation, as far as the jurisdiction and provision of services.

Senator CAMPBELL. I understand the Bureau also has some concerns about how the tribes would establish their base membership rolls. Staff tells me that the Supreme Court case of Santa Clara *Pueblo* v. *Martinez* make it clear that the membership issues are internal for the tribes to decide themselves. So what is the problem with the Bureau determining their rolls?

Mr. SMITH. Well, in the submission of their membership, and if a particular tribe wanted to establish that list as its base roll, then we would at least have a clear idea of who their members are, and on what basis they would begin to add membership, according to their own criteria.

What happens in many cases is, we are not exactly sure what the base roll is, so we would want to identify a base roll, and assure that anyone who meets the criteria for the tribe would be allowed some due process in establishment enrollment within that tribe.

Senator CAMPBELL. Well, let me use another tribe that is already established, like the Cherokees. I was told a few years ago by Chief Mankiller, when she was the chairman of that tribe, that they get about 1,400 requests per month for enrollment of people that believe that they can document that they are Cherokees.

Well, I do not know what number they actually accept every month, but when they do, do you not just accept that as the acknowledged roll, when the Cherokees say, these people have included are members?

Mr. SMITH. We do, Mr. Chairman, but we also understand the criteria by which they evaluate an application for membership.

Senator CAMPBELL. Would the Bureau's opposition change if provisions were made in the bill that would provide a roll for the Bureau?

Mr. SMITH. I understand we do have membership lists for the petitioners. But I think we would want to take this under consideration, before we gave you an exact answer.

Senator CAMPBELL. But you are talking rolls, and it just would seem to me, if the bill was amended to provide the Bureau with the ability to assist the tribes, to help establish the membership rolls, you might view that a little more favorably.

Mr. SMITH. I believe that would go a long way, Mr. Chairman.

Senator CAMPBELL. The same might be said of their service areas; determining the service areas?

Mr. SMITH. Yes, Mr. Chairman.

Senator CAMPBELL. Well, I would like to yield to my friend and colleague, Senator Allen, if he has some questions. But thank you very much, Mr. Smith, I appreciate your being here.

Mr. SMITH. Thank you.

Senator ALLEN. Thank you, Senator Campbell, and thank you for your outstanding questions, many of which I was going to propound myself. Obviously, you have done a great deal of research into this matter; and in particular, these tribes in Virginia.

Senator CAMPBELL. I have got an outstanding staff.

Senator ALLEN. Well, I thank your staff, but I thank you also for reading what your staff did.

Senator CAMPBELL. Do I ever. [Laughter.]

Senator ALLEN. That shows a great deal of care and important leadership on this matter; and I thank Mr. Smith and Mr. Fleming for being here.

Senator Campbell asked you questions on overlapping service areas. I want to make sure your testimony is clear that there are other Indian tribes in the United States that have overlapping service areas. Is that correct?

Mr. SMITH. Yes, sir.

Senator ALLEN. So that, in itself, is not a fatal flaw in their application for recognition, is it?

Mr. SMITH. No; it is not. We merely wanted to be clear on what jurisdiction each tribe was wanting to establish; and the service area, in many cases, is smaller than the jurisdiction, as we see it.

For one tribe, it is quite large, a 150-mile radius, which seems somewhat unreasonable. But these are things that can be worked out.

Senator ALLEN. I would also ask you, as a matter of law, while the Department of Interior and your organization, that has a very difficult job, apparently may be under-staffed and so forth, by law, Congress can act and give recognition to Indian tribes. Is that not correct?

Mr. SMITH. Yes, sir; we recognize that Congress has that authority.

Senator ALLEN. And has that authority been exercised in the last 10 years?

Mr. SMITH. Yes, sir.

Senator ALLEN. Now Senator Campbell asked a question, that let us assume that we are not able to get this bill passed by the Senate and the House in the next week or so. Are there any changes that could be made to this legislation that has been proffered here, that is the basis of this hearing; any changes next year that would get your agency to support that legislation? Is that at all possible?

Mr. SMITH. I think, again, we would want to take that under advisement. I think we would want to speak to our front office, the Assistant Secretary and the Deputy Assistant Secretary, and assure that, you know, if we were going to make any recommendation the proposed legislation, that this would be something that the Administration would support.

But I think we could surely take a look at the legislation and see where we might be able to make some recommendations for improvement.

Senator ALLEN. Well, I understand your desire to follow the chain of command and not make commitments. But I think if the Branch of Acknowledgment and Research would have any constructive suggestions that could, if nothing else, have you not oppose it, that would be helpful, and we will certainly work with you on it.

Mr. SMITH. I understand.

Senator ALLEN. And I understand your position, as well, here. Do you have any knowledge, either you, Mr. Fleming, or Mr. Smith, of the Department of the Interior ever supporting Congressional action on recognition of an Indian tribe? I know Congress has acted on rare circumstances. Do you know if you all supported that legislation?

Mr. SMITH. I believe we have supported legislation, in particular, when it was restoration of tribes. But we also had a tribe, and I believe it was in Michigan, where a Chippewa was legislatively recognized, and we supported that legislation, as well. That would have been in 1988.

Senator ALLEN. It was be great if you would that in 2002 or 2003, as well. The Chippewa probably already, though, were a recognized tribe, and this was just another branch of the Chippewa, if you know?

Mr. SMITH. Well, there are many bands of Chippewa.

Senator ALLEN. Right.

Mr. SMITH. But this tribe, in particular, was not recognized until that legislation passed.

Senator ALLEN. For the record, the two other Indian tribes in Virginia, which have had long-time recognition by Virginia, by the King of England, do support this legislation. So there is no opposition from those other tribes.

And I would ask Mr. Smith, as you were reading through the criteria, and Senator Campbell alluded to it in one of his questions, when you go through all these requirements and recordkeeping, and Senator Campbell alluded to it again and I had it in my opening testimony, the Racial Integrity Act of 1929, in Virginia, do you recognize how devastating that was for the identity of individuals, when you are trying to have a continuity of Heritage and culture, that mothers and fathers could not even name their children whatever the Indian name might be? If they did, they would not let them take them home from the hospital.

The fact that they were not even recognized as Indians, but because of the Racial Integrity Laws, these oppressive laws had them as another race. That action, in 1924, that was continued on for decades, made it very difficult for someone to identify who was actually of that tribe, much less even an Indian of any tribe.

That sort of imposition of Government, and the stigmatizing, and the wrongful action makes it very difficult, and it is just remarkable that there is even this interest now in this long-overdue recognize.

Do you recognize how difficult that is to maintain a culture, a heritage, your family bloodlines, as well as the cost and the difficulty of having to hire genealogists, historians, anthropologists, to ensure proper documentation requirements? Do you recognize how very difficult that is, in these particular tribes' circumstances in Virginia?

It is not because of the Federal Government, but because on the onerous, awful actions of the State Government, decades ago; and it lasted for generations.

Mr. SMITH. Yes, Senator Allen; I agree with that you are saying and I understand what your saying. This has happened in other parts of the country, as well. There is a dark history in many states. I do not think we would want to get into an argument about whether or not there were historical tribes in Virginia. We know there were.

We want to assure you though, that the Indian people, and we know there are Indian people in Virginia, are the tribes that they say they are. That is the documentation, the analysis, the evaluation that we have to go through.

Some of the things you are saying, I personally have been the brunt of some of these kinds of things, the discrimination in growing up and now being allowed to practice my heritage, my culture, my language, my tradition. I know what you are saying, sir.

Senator ALLEN. Well, Mr. Chairman, Senator Campbell, I do want to work with you on this. I realize that you have a very difficult job. Your role and your duty, when you take your job, is to uphold the laws and the institutional aspects of your department and your Bureaus.

I want to make sure that there is justice. I do not blame you. Some things are bureaucratic and very difficult. Some have an easier situation to meet those requirements. Others, because of the

circumstances, just as a matter of equity, make it very difficult for them to do so.

I am going to try and work as hard as I can, and I know I speak for Senator Warner, as well, and Congressman Moran and Congresswoman Davis, that we think this is a matter of justice and a matter of honor.

Again, when you determine the number of people who are actually involved here, it is a few thousand. There may be others meeting their criteria. It may get up to 4,000.

This is something that a great country can do. I aim to keep working with you for these six tribes in Virginia, and I thank you.

Senator CAMPBELL. In the Bureau's defense, I might tell my friend from Virginia that these problems, I think, started clear back with the Dawes Act, or maybe before, when the first rolls were established.

Because we know for a fact that there were many non-Indians that were put on the Indian rolls and, therefore, legally became Indians when they were not Indian by blood. Some of that was driven by the opportunity to get in on something that might be free from the Federal Government.

So since that time, they have been very, very careful, and I understand that. Because it was not at all difficult in those days, in fact, just to get somebody to go down to the Bureau and tell them that they were your cousin.

They could have blonde hair and blue eyes or whatever, you know, and they could go down there if they said they were your cousin and they were enrolled, you could be put on the roll, in some cases, in those days. It was very easy.

Through the years, the department has tried to make it much more detailed, and justifiably so. But the pendulum can swing from too far to the other side, too, and that is my concern.

Senator ALLEN. Well, thank you, Senator Campbell; that is a very good point. The fact that the Virginia Indians have been in contact, other than the Indians that are, say, in New Mexico and Arizona, who had contact with the Spanish; but the Indians in Virginia, other than those who have had contact in American with the Spanish, or in some cases, the French, the ones in Virginia, with the first permanent English settlement being in Jamestown in 1607, have had the longest interaction or contact with Europeans.

We all do know that eventually many Indians did assimilate into society; and so naturally, the bloodlines are going to be diluted, to so speak, to some extent.

But again, as Senator Campbell said, this why this is particularly pressing, for all Virginians; not just Virginia Indians, or those who may be one-half Virginia Indian, and one-half French, one-half Dutch, one-half Italian, or whatever fractions. I do not mean to have it doubled or tripled.

But regardless, in 2007, there is going to be a major celebration in recognition of the founding of Jamestown. Virginia Indians have a very prominent role in that. Pocahontas and the Chief Powhatan, all of those are so much a part of the founding of Virginia, and the founding, really, of the cradle of democracy for America.

It is going to be very important that this recognition is for all Virginians, with a showcasing of our Commonwealth and where we

started and where we have come. Of course, the Indian heritage is much longer than 400 years, and that is part of the original inhabitance of Virginia.

So that is another reason that all Virginians are so unified, no matter what their ethnic or racial background, unified in the recognition of these tribes, as indicated by the House and Senate General Assembly resolutions in support of this recognition. Thank you.

Senator CAMPBELL. I have no further questions, but I may submit some to be answered in writing. Senator Inouye may also have some questions that he may submit, if you could get back to us on those.

Mr. SMITH. Yes, Mr. Chairman.

Senator CAMPBELL. All right, thank you.

Mr. SMITH. Mr. Chairman, could I just say one other thing?

Senator CAMPBELL. Please do.

Mr. SMITH. The issue you raised earlier, with regard to who the members might be of a particular group, is a primary reason that we would want the membership of these groups established and defined, prior to the passage of the bill.

Because in most cases, there is a provision to do this after the tribes are recognized. So we want to have a basis for that base roll, and that is primarily the reason that we want them to identify their membership ahead of time.

Senator CAMPBELL. Yes; well, it is another subject for another day. But you know that I have said a number of times, I think the whole roll system is totally screwed up, very frankly.

When we did the hearings some years ago, on trying to revise the Indian Arts and Crafts Act, to determine what is actually made by an Indian artist, boy, we had some of the most unusual testimony that convoluted the whole question more than you could have ever imagined.

We had one guy that was eight-eighths Indian. He was 100 percent Indian. But because he was eight-eighths, and every tribe he identified with had a blood quantum of one-fourth or more, he could not get on anybody's roll. So by law, he could not be on anybody's tribe, but he was Indian.

We had another one testify that because of the way the Hopi rolls are set up, you can only be enrolled if the Indian lineage comes from your mother's side and not your father's side.

So you could be Indian and something else, but if your mom was Indian, you could be enrolled as a Hopi; and if your dad was the Hopi, you could not be enrolled. I mean, it is just one big mess, and we deal with it all the time here.

We will now move on to the next panel, which will be the Honorable Ken Adams, the Chief of the Upper Mattaponi Indian Tribe of King William; the Reverend Jonathan Barton of the Virginia Council of Churches; and Dr. Danielle Moretti-Langholtz, Department of Anthropology, from the College of William and Mary.

As I mentioned with the first panel testifying, if you would like to submit all of your testimony for the record, that will be included; and if you would like to abbreviate or depart from your written testimony, that will be fine.

Chief Adams, please proceed.

STATEMENT OF KEN ADAMS, CHIEF, UPPER MATTAPONI INDIAN TRIBE INDIAN TRIBE OF VIRGINIA, ACCOMPANIED BY CHIEF ADKINS, CHICKHOMINY TRIBE; CHIEF BRADBY, EASTERN CHICKAHOMINY TRIBE; CHIEF BRANHAM, MONACAN TRIBE; CHIEF BASS, NANSEMOND TRIBE; AND CHIEF RICHARDSON, RAPPAHANNOCK TRIBE

Mr. ADAMS. Good morning, Mr. Chairman. I am Kenneth Adams, Chief of the Upper Mattaponi Indian Tribe. I ask your permission to revise and extend my comments.

Senator CAMPBELL. Without objection, your complete comments will be included in the record, both written and spoken.

Mr. ADAMS. With me today are Chief Adkins, Chickahominy; Chief Bradby, Eastern Chickahominy; Chief Branham, Monacan; Chief Bass, Nansemond; and Chief Richardson, Rappahannock.

Senator CAMPBELL. Where up are they; if they could raise their hands, so I could just pick them out?

[Show of hands.]

Senator CAMPBELL. Okay, they are right in the front row, thank you.

Mr. ADAMS. We are the proud descendants of the keepers of this great land when the English colonists arrived in 1607. The Peace Treaty of 1677 established the governing authority of the Pamunkey Queen and the Monacan Chief over our ancestors. We are the direct descendants of those colonial tribes, which occupied over 200 villages and towns.

Today, these nations have come together to ask the Congress of these United States to acknowledge our one-on-one relationship with the Government of this Nation.

Chief Justice John Marshall, in 1832 stated:

> The Constitution, by declaring those treaties already made, as well as those to be made, the Supreme Law of the Land, has adopted and sanctioned the previous treaties made with Indian Nations.

Each of these great chiefs carry in their hearts many burdens of our people. I cannot express for them the sorrows they have endured. But I can express to you a sample of what we have all endured.

When I was a child growing up in King William County, Virginia, high school education for Indians was almost nil. Even before I entered grade school, my older brothers and sisters were being sent off to Oklahoma and Michigan to complete high school. I was the first Indian to graduate from King William High School in 1965.

Myself in 1967, and my brother in 1968, served in Vietnam. Shortly afterwards, I went to visit my brother. It was like walking into the house of a stranger.

It was not because of any experiences in Vietnam. It was because of the policies of the State of Virginia. It was the policy that forced him from home in order to seek a high school education. What was his response to that policy? His response was to put his life on the line for the United States of America.

I can surely tell you today, in these individual tribes, there are many more stores like this one. I can say, with 100 percent certainty, when it comes to defending this homeland, Virginia Indians have split their blood.

You might ask us, why do you come now? We have an answer. For almost 400 years, Virginia attempted to diminish our presence. After 1700, we were pushed onto increasingly smaller pieces of land, and by the mid-1900's, Virginia was attempting to document us out of existence.

The fight to maintain our identity was a struggle. Our mothers and fathers fought well, but they lacked education and resources. They had been told on several occasions, no help from the Federal Government was available.

In 1946, one of the chiefs attempted to obtain high school educational resources through the Office of Indian Affairs. The only help offered was in the form of education at a Federal boarding school. Nothing was available in Virginia; 2 years earlier, that same chief had lost a grandson in the Philippines.

If the State Government was attempting to deny our existence, and the Federal Government provided little assistance, where could these people possibly go? Who could they possibly turn to? That is the main reason that it has taken us to long to get here.

Virginia has recognized its errors. Along with S. 2694, sponsored by Senators Allen and Warner, Virginia Representatives Moran and Davis have introduced H.R. 2345, granting Federal acknowledgment to these six tribes.

In 1999, the Virginia General Assembly passed a resolution with overwhelming support, asking for Congressional recognition of these tribes. King William County, home of the Upper Mattaponi, has passed a unanimous resolution in favor of Federal acknowledgment.

We have the support of the majority of the Virginia Congressmen and women. As you can see, we have overwhelming support from the Commonwealth of Virginia.

Now the U.S. Congress has the opportunity to make a historical change, a positive change that would bring honor to you, as well as honor to ourselves. We ask you to make the right decision, and support this bill for Federal acknowledgment of Virginia Indians.

[Prepared statement of Mr. Adams appears in appendix.]

Senator CAMPBELL. Thank you, Chief; we will have some questions for you in just 1 moment. Let us go on to Reverend Barton.

STATEMENT OF REVEREND JONATHAN M. BARTON, VIRGINIA COUNCIL OF CHURCHES

Mr. BARTON. Good morning, Mr. Chairman and members of the Senate Committee on Indian Affairs. My name is Jonathan Barton, and I am the general minister for the Virginia Council of Churches. I would like to thank you for the opportunity today to speak. I would ask your permission to revise and extend my comments.

Senator CAMPBELL. So granted.

Mr. BARTON. I would also like to express my deep appreciation to Senator George Allen for his continued leadership in this, and his efforts in sponsorship of this bill; and to Senator John Warner for his cosponsorship; and to all the other members of the Virginia Delegation, who have come to support this effort.

To the members of the six tribes gathered today, you do indeed continue to honor the Virginia Council of Churches greatly by this invitation to walk with you, as you seek Federal recognition and

acknowledgment. We stand with you today in support of the Thomasina E. Jordan Indian Tribes of Virginia Federal Recognition Act of 2002, S. 2694.

Two weeks ago, before the House Committee on Resources, I made a public apology for any acts of injustice that the Council may have been complicit or complacent in during the past. This apology was sincere then; it is sincere today; and it expresses a hope for our continued walk into the future together.

The Virginia Council of Churches is the combined effort of 34 governing bodies of 16 different communions in the Commonwealth of Virginia. A list of our member denominations has been appended with my written comments. I also have appended letters from various religious leaders across the Commonwealth, urging the support for this bill. Together, we include one out of every five Virginians.

During our 58 year history, we have always stood for fairness, justice, and dignity of all people. We are one of the first fully integrated bodies in the Commonwealth of Virginia, and we have been for our entire history.

We stand here today in that faith, and we are grounded in our history and our values. The churches have a relationship with these tribes, and have had ever since our first European ancestors arrived and were welcomed by the ancestors of these men and women here today.

These tribes have developed very close ties with the Episcopal Church, the Baptist Church, the United Methodist Church, and the Assembly of God. Three of our outstanding religious leader executives in the Commonwealth of Virginia are Native American: The Reverend Dr. Wasena Wright, the Right Reverend Carol Joy Gallagher, and the Reverend Dr. Cessar Scott.

Alexander Hamilton stated in 1775:

> The sacred rights of mankind are not to be rummaged for among old parchments or musty records. They are written, as with a sunbeam in the whole of the volume of human nature, by the hand of the divinity itself, and can never be erased or obscured by mortal power.

What we are addressing here today are sacred rights; the sacred rights of these six tribes. Our history has not always been marked by peace or by understanding. Treaties, indeed, have been broken and land has been taken. There is suspicion and mistrust still on both sides.

But there is perhaps no deeper wound you can inflict on a person than to rob them of their identity; to relegate them to a box marked "other"; to proclaim, as we have done in Virginia during the time of Mr. Plecker, that you do not exist.

Those who bear the legacy of their forefather, the first inhabitants of this great land, have suffered much in the way of discrimination, bigotry and injustice. In the past, they have been prevented from employment and attendance in public schools. Churches have often sought to fill some of these gaps.

But even as we have prevented their attendance in our classrooms, we have proudly placed their names on our school buildings. We have taken their names and we have placed them on our roads, on our towns, on our rivers. The discrimination that they have suf-

fered has not only erased their identity, but it has also robbed them of their voice.

These tribes have proudly served this Nation, even as this Nation has turned its back on them. These tribes are here today to humbly ask nothing more than to have their identity acknowledged, to be recognized for who they are and the contributions that they have made.

You can make this possible, so that the healing of the deep wounds that have been inflicted might finally be realized. Our state legislature has spoken. The people of Virginia have spoken, and they are behind the unity of the six tribes, as they seek this acknowledgment.

Senator George Allen, you, in introducing this bill in the Senate, have said that:

> It is important that we give Federal recognition to these proud Virginia tribes, so that they can be honored in the manner that they deserve.

You went on to say that:

> There is absolutely no reason why American Indian tribes in Virginia should not share the same benefits that so many Indian tribes around the country enjoy.

God has smiled on these people and called them by name. God has blessed them, and God will recognize them, for as long as the sky is blue, and even on those days when it should turn gray.

God will be there as long as the grass is green and when the grass turns brown. For as long as the water shall flow and the cold winter days when it freezes over, God will be with them. It is now time for the United States Congress to do the same. Thank you, sir.

[Prepared statement of Mr. Barton appears in appendix.]

Senator CAMPBELL. Well, before I go on, let me tell you, Reverend Barton, that was a very, very nice statement. The history of non-Indian religions and traditional Indian people has been very rocky in this country, as you probably know.

There is even a story among Indians that every Indian who has been around a reservation has heard. It is, the missionaries came to do good, and they did very well.

It is used by Native Hawaiians, too, which means some of them came with ulterior motives. That was to get you to forget your history, forget your family, forget your traditions, forget everything, and become non-Indians in brown skin.

It is nice to see that religions are finally recognizing the rights and fairness to traditional people. Thank you for that statement.

Dr. Moretti-Langholtz, if you would go on, and then we will finish up with Chief Adkins.

STATEMENT OF DANIELLE MORETTI-LANGHOLTZ, DEPARTMENT OF ANTHROPOLOGY, COLLEGE OF WILLIAM AND MARY

Ms. MORETTI-LANGHOLTZ. Thank you, Senator Campbell, Senator Allen, members of the committee and guests. I am Dr. Danielle Moretti-Langholtz, Coordinator of the American Indian Resource Center at the College of William and Mary. Thank you for the opportunity to address you on this important issue.

For the record, scholarly statements have also been submitted by Dr. Helen Rountree and Edward Ragan.

Senator CAMPBELL. Those will be included in the record.

Ms. MORETTI-LANGHOLTZ. Thank you, sir.

The history of Virginia's indigenous population is uniquely intertwined with the history and founding of the United States of America. Widely known is the story of Chief Powhatan and his daughter Pocahontas, and the role they played in assisting the first English speaking settlers at Jamestown during the 17th century.

Less widely known is what became of Virginia's indigenous population, and their struggle for the survival of their culture, communities, and identity, during the intervening 4 centuries.

At the time of English colonization, Virginia's coastal plain was occupied by a paramount chiefdom of Algonquian-speaking tribes; and its Piedmont by alliances of Siouan-speaking tribes.

There are both archaeological evidence and historical documents, such as this document that I would draw your attention to, which is this copy of John Smith's 1612 map.

These documents indicate that Native peoples were sedentary horticulturalists, growing corn with highly organized political structures, that included male and female chiefs. The current Rappahannock chief, G. Anne Richardson, who is with us today, is an example of that continuing tradition.

The rapid English settlement of Virginia resulted in a demographic change in favor of the colonists, as the economic life of the colony shifted towards growing tobacco. The tribes were signatories to 17th century colonial treaties, which established reservations for some of the tribes.

By 1700, the tribes occupied small pieces of the traditional homelands, and all but two lost control of the reservation lands by the early 1800's. Virginia Indians came under increasing pressure to conform outwardly to non-Indian society.

Many Virginia Indians converted to Christianity during the period known as the Great Awakening. Over time, Virginia enacted increasingly strict codes pertaining to slavery and racial identity.

Virginia Indians developed strategies to survive in this racially-hostile climate by withdrawing into close-knit communities and maintaining separate tribal identities. Historical documentation from this period highlights the pressures on Virginia Indians as the state regularly manipulated the definitions of Negro, Mullatto, Indian, and free persons of color, to maintain white control over non-white persons.

The emergence of the Eugenics Movement in the 20th century is arguably the most trying period of all for Virginia Indians. The passage of Virginia's Racial Integrity Law in 1924 forced all segments of the population to be registered at birth in one of two categories: white or colored. The latter category was mandated for all non-white persons, regardless of race or ethnicity.

This legislation was engineered by Dr. Walter Plecker, head of the Bureau of Vital Statistics in Richmond, and made it illegal for individuals to correctly identify themselves as Virginia Indians.

The racial designations on birth records of many Native persons were changed from Indian to the generic non-white category of colored, without their consent. This experience is unique to the Virginia Indian community. The Racial Integrity Law remained in effect until its repeal by the U.S. Supreme Court in *Loving* v. *Loving*.

Scholars have documented that during these years, Virginia Indians maintained their tribal structures, and refused to give up their Indian identity.

Between 1983 and 1989, the Commonwealth of Virginia granted State recognition to the six tribes whose leaders are here today, thereby acknowledging the tribes' historical importance, contributions, and continued presence in the state, since the time of the colonial encounter.

In 1999, the Virginia legislature passed House Joint Resolution Number 754, asking the Congress of the United States to extend Federal recognition to these tribes.

The scholarly community represented here supports this request, based on the specific criteria for Federal recognition and the documented history of these tribes.

These Indians have maintained a separate identity as Indians since the time of European colonization, and their shared experienced has forged in them a sense of solidarity.

Mr. Chairman, they have waited long enough for Federal recognition. Please support the extension of Federal recognition to these six tribes. As 2007 approaches, it is time to set the historical record straight. Thank you.

[Prepared statement of Ms. Moretti-Langholtz appears in appendix.]

Senator CAMPBELL. Thank you, Doctor; I might tell you just a few weeks ago, several of us spent some time in Africa. One of the countries we visited was South Africa. We went to Robin Island, where Nelson Mandela spent almost 3 decades of his life.

I am struck with the similarity with the Apartheid, that happened just a few years ago in Africa. Really, what many American Indians went through, it is like an American Apartheid, in some cases.

Ms. MORETTI-LANGHOLTZ. If I may say, Mr. Chairman, in fact, you are absolutely correct. What you are seeing in both instances are the effects of the Eugenics Movement that became popular, or shall we say, active, in particular areas of the world, and also Nazi Germany, unfortunately, to some extent, with this legislation, in the Commonwealth of Virginia.

It is not a good history. I do not think anyone here seeks to beat up upon Virginia or the state. But this is a question, as I think was really accurately described by Senator Allen. It is really not about benefits or getting something. It is about setting the historical record straight.

Senator CAMPBELL. Thank you for your testimony.

Chief Adkins, I am sorry that your name was not on the original list that I got for testimony.

Mr. ADKINS. That is quite all right.

Senator CAMPBELL. But we would be honored to hear your statement.

STATEMENT OF STEPHEN R. ADKINS, CHIEF, CHICKAHOMINY INDIAN TRIBE OF VIRGINIA

Mr. ADKINS. Senator Campbell, Senator Allen, staff members, I thank you for the opportunity to address you today.

This moment in time is significant to Virginia Indian tribes because it provides a forum for us to bring our unique situation to the attention of the legislature of the greatest country in the world.

I come to you today, bringing the spirit and will of our forebears. Our presence here, combined with your willingness to listen to our story, contrasts sharply with the environment of fear and mistrust in which my father and his peers fought to preserve and maintain our heritage.

The environment in which our immediate forebears and our ancestors, several generations removed, found themselves was fraught with turmoil, anguish, and despair.

In the early years after European contact, Virginia Indians fell victim to disease and superior weapons of death. In addition, they were displaced from their ancestral lands. Yet even against those circumstances, the Virginia Indians prevailed and maintained their heritage.

Much of the testimony you have heard today has addressed in detail some of the points that I previously mentioned. I would like to share with you some of the very real and painful memories that our people have of our struggle to maintain and share our heritage.

Sadly, I must admit, I do have relatives who chose to live their lives as black or white, versus claiming their true identity and its attendant hardships.

However, today, I bear no ill will to those folks, because they did what they felt they had to do to survive. I am here today to testify that life should be about more than just survival. Life should include being able to live and share one's heritage with pride and honor.

My father and his peers lived during the Plecker years, and carried those scars to their graves. When I approached them regarding our need for state recognition, they pushed back very strongly. In unison, they said, "Let sleeping dogs lie, and do not rock the boat."

Their fears of reprisal against those folks who had risked marrying in Virginia, and whose birth records accurately reflected their identity, outweighed their desire to openly pursue any form of recognition. Those fears were not unfounded, because the threat of fines or jail time was very real to those Virginia Indians.

When you look through family photo albums of my parent's generation and those generations preceding them, some photos and mementos are conspicuously absent. You will not see pictures of students receiving high school or college diplomas. You will not see wedding pictures taken at the local church. You will not see pictures of high school cheerleaders. You will not see pictures of homecoming games or high school proms.

The reason so many things people take for granted were missing in the lives of my ancestors, those memories and family treasurers of our forbearers was not one of choice, but one of survival.

To claim your identity was to put you and your family at risk. If you were Indian, claiming that identity precluded your enrollment in high school or college. There was no place for an Indian in a State that recognized only two races: white and colored.

So what did you see when you looked in the aforementioned albums or on the living room walls of our forebears? You saw pic-

tures of Indian powwows and festivals held on tribal grounds. You saw pictures of church socials and homecomings.

On the walls, you saw pictures of servicemen, certificates of baptism, bronze stars, purple hearts, honorable discharge certificates; and sometimes, you saw U.S. flags, which were presented to those families whose son or daughter lost their life in service to this country.

You saw photos that revealed the tenacious, unflagging will of our forebears to maintain their heritage, in spite of the undue hardships that the State of Virginia imposed upon them, both through legislative action and the bureaucratic actions of Walter Plecker.

As a member of the Charles City County School Board, I was made aware of the Title IX Indian Education Program. There were several criteria to be met to participate in this program.

One criterion was state recognition. Pushed by the need to allow the Indian students within the country to experience this learning environment, several of the younger tribal members forged ahead with the recognition process.

We engaged scholars, historians, and others to research and compile data supporting our Indian identity. I remind you, this action was contrary to the counsel we had been given by many of the elders of our tribe.

We, the Chickahominy Tribe, advised other Virginia Indian tribes of our efforts around state recognition, and the Eastern Chickahominy, Upper Mattaponi, and Rappahannock Tribes, joined in our effort.

As you might expect, the elders of those tribes expressed fear and concern regarding stirring up all of the old wounds and painful memories that they were sure would surface in our quest for state recognition.

The State Legislature heard our case, and granted the aforementioned tribes recognition in 1983. In addition, the legislature created the Virginia Commission on Indians. Later, the Monacan and Nansemond Tribes applied for and were granted state recognition.

The question of why did we wait so long to seek Federal recognition is posed to us quite frequently. The recognition accorded to the Virginia tribes by the Commonwealth in 1983, coupled with the creation of the Virginia Commission on Indians, followed by the legislative action of the Allen administration, created a climate conducive to the next logical step, which was the quest for Federal recognition.

The cloud hanging over our heads at the Bureau of Vital Statistics, where we were written out of existence, posed a serious threat to what we perceived as a viable chance at being heard at the Federal level.

With the removal of that obstacle, the vision became more focused and, in fact, crystal clear; Federal recognition and sovereignty must be sought.

To be constrained by rules and regulations promulgated by a reputed confidant of Hitler was both stifling and dehumanizing. However, even from that experience, the Virginia tribes found a silver lining. Our trials bound us closer together as members of the total

Indian population in general, and as members of our respective tribes, in particular.

The treatment that Virginia Indians endured over the years caused them to seek strength from each other and live as communities. Ironically, that satisfies the criterion for administrative Federal recognition, that speaks to documentation supporting the fact that Indian people lived as a community or a tribe for the last 100 years.

For example, in the case of the Chickahominy Tribe, we have documented minutes from our tribal meetings dating back to 1901, all history preceding that. In addition, we have in place rules of governance, a membership roll, and a constitution.

These systems were put in place to let succeeding generations know their heritage, and to provide accurate records to the tribal members, versus the altered documents provided by the state. The other Virginia tribes have similar systems in place for the same reasons.

Another question we are asked is, "Why did you choose Congressional recognition, versus administrative recognition?" The answer is two-fold.

The tribes felt they were denied the option to seek administrative Federal recognition because of the non-creation and destruction of accurate birth records at the state level. When this issue was finally resolved, we took another look at where we were, and determined that an oversight at both the Federal and State Government levels contributed to our lack of recognition.

The Commonwealth of Virginia, through its legislature, heard our call and took corrective action. We felt an appeal to the legislative body of the United States of America would be both consistent with what we did at the state level, and would be the right way to make our case for Federal recognition.

In addition, we feel our approach to Federal recognition has the blessing of both the opinion of the late Chief Justice John Marshall and the Constitution of the United States of America.

I thank God I have lived long enough to see a racial designation for Indian on college application forms in Virginia. This was not the case when I served on the board of a local community college in the 1990s, or when I took a computer class at one of the local community colleges.

I am thankful to be a part of this hearing today. I regret our forebears did not live to see the action that the Commonwealth of Virginia took to correct the records at the Bureau of Vital Statistics during Governor Allen's administration.

I wish they could see what is unfolding here today. However, I know as surely as I am sitting here today, that the Almighty Father has welcomed my people home and duly recognized them as the Indian people he created.

Today, I humbly ask you to do likewise; welcome us back to our Native Land, recognize us as indigenous Virginia Indian Tribes, and restore our identities as Sovereign Nations. Thank you.

Senator CAMPBELL. Thank you, your comments were well received, Chief Adkins.

Let me ask you, you are familiar with the word "pass," as it was used in my age group? And it was used by both the Indian groups

and African Americans, years ago. You spoke of discrimination and prosecution, and all of the other things that people of color faced in those years. Are you familiar with that phrase?

Mr. ADKINS. I am very familiar with that. I have relatives who passed for white or colored.

Senator CAMPBELL. For those who do not know what it means, it meant that within your own culture and your own relatives, you were known to be Indian or African American.

But on the outside, some people would say they were not Indian, or they were not African American. They were something else, because they found it would be a little bit easier lifestyle. There would not be quite as much discrimination. So that word was used. They passed as something else. You are familiar with that?

Mr. ADKINS. I am very familiar with that.

Senator CAMPBELL. I grew up in those days, too.

Mr. ADKINS. And that is what I was alluding to, in that comment.

Senator CAMPBELL. Yes; well, that is why I asked.

Let me ask you several questions. You both have the title of Chief. Is that an elected title within your tribe?

Mr. ADAMS. Each tribe has its own way of electing their chiefs. I, personally, was elected years ago to be Chief of the Upper Mattaponi Indian Tribe.

Senator CAMPBELL. How do you determine who does the electing? Is it done with just an open ballot, or how do you do that?

Mr. ADAMS. What happens is, we go through a nomination process. Once the nomination process is complete and the nomination process is over, a couple months later, we have a formal election.

Senator CAMPBELL. And you have tribal councils too, as most recognized tribes do?

Mr. ADAMS. Yes, sir.

Senator CAMPBELL. I know that a lot of the tribes who seek recognition were literally forced to abandon their traditional ways and beliefs.

In your two tribal groups, Chief Adkins and Adams, do you still have some degree of semblance of historic cultural things like dance and dress and language and story of creation, and things of that nature, that most tribal groups do?

Mr. ADKINS. Yes; we have the traditional dances. We have the Woodland Indians' dress. It is not as flashy as some of the western tribes, but it is our traditional dress; and we have oral history that has been passed down.

We have our kids, the Chickahominy kids. We are going to the tribal center every Saturday, and we would just kind of take that time, outside of the normal school hours, to just educate them on their ancestry, on what being Chickahominy is all about.

Senator CAMPBELL. Has your language pretty much been lost?

Mr. ADKINS. It is pretty much lost. That, too, was by design, as you know.

Senator CAMPBELL. Yes; by design and by force; I understand.

Two tribes were not included. Do you have any knowledge of why they did not want to be included, Chief Adams or Adkins, either one?

Mr. ADAMS. I believe, sir, that each individual tribe, has its own agenda for inclusion or exclusion in certain things that they do. I do not believe that I can speak for those individual tribes.

Senator CAMPBELL. Of the eight, I understand two have reservations and six do not. Is that correct?

Mr. ADAMS. Right, yes, sir.

Senator CAMPBELL. Are the two that did not want to be included the two that do have some reservation ground?

Mr. ADAMS. Yes; but I would add they do support our efforts and lock step with us.

Senator CAMPBELL. I would ask both of you, too, what is your membership criteria? Some are based on a lineal descendancy, and others are based on blood quantum. How is your membership decided?

Mr. ADKINS. The Upper Mattaponi is based on lineal descendancy, sir.

Mr. ADAMS. Mine is blood quantum.

Senator CAMPBELL. Blood quantum, what is the percentage?

Mr. ADAMS. One-fourth.

Senator CAMPBELL. Would you both be agreeable to having the Bureau consult with you in clarifying your membership criteria, and in helping you research those who may be eligible for membership?

Mr. ADKINS. I would welcome any assistance.

Mr. ADAMS. I would welcome that, also.

I would like to add, too, that there is a gentleman by the name of Mitchell Push, who did work with the BIA for several years, and I hope I am right about this, and he worked in that area. He has actually come to our tribe and addressed us on that very issue, to ensure that we do meet the criteria of the BIA.

Senator CAMPBELL. He is no longer in that area now?

Mr. ADAMS. He is not working with them now.

Senator CAMPBELL. Oh, I see.

Mr. ADAMS. He has consulted with us.

Senator CAMPBELL. Okay, and would that also apply to consulting with designation of a service area? Would you also agree to having the Bureau help you with that?

Mr. ADAMS. I do not perceive a problem with that.

Mr. ADKINS. I do not, either. Again, I would consult my tribe, before making that decision. But I do not think they would register any disapproval.

Senator CAMPBELL. Thank you, and let me go on to Dr. Moretti-Langholtz. Did I pronounce your name right, ma'am?

Ms. MORETTI-LANGHOLTZ. Perfectly, sir.

Senator CAMPBELL. I take it, you have studied pretty extensively the history of the six groups that are seeking recognition, or at least your statement seemed to be very knowledgeable about them? Is that correct?

Ms. MORETTI-LANGHOLTZ. Yes, sir; and there are other people here with me in the room, who are also scholars of that area.

Senator CAMPBELL. Okay, what type of material and records were considered by the Virginia legislature, when it decided on State recognition?

Ms. MORETTI-LANGHOLTZ. Okay, my understanding, and I was not in Virginia at that time, and Dr. Rountree is here and we can ask her, but there lots of records that were county records and others that were consulted. May we ask her specifically?

Senator CAMPBELL. Well, yes, Dr. Rountree, where are you?

I am interested in establishing some credentials that you could share with the committee, frankly.

Ms. MORETTI-LANGHOLTZ. Did you hear the question, for State recognition, Helen?

Senator CAMPBELL. And would you identify yourself for the record, please, ma'am?

STATEMENT OF HELEN ROUNDTREE, PROFESSOR EMERITUS OF ANTHROPOLOGY, OLD DOMINION UNIVERSITY, VIRGINIA

Ms. ROUNTREE. I am Dr. Helen Rountree, Professor Emeritus of Anthropology at Old Dominion University. I am also the author of the book, "Pocahontas' people of the Powhatan Indians of Virginia Through Four Centuries."

I was one of the people who testified at the hearing in November of 1982, for state recognition for four of the six tribes who are here today.

The records that were consulted by me and by the people organizing the recognition effort consisted of various colonial records, colonial government records such as the executive journals of the Counsel of Colonial Virginia, and also a wide variety of county records, which I had gone through and scoured myself, in preparation for writing the book.

By 1982, I had found practically all there is. Mr. Ragan has doubled-checked me in three of the counties since then, and he tells me I got it right, which is kind of nice.

Senator CAMPBELL. That is more than we can say for us around here. [Laughter.]

Ms. ROUNTREE. But we did a thorough look at both colonial level and surviving county records.

Senator CAMPBELL. Would you make those materials, or at least a summary of those documented materials available to the committee?

Ms. ROUNTREE. Yes; gladly.

Senator CAMPBELL. Okay, I would appreciate that.

Ms. ROUNTREE. We have already submitted it, as a matter of fact; at least I drew it up for four of the tribes that I am doing now. It is literally a list of everything that got recorded, from early colonial times, down to, I quit at 1900.

Senator CAMPBELL. Okay, I would appreciate it if you would do that.

Ms. ROUNTREE. And that is in some of the thicker stacks of stuff that I think you have been sent.

Senator CAMPBELL. Apparently, we do not have that on file; so if you could at least give us a summary of that. I do not know who you sent that to, but I am informed that we do not have that on file.

Ms. ROUNTREE. All right, I will be glad to.

Senator CAMPBELL. Please, thank you very much; and Dr. Barton, let me go on with you, before I turn it over to Senator Allen.

I have to tell you, as I mentioned before, the history of churches has not been good with traditional Americans; and I was very pleased to see that you have been such a big help to them. I enjoyed your testimony very, very much.

Your council is against gaming. What would your position be, if the tribes, pursuant to state law, as you understand IGRA and how it is written, the Indian Gaming Regulatory Act, that the tribes cannot game unless the States approve that, and unless they do something comparable to the States? What would your position be if they were to undertake gaming sometime in the future, even though they have indicated they are not interested in that?

Mr. BARTON. I think parts of the council would be disappointed. Some may feel a betrayal, particularly if it was the current elders that were engaged in that.

But all would understand that those are their rights in Virginia, the same as any other citizen, to pursue that development strategy.

Senator CAMPBELL. Well, this next one is kind of loaded, I guess. But I know that bingo is a big thing with churches all over this country as a fundraiser, and it is a form of gaming. Does your church participate in bingo?

Mr. BARTON. Two of our members very clearly do. That would be the Roman Catholic Diocese of Richmond and the Roman Catholic Diocese of Arlington. Both are bingo supporters, and count on those revenues for that.

I think they would probably not have a problem, if the tribes were engaged in bingo. Other members of the council do not share the same feeling, and would be vehemently opposed.

Senator CAMPBELL. Well, just for the record, I do not have a problem with Indians and gaming, and I do not have a problem with churches doing bingo; so more power to them.

Churches often have key documentation, and I asked Dr. Rountree if she could provide that for the committee. Do you have any information or documentation that might help identify tribal members and tribal existence, that you could also supply to the committee?

Mr.BARTON. I do not have that directly in our archives, but I would anticipate that the Diocese of Southern Virginia, in particular, as they get ready for their 400th anniversary of the church's arrival, would have some material, I am sure, that would be relevant. Also, I think probably the Baptist community would probably have information that we could give back, as well.

Senator CAMPBELL. If you or Dr. Moretti-Langholtz could find anything of this supporting evidence, if you could turn that into the committee, I would appreciate it.

Ms. MORETTI-LANGHOLTZ. Senator, actually, that is my current research, and I would be happy to give you that information.

Senator CAMPBELL. Thank you, and I am sure Senator Inouye would appreciate that, too.

Senator Allen, did you have some follow-up questions? I think I have asked about all I have.

Senator ALLEN. You asked many of the questions that I was going to ask, Senator Campbell. I want to thank you, again, for your insightful questions, and it is good to see all these wonderful individuals here.

On the gambling matter, having gone through the voting for a referendum allowing the lottery, when I was in the state legislature, I can vouch for the Council of Churches and all of those denominations being adamantly opposed to the lottery.

Mr. BARTON. Even the Roman Catholics were, at that point.

Senator ALLEN. Yes; that is even though they played bingo in their churches. But regardless, I did vote for allowing the people to decide, and even Mr. Jefferson said that the lottery is a wonderful thing, since it is a voluntary tax. I am not going to argue over the lottery. But nevertheless, Virginia overwhelmingly had the lottery.

In the event that the Pamunkey or the Mattaponi or any of these tribes seeking recognition now on any of their trust lands wanted to have a lottery retail outlet, under Federal law, they would be under the same laws and rights as would be any other Virginian; and so they could have a lottery outlet.

In the event, though, that they wanted to have casino gambling, they could not, under the Indian gaming regulations, as well as this legislation, if it passes. Because in Virginia, casino gambling is illegal.

There are reasons for that. Generally, it would be predatory on other businesses, and it is not the desire of Virginians to have that, at this time; and I cannot envision it at any time in the near future, at least, casino gambling.

But you could have bingo; you could have lottery. In fact, Virginia allows horse racing. The one gambling on horse racing track in Virginia is not doing very well, and I cannot imagine that these folks would want to lose money.

Senator CAMPBELL. Right, for most tribal groups traditionally, gambling is a form of entertainment. In most tribes that I know of, and you probably know, that they call them stick games and hand games, out where we come from. It is very common, wagering, too.

Since I was baptized as a Catholic, as a youngster, I was in a lot of trouble. I used to think that every Sunday, I was gambling by just going to church. A little lightning came through the roof, so I was all right. [Laughter.]

Please go ahead with your questions.

Senator ALLEN. Well, let me commend Dr. Moretti-Langholtz for her statement here. Her whole statement is in the record.

I think it lays out the history here, an that for 44 years, until the *Loving* v. *Loving* decision, which followed *Loving* v. *Virginia,* which was striking down Virginia's anti-miscegenation laws, where someone, a couple of different races, went to Washington, DC to get married, and Virginia would not recognize that. That is 44 years. That is several generations.

Thank you for bringing your studies here. It is good to see also, Dr. Rountree here. In Virginia, whenever there is a new Government office building in Richmond, they name it after a former President.

They have gone through about seven of them. The next one, I think, was going to be Woodrow Wilson. I said, no, let us name this Government building after Pocahontas.

We had a wonderful ceremony there, and I asked Dr. Rountree to be the person to speak. So it was the first Government building not named after a former President and, in fact, it was named after a female, and after a Virginia Indian.

Dr. Rountree is highly respected in her research and her knowledge of the cultural anthropology and history of Indians, I guess, until 1900; and Pocahontas is gone, so you are perfectly fine.

Ms. ROUNTREE. May I add something?

Senator ALLEN. You always may. I always learn from you.

Ms. ROUNTREE. This is really for Mr. Campbell. No, I want to add something. Danielle and I are volunteer scholars. Neither of us has ever been paid a penny for our work.

The Virginia tribes did not have to hire either one of us. We went out and did it, anyway. That is why I consider myself to be the Powhatan Tribes' semi-tame anthropologist.

[Applause.]

Senator ALLEN. Well, I think that adds to the credibility and the veracity of your research, and the positions and testimony that you have before us and others on this matter. Thank you; I am glad I brought that up.

Chief Adkins had mentioned, I believe, that the Chickahominy, as far as the member criteria, that the Chickahominy had one quarter Chickahominy blood. Is that right?

Mr. ADAMS. Quantum; yes, sir.

Senator ALLEN. Okay, well, Chief Adams, for the Upper Mattaponi, what is your criteria?

Mr. ADAMS. First, it is linear descendancy. We use descendancy for our membership criteria.

Senator ALLEN. Could you explain that further?

Senator CAMPBELL. It means as long as your mother and father were on the roll, you could be put on the roll, regardless of whether you are married outside or not. So the blood can get thinner and thinner, as long as your parents are on the roll.

Senator ALLEN. Okay, can you speak for the other tribes, the Nansemond or the Monacan; are they all similar?

Mr. ADAMS. They are here, if you would like to ask them.

Senator ALLEN. Well, I think, seeing how the Department of Interior people were asking for criteria, I think for the record here, are any of the other chiefs are representatives of tribes?

Senator CAMPBELL. Come by the microphone, and identify yourself for the record, ma'am.

Ms. RICHARDSON. I am Chief Richardson of the Rappahannock Tribe. Senator Allen, to answer your question, the Rappahannocks do have a blood quantum criteria for our membership rolls, and it is one quarter blood quantum, proven descent, of Rappahannock lineage.

Senator ALLEN. Thank you, Chief; does somebody from the Monacan want to respond?

Mr. BRANHAM. My name is Kenneth Branham, and I am chief of the Monacans. We do it by lineage, also.

Senator ALLEN. That is the same as the Upper Mattaponi?

Reverend BRANHAM. Yes.

Senator ALLEN. Thank you.

Mr. BASS. I am Chief Bass of the Nansemond Tribe. We go strictly by genealogy descent. I would like to comment that we all have those membership rolls on record with the BIA, in our petitions.

Senator ALLEN. Thank you, Chief Bass.

Mr. BRADBY. I am Chief Bradby of the Eastern Chickahominy. We follow the lineal descent. Rather than putting blood quantum on a particular person, we have found that regardless of what a blood quantum was, we suffered the same discrimination acts under Plecker, as anyone else did; regardless of what your blood quantum was. So that is where we stand.

Just to go back a little bit, if you allow me this, when we went for state recognition, then I was asked a question by one of the Senators, if I wanted to join your tribe, how could I do that? I said the easiest way is simply to be born into it. I think that pretty much answered the question; but thank you.

Senator ALLEN. Thank you; I think we have covered all six. The question of sovereignty, or mention of sovereignty, was mentioned by the Chiefs and others here; and I think you speak for all the tribes. What would be the actual impact of Federal recognition and providing for your communities?

Mr. ADKINS. Senator Allen, when I look at the Chickahominys specifically, I think if you were to look at our roll, and look at the percentage of folks that are on public assistance, they would be statistically insignificant.

When we approach the state for recognition, and now the Federal Government, what we are dealing with, basically, is just acknowledging to the world who we are. We are American Indians, recognized by the Federal Government.

There are things that would be attended to, to the recognition, that would help us. The educational opportunities would be available to our youngsters are not necessarily freebies. But it would open the door, so we would be in the cue to compete for those educational opportunities.

Obviously, health care for our older folks would be a consideration. That is a burden, even though they are carrying that load today, that would help ease the strain on the elder folks within our communities.

Senator ALLEN. Chief Adams, do you have anything you would want to add to that?

Mr. ADKINS. I would like to read a brief statement, if I could, on that.

Senator ALLEN. Please.

Mr. ADKINS. I played some games with myself, and one of the questions I asked myself, and I have been asked this question many times. It says, "Why do you seek recognition?"

Every time the question has been asked of me, I think, depending on the circumstances, I provide a slightly different answer. But I am going to read you this answer that I wrote down.

We are seeking recognition, because we believe we should be on equal standing with over 500 other tribes in the United States.

With recognition comes more than just an official designation. It means that we are acknowledged for our long-standing history, our relationships with the colonists, the individual States, and the United States of America. It is an affirmation that we are truly

who we say we are; six individual and distinct tribal nations, and the dignity that comes with that affirmation.

Senator ALLEN. Thank you, Chief; that was the testimony I was hoping to have.

Chief Adkins, when you talk about the history, the very poor history, deplorable history of Virginia, on educational opportunities, that you endured, and you were talking about your own family and other Virginia Indians, I think the educational opportunities that would be accorded to those; again, there are not many. It is just a few thousand Virginia Indians, would they be treated the same as those other Indians in those 500-plus other tribes?

I think that is something that is very important. It is very important that, again, this is not restitution; but it is making sure that Virginia Indians finally, after hundreds of years in this country, and hundreds of years since our independence and cessation from Britain, are treated with the respect and the dignity and the opportunities of other American Indians, who have also been discriminated against, tortured, murdered, and deprived of their rights and their lands.

Thank you both so much. I have no further questions, Senator Campbell.

Senator CAMPBELL. I have no further questions, as well.

Senator ALLEN. I just want to say this. I have been through many hearings. I have not been here very long. This was a very touching hearing, from the comments of obviously the Chiefs of all the various tribes, from the Council of Churches, from scholars.

I think that this Senate is so enriched and blessed to have you, Senator Campbell; someone with the understanding and your experiences, to make us more cognizant, understanding, and sensitive to matters that some of us have not experienced.

But your experiences, knowledge, and leadership are just truly uplifting and beneficial to all the Senators, and I thank you for your leadership.

Senator CAMPBELL. Well, I would tell you that I think Senator Inouye has been a great leader and an inspiration to me, too, and I know he will help as much as he can.

This is a little bit aside but, you know, we talk about recognition; being recognized by the United States. In some circles in the Indians, it is not all that thrilling, because it is like an admission that you are being recognized by somebody that tried to kill you and took away your Government and so on.

That is why some people never, in the olden days, like in the case of the Cherokees, they hid out in the hills. The ones that were moved to Oklahoma left many behind, because they simply did not want to be "recognized." But perhaps a higher order is being recognized by the Creator, rather than just some form of Government.

You may not know, Senator, that Indian children are born with a blue spot, right at the bottom of their spine. Even if the blood gets thinner and thinner, clear down to a 16th, or in some cases, even a 32nd, that little blue spot will be there. Traditional Indian people believe that God put that spot there to remind them who they are.

Thank you; I have no further questions, but we may submit some follow-up questions for the record. If there is anyone in the audi-

ence who wants to participate or add something to this hearing, we will keep the record open for three weeks, as Senator Inouye mentioned, and I did, early on.

It is going to be pretty darn tough to move something like this in the final few days. What we have done though, I think, is establish a good record and, hopefully, we can revisit this early in the new Congress if we do not move it.

Ken, did you have a final comment that you wanted to make?

Mr. ADAMS. Yes; we do have other documentation that we would like to submit to the committee. We do have a brief tribal history that each of us has written for the committee, that we would like to submit.

Senator CAMPBELL. Okay, if you would submit that, we will make sure that that is in the record.

Mr. ADAMS. Thank you.

Senator CAMPBELL. We appreciate the attendance, and this hearing is adjourned.

[Whereupon, at 12 noon, the committee was adjourned, to reconvene at the call of the Chair.]

APPENDIX

ADDITIONAL MATERIAL SUBMITTED FOR THE RECORD

PREPARED STATEMENT OF KENNETH ADAMS, CHIEF, UPPER MATTAPONI INDIAN TRIBE

Good morning, Mr. Chairman. I am Kenneth Adams, Chief of the Upper Mattaponi Indian Tribe. With me today are Chief Adkins, Chief Bradby, Chief Branham, Chief Bass, and Chief Richardson. We are the proud descendants of the Keepers of this Great Land when the English Colonists arrived in 1607. The Peace Treaty of 1677 established the Governing authority of the Pamunkey Queen and the Monacan Chief over our ancestors. We are the direct descendants of those colonial tribes. Today these nations have come together to ask the Congress of these United States to acknowledge our one on one relationship with the government of this nation.

Chief Justice John Marshall in 1832 stated, the Constitution, by declaring those treaties already made, as well as those to be made, the Supreme Law of the land, has adopted and sanctioned the previous treaties made with the Indian Nations.

Each of these great Chiefs carry in their hearts many burdens of our people. I cannot express for them the sorrows they have endured. But I can express to you a sample of what we have all endured. When I was a child growing up in King William County, Virginia, high school education for Indians in the state was almost nil. Even before I entered grade school, my older brothers and sisters were being sent off to Oklahoma and Michigan to complete high school. I was the first Indian to graduate from King William High School in 1965. Myself in 1967 and my brother in 1968 served in Vietnam. Shortly afterwards, I went to visit my brother. It was almost like walking in the house of a stranger. Not because of our experiences in Viet Nam. It was because of the policies of the State of Virginia. It was the policy that forced him from home in order to seek a high school education. And what was his response to that policy? His response was to put his life on the line for the United States of America. I can surely tell you today, in these individual tribes, there are many more stories like this one. I can say with 100 percent certainty, when it comes to defending this homeland, Virginia Indians have spilt their blood. You might ask us, why do you come now? We have an answer. For almost 400 years, Virginia attempted to diminish our presence. After 1700 we were pushed onto increasingly smaller pieces of land and by the mid 1900's Virginia was attempting to document us out of existence. The fight to maintain our identity was a struggle our Mothers and Fathers fought well, but they lacked education and resources. They had been told on several occasions no help from the Federal Government was available. In 1946 one of Chiefs attempted to obtain high school educational resources through the Office of Indian Affairs. The only help offered was in the form of education at a Federal boarding school. No help was available in Virginia.

If the state government was attempting to deny our existence and the Federal Government provided little assistance, where could these people possibly go? That is why it has taken us so long to get here.

Virginia has recognized its errors. Along with bill H.R. 2345 sponsored by Congresspersons Moran and Davis, Senator Allen, with the support of Senator Warner, has introduced S. 2964 granting Federal Acknowledgment to these six tribes.

In 1999, the Virginia General Assembly passed a Resolution with over whelming support asking for Congressional Recognition of these tribes. King William County, Virginia, home of the Upper Mattaponi, also passed a resolution in favor of Federal Acknowledgment. We have the support of the majority of the Virginia Congressmen and Women. As you can see, we have overwhelming support from the Commonwealth of Virginia.

Now, the U.S. Congress has the opportunity to make a historical change. A positive change that would bring honor to you as well as honor to us.

We ask you to make the right decision and support this bill for Federal Acknowledgment of Virginia Indians.

PREPARED STATEMENT OF HON. JAMES P. MORAN, U.S. REPRESENTATIVE FROM VIRGINIA

Good morning and thank you, Mr. Chairman.

I appreciate your willingness to hold this hearing and providing us with an opportunity to help tell the story of six of Virginia's Native American tribes. The story of these tribes is compelling, but I ask for more than your sympathetic ear. I also ask for action on legislation (S. 2694) that Senators George Allen and John Warner introduced, which is a companion to the bill Rep. Jo Ann Davis and I sponsored in the House, to grant these tribes Federal recognition.

I ask that the Federal Government, starting with this distinguished Committee on Indian Affairs, recognize the Chickahominy, the Eastern Chickahominy, the Monacan, the Nansemond, the Rappahannock and the Upper Mattaponi Tribes. These tribes exist, they have existed on a substantially continuous basis since before the first western European settlers stepped foot in America; and, they are here with us today.

I know there is great resistance from Congress to grant any Native American tribe Federal recognition. And, I can appreciate how the issue of gambling and its economic and moral dimensions have influenced many Members' perspectives on tribal recognition issues.

I think the circumstances and situation these tribes have endured and the legacy they still confront today, however, outweigh these concerns. Congress has the power to recognize these tribes. It has exercised this power in the past, and it should exercise this power again with respect to these six tribes.

Like much of our early history as a nation, the Virginia tribes were subdued, pushed off their land, and, up through much of the 20th Century, denied full rights as U.S. citizens. Despite their devastating loss of land and population, the Virginia Indians successfully overcame years of racial discrimination that denied them equal opportunities to pursue their education and preserve their cultural identity. That story of survival doesn't encompass decades, it spans centuries of racial hostility and coercive State and State-sanctioned actions. Unlike most tribes that resisted encroachment and obtained Federal recognition when they signed peace treaties with the Federal Government, Virginia's six tribes signed their peace treaties with the Kings of England. Most notable among these was the Treaty of 1677 between these tribes and Charles II.

In more recent times, this racial hostility culminated with the enactment and brutal enforcement of Virginia's Racial Integrity Act of 1924. This act empowered zealots, like Walter Plecker, a State official, to destroy records and reclassify in Orwellian fashion all non-whites as "colored." To call yourself a "Native American" in Virginia was to risk a jail sentence of up to 1 year.

Imagine a married couple unable to obtain the release of their newborn child from the hospital until they change their child's ethnicity on the medical record to read "colored," not "Native American." Or, imagine being told that you have no right to reclaim and bury your ancestors once you learn they were being stored in a museum vault.

Or, imagine your frustration upon finding your legal efforts to appeal a local water issue in Federal court because you're told your suit has no standing since your tribe doesn't exist.

Or, imagine being told that the only reason you're seeking Federal recognition is to establish a gambling casino.

Or, imagine the Indian mission school that your grandparents and your parents attended receiving Federal recognition as a historic landmark, but yet you and your daughters and sons not recognized by the Federal Government as Native Americans.

Mr. Chairman, these are just a few of the examples of the indignities visited upon the members of the six tribes present here today.

I mention these indignities because they are part of a shameful legacy experienced in our lifetime. Some are indignities that are still visited upon members of the tribes today.

More to the point, this legacy has also complicated these tribes' quest for Federal recognition, making it difficult to furnish corroborating state and official documents. It wasn't until 1997 when then Governor George Allen signed legislation directing state agencies to correct state records that had deliberately been altered to list Virginia Indians on official state documents as "colored." In recent years, the Virginia tribes have filed their petitions with the Bureau of Indian Affairs. They have no deep pockets and lack the financial means to rigorously pursue the lengthy and resource intensive petition process. Even more discouraging, they have been told by bureau officials not to expect to see any action on their petitions within their lifetime. The GAO study this committee reviewed earlier this year confirms this backlog.

Asking them to wait another 10 years or more is not what these tribes deserve. Many of the members are elderly and in need of medical care and assistance. They lack health insurance and pensions because past discrimination denied them opportunities for an advanced education and a steady job. Federal recognition would entitle them to receive health and housing assistance.

It would be one of the greatest of ironies and a further injustice to these tribes if in our efforts to recognize the 400th anniversary of the first permanent European settlement in North America, we had failed to recognize the direct descendants of the Native Americans who met these settlers.

Before closing, let me touch upon one issue, the issue of gambling, that may be at the forefront of some Members' concerns. In response to such concerns, I have worked with Rep. Jo Ann Davis and others in the Virginia congressional delegation to close any potential legal loopholes in this legislation to ensure that the Commonwealth of Virginia could prevent casino-type gaming by the tribes. Having maintained a close relationship with many of the members of these tribes, I believe they are sincere in their claims that gambling is inconsistent with their values. Many of the tribes live in rural areas with conservative family and religious beliefs. All six tribes have established non-profit organizations and are permitted under Virginia law to operate bingo games. Despite compelling financial needs that bingo revenues could help address, none of the tribes are engaged in bingo gambling.

Mr. Chairman, the real issue for the tribes is one of acknowledgment and the long overdue need for the Federal Government to affirm their identity as Native Americans. I urge you to proceed with action on this proposal.

Thank you again for arranging this hearing.

PREPARED STATEMENT OF MICHAEL R. SMITH, DIRECTOR, TRIBAL SERVICES, BUREAU OF INDIAN AFFAIRS

Good morning, Mr. Chairman and members of the committee. My name is Mike Smith and I am the Director for the Office of Tribal Services within the Bureau of Indian Affairs at the Department of the Interior. I am here today to provide the Administration's position of opposition to S. 2694, a bill to "extend Federal recognition to the Chickahominy Tribe, the Chickahominy Indian Tribe, Eastern Division, the Upper Mattaponi Tribe, the Rappahannock Tribe, Inc., the Monacan Tribe, and the Nansemond Tribe."

Under 25 CFR Part 83, groups seeking Federal acknowledgment as Indian tribes are reviewed in a thorough and objective manner. Each petitioning group must demonstrate that they meet all the seven mandatory criteria established in these Federal regulations. The seven mandatory criteria are that a petitioner: (1) demonstrates that it has been identified as an American Indian entity on a substantially continuous basis since 1900; (2) demonstrates that a predominant portion of the petitioning group comprises a distinct community and has existed as a community from historical times until the present; (3) demonstrates that it has maintained political influence or authority over its members as an autonomous entity from historical times until the present; (4) provides a copy of the group's present governing document including its membership criteria. In the absence of a written document, the petitioner must provide a statement describing in full its membership criteria and current governing procedures; (5) demonstrates that its membership consists of individuals who descend from a historical Indian tribe or from historical Indian tribes which combined and functioned as a single autonomous political entity; (6) demonstrates that the membership of the petitioning group is composed principally of persons who are not members of any acknowledged North American Indian tribe, and (7) demonstrates that neither the petitioner nor its members are the subject of

congressional legislation that has expressly terminated or forbidden the Federal relationship. A criterion shall be considered met if the available evidence establishes a reasonable likelihood of the validity of the facts relating to that criterion. A petitioner must satisfy all seven of the mandatory criteria in order for tribal existence to be acknowledged.

All six of these groups who would benefit from enactment of S. 2694, have submitted letters of intent and partial documentation to petition for Federal acknowledgment. However, none of these petitioning groups have submitted completed documented petitions demonstrating their ability to meet all seven mandatory criteria.

The Federal acknowledgment regulations provide a uniform mechanism to review and consider groups seeking Indian tribal status. This legislation, however, allows these groups to bypass these standards—allowing them to avoid the scrutiny to which other groups have been subjected.

This concludes my prepared statement. I will be happy to answer any questions the committee may have.

The Rev. Jonathan M. Barton – General Minister
Virginia Council of Churches
Testimony before the House Committee on Resources
H.R. 2345
Thomasina Indian Tribes of Virginia Federal Recognition Act of 2001
September 25, 2002

1 Chairman Hansen, members of the House Committee on Resources, my name is
2 Jonathan Barton and I am the General Minister for the Virginia Council of
3 Churches. I would like to thank you for the opportunity to speak with you today. I
4 ask your permission to revise and extend my comments. I would also like to
5 express my appreciation to Congressman James Moran, Tim Aiken of his staff
6 and the other members of the Virginian Congressional delegation for all their
7 efforts. To the members of the six tribes gathered here today, you honor the
8 Virginia Council of Churches greatly by your invitation to stand with you as you
9 seek federal acknowledgment. We stand with you today in support of the
10 "Thomasina E. Jordan Indian Tribes of Virginia Federal Recognition Act of 2001"
11 (H.R. 2345). On behalf of the Council I would like to apologize for any acts of
12 injustice we may have been complicit or complacent in during the past and ask
13 your forgiveness.
14
15 The Virginia Council of Churches is the combined effort of 16 different
16 denominations in the Commonwealth of Virginia. A list of our member
17 denominations has been appended to my written comments. I have also
18 appended letters from various religious leaders in Virginia urging support for this
19 bill. Together we include one out of every five Virginians. During our fifty- eight-
20 year history we have always stood for fairness, justice and the dignity of all
21 peoples. We were one of the first integrated bodies in the Commonwealth and

22 have been for our entire history. We stand here today in faith, grounded in our
23 history and our values. The churches have had a relationship with these tribes
24 ever since our first European ancestors arrived and were welcomed by the
25 ancestors of these men and women here today. These tribes have developed
26 close ties to the Episcopal Church, the Baptist Church, the United Methodist
27 Church and the Assembly of God. Three of our leading religious executives are
28 Native American: The Rev. Dr. Wasena Wright, The Rt. Rev. Carol Joy
29 Gallagher, and The Rev. Dr. Cessar Scott.
30
31 Alexander Hamilton stated in 1775: "The sacred rights of mankind are not to be
32 rummaged for among old parchments, or musty records. They are written, as
33 with a sunbeam in the whole volume of human nature, by the hand of the divinity
34 itself; and can never be erased or obscured by mortal power." What we are
35 addressing today are the "sacred rights" of these six tribes. Our history has not
36 always been marked by peace and understanding. Treaties have been broken
37 and land has been taken. There is suspicion and mistrust on both sides. There is
38 perhaps, no deeper wound you can inflict on a person than to rob them of their
39 identity. To relegate them to a box marked other. To proclaim, as we have done
40 in Virginia during the time of Mr. Walter Plecker, State Registrar for the
41 Commonwealth, that you do not exist. Those who bear the legacy of their
42 forefathers, the first inhabitants of this great land, have suffered discrimination,

43 bigotry and injustice. In the past they have been prevented from employment and
44 attendance in public school. Churches sought to provide educational opportunity
45 during this period, which often meant having to go out of state to attend Indian
46 schools. Even as we prevented their attendance in our classrooms, we proudly
47 placed their names on our school buildings. We took their names and we placed
48 them on roads, towns and rivers. The discrimination they suffered not only
49 erased their identity it also robbed them of their voice. These tribes have proudly
50 served this nation even as this nation has turned it's back on them.
51
52 There has been much discussion regarding "gaming" during these proceedings. I
53 would like to state clearly that the Virginia Council of Churches is on record
54 opposing all forms of gaming and we are convinced that this is not relevant to our
55 testimony here today. The Indian Gaming Regulatory Act of 1988 covers this
56 legislation. These tribes here today humbly ask nothing more than to have their
57 identity restored, to be recognized for who they are. You can restore their identity
58 so that the healing of these deep wounds might finally be realized.
59
60 In 1983, the State of Virginia (Resolution No. 54) acknowledged the
61 Chickahominy, Eastern Division; the Upper Mattaponi; and the Rappahannock
62 and formally recognized them in a ceremony at the capital. The Nansemond tribe
63 was recognized in House Joint Resolution No. 205 in 1985 and the Monacan

64 tribe in 1989 (House Joint Resolution No. 390). In 1999 both chambers of
65 Virginia's General Assembly agreed to House Joint Resolution 754 urging
66 Congress to grant federal recognition to the Virginian tribes. Our legislature
67 asked the state's delegation in Congress "to take all necessary steps forthwith to
68 advance it." Senator George Allen in introducing the companion bill in the
69 Senate stated: "It is important that we give Federal recognition to these proud
70 Virginia tribes so that they cannot only be honored in the manner they deserve
71 but also for the many benefits that federal recognition would provide. Members of
72 federally recognized tribes, most importantly, can qualify for grants for higher
73 education opportunities. There is absolutely no reason why American Indian
74 Tribes in Virginia should not share in the same benefits that so many Indian
75 tribes around the country enjoy."
76
77 God has called these people by name and has blessed them. God will recognize
78 them as long as the sky is blue, even if it should turn gray. God will be there as
79 long as the grass is green and when it turns brown. For as long as the water shall
80 flow or on cold winter days freezes over, God will be there. It is long past time for
81 the United States Congress to do the same.

Virginia Council of Churches

- African Methodist Episcopal Church
- African Methodist Episcopal Zion Church
- Armenian Church in America
- Baptist General Convention
- Catholic Church(Roman)
  - Diocese of Richmond
  - Diocese of Arlington
- Christian Church (Disciples of Christ)
  - Christian Churches in Virginia
- Christian Methodist Episcopal Church
- Church of the Brethren
  - Shenandoah District
  - Virlina District
- Episcopal Church
  - Diocese of Southern Virginia
  - Diocese of Southwestern Virginia
  - Diocese of Virginia
- Evangelical Lutheran Church in America
  - Metro Washington, DC Synod
  - Virginia Synod
- Greek Orthodox Church
  - Greek Orthodox Churches of Virginia
- Moravian Church in America
  - Southern Province
- Presbyterian Church (U.S.A.)
  - Abingdon Presbytery
  - Presbytery of Eastern Virginia
  - Presbytery of the James
  - National Capital Presbytery
  - Presbytery of the Peaks
  - Shenandoah Presbytery
- United Church of Christ
  - Potomac Association
  - Shenandoah Association
  - Eastern Virginia Association
- United Methodist Church
  - Holston Conference
  - Virginia Conference
- Baltimore Yearly Friends Meeting
- Observer Participants
  - Church of Jesus Christ of Latter Day Saints

DISCLOSURE REQUIREMENT
Required by House Rule XI, clause 2(g)
And Rules of the Committee on Resources

A. This part to be completed by all witnesses:

1. Name: **The Rev. Jonathan M. Barton**

2. Business Address: **1214 West Graham Road**
Richmond, VA 23220

3. Business Phone Number: **(804) 321-3300 ext. 102**

4. Organization you are representing: **Virginia Council of Churches**

5. Any training or educational certificates, diplomas or degrees or other educational experiences which add to your qualifications to testify on or knowledge of the subject matter of the hearing:

6. Any professional licenses, certifications, or affiliations held which are relevant to your qualifications to testify on or knowledge of the subject matter of the hearing:

7. Any employment, occupation, ownership in a firm or business, or work-related experiences which relate to your qualifications to testify on or knowledge of the subject matter of the hearing: **General Minister Virginia Council of Churches**

8. Any offices, elected positions, or representational capacity held in the organization on whose behalf you are testifying; **General Minister Virginia Council of Churches**

B. To be completed by nongovernmental witnesses only:

1. Any federal grants or contracts (including subgrants or subcontracts) which you have received since October 1, 1999, from the Department of the Interior, the source and the amount of each grant or contract: **None**

2. Any other information you wish to convey which might aid the members of the committee to better understand the context of your testimony:

Rev. Jonathan M. Barton
General Minister
Virginia Council of Churches
Professional Profile

Jonathan Barton-- was trained in psychology at Kean College in Union, NJ ('74), received a Master of Divinity degree from Drew Theological Seminary in Madison, NJ ('78), and was ordained by the Elizabeth Presbytery in 1981.

In 1979, Reverend Barton was part of an Education/Mission tour, with CWS, to Central America. He visited rural and urban areas in Guatemala, Costa Rica, and Honduras (an account of this experience was published in an article "Revelations to a Hunger Action Enabler"). In 1981, he traveled to Puerto Rico as part of an Education/Mission team from Drew Theological Seminary. Jon traveled to Haiti, Dominican Republic and Jamaica early in 1986. In November of 1991, Mr. Barton traveled to Thailand, Bangladesh, India and Pakistan. In October of 1996 traveled to Armenia, Croatia and Bosnia. Mr. Barton began work with Church World Service in 1983.

Previous to joining the Council, he served as Regional Director for Church World Service and Witness. Rev. Barton served in Washington, DC as the Assistant Coordinator for the National Committee for World Food Day, a United Nations program begun October 16, 1981. He has also served as a consultant to World Hunger Education Service. He has represented the New Jersey Council of Churches, testifying before a U.S. Senate Subcommittee in support of the U.S. National Academy of Peace. He served on the board of the Virginia Interfaith Center for Public Policy. He has served as the moderator for the Mission and Service Division of the Presbytery of the James 1987-1993. Currently Rev. Barton serves on the Board of Ten Thousand Villages (Richmond), the Board of Public Ministries for the Presbytery of the James, the executive committee of the VA Voluntary Organizations Active in Disaster (VOAD) and the VA Council of Churches Refugee Advisory Committee.

Jonathan is married to Elizabeth Wood Stark, he has one daughter, Katie age 17 and two step daughters Liza age 18, and Archer age 16.

Rev Barton is listed in the 13 Edition of "Who's Who in the World" (1996) and the 52 Edition of "Who's Who in America" (1998) and the 24 Edition of "Who's Who in the South and Southwest" (1995/96).

September 17, 2002

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Email: BGCVA@aol.com
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BAPTIST GENERAL CONVENTION OF VIRGINIA

"Claiming A New Century For Our Christ"

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Consultant/Prog. Coord. of Men's Ministry

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Consultant/Prog. Coord. of Women's Ministry

The Rev. Tyrone E. Nelson
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The Rev. Patricia Turner-Olds
Program Developer/Intern

Ms. Jamise A. Briggs
Receptionist/Program Secretary

Ms. Keshia E. Hairston
Program Secretary

Mr. Bruce J. Martin
Maintenance & Operations Technician

Mr. Lloyd C. Johnson
Operations Assistant

August 29, 2002

Representative James V. Hansen, Chairman
Committee on Resources
United States House of Representatives
1324 Longworth House Office Building
Washington, DC 20515-6201

Dear Representative Hansen:

It is with deep concern that I write this letter voicing my support of the "Thomasina E. Jordan Indian Tribes of Virginia Federal Recognition Act of 2002" (H.R. 2345), that was introduced by congressman Moran of Virginia. As Executive Minister of the Baptist General Convention of Virginia and one who has some Indian heritage, I agree with the six tribes of Virginia as they seek federal recognition. Now is the time for the United States Congress to acknowledge the descendants of these Indian Tribes. I firmly recommend that the House Committee on Resources act affirmatively in this matter and that the House and Senate will pass legislation this fall.

Sincerely,

Cessar L. Scott

Ft/

cc: The Reverend Jonathan Barton
Virginia Council of Churches

THE UNITED METHODIST CHURCH
RICHMOND AREA
P.O. BOX 1719
10330 STAPLES MILL ROAD
GLEN ALLEN, VIRGINIA 23060

JOE E. PENNEL, JR.
RESIDENT BISHOP

OFFICE (804) 521-1100
FAX (804) 521-1171
RESIDENCE (804) 360-5535

September 13, 2002

Rep. James V. Hansen, Chairman
Committee on Resources
US House of Representatives
1324 Longworth House Office Building
Washington, DC 20515-6201

Dear Chairman Hansen:

I am writing in support of the "Thomasina E. Jordan Indian Tribes of Virginia Federal Recognition Act of 2001" (HR 2345), introduced by Congressman Moran of Virginia. As a Bishop of the United Methodist Church, I stand with the six tribes of Virginia as they seek federal recognition. It is time for the United States Congress to acknowledge the descendants of those who greeted our European Ascenders to this great land. I encourage the House Committee on Resources to act swiftly in this matter and pray the House and Senate will pass legislation this fall.

Sincerely,

Joe E Pennel Jr

Joe E. Pennel, Jr., Bishop
Virginia Conference, United Methodist Church

SEP-14-2002 SAT 10:01 AM NATIONAL COUNCIL OF CHUR FAX NO. P. 01/01

National Council of the Churches of Christ in the USA

Office of the
General Secretary

September 12, 2002

Rep. James V. Hansen, Chairman
Committee on Resources
U.S. House of Representatives
1324 Longworth House Office Building
Washington, DC 20515-6201

Dear Chairman Hansen,

I am writing in support of the "Thomasina E. Jordan Indian Tribes of Virginia Federal Recognition Act of 2001" (H.R. 2345), introduced by Congressman Moran of Virginia. As General Secretary of the National Council of the Churches of Christ in the USA, I stand with the six tribes of Virginia as they seek federal recognition. It is time for the United States Congress to acknowledge the descendants of those who greeted our European Ascenders to this great land. I encourage the House Committee on Resources to act swiftly in this matter and pray the House and Senate will pass legislation this fall.

Sincerely,

Bob Edgar
General Secretary

475 Riverside Drive • Room 880 • New York, NY 10115-0050 • 212-870-2141 • Fax 212-870-2817

Potomac District Council
ASSEMBLIES OF GOD

September 12, 2002

Rep. James V. Hansen, Chairman
Committee on Resources
U.S. House of Representatives
1324 Longworth House Office Building
Washington, DC 20515-6201

Dear Chairman Hansen,

I am writing in support of the "Thomasina E. Jordan Indian Tribes of Virginia Federal Recognition Act of 2001 (H.R. 2345), introduced by Congressman Moran of Virginia. As Assemblies of God we stand with the six tribes of Virginia as they seek federal recognition. It is time for the United States Congress to acknowledge the descendants of those who greeted our European Ascenders to this great land. I encourage the House Committee on Resources to act swiftly in this matter and pray the House and Senate will pass legislation this fall.

Sincerely,

H. Robert Rhoden

H. Robert Rhoden, D. Min.
Superintendent
Potomac District Council

14525 John Marshall Highway ■ P.O. Box 690 ■ Gainesville, VA 20156-0690 ■ 703/753-0300 ■ www.pdcag.org

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E-Mail *Jjseideljr@aol.com*

September 10, 2002

The Honorable James V. Hansen, Chairman
Committee on Resources
U.S. House of Representatives
1324 Longworth House Office Building
Washington, DC 20515-6201

Dear Chairman Hansen:

I understand that the House Committee on Resources will be holding hearings later this month concerning the *Thomasina E. Jordan Indian Tribes of Virginia Federal Recognition Act of 2001" (H.R. 2345)*, introduced by Congressman Moran of Virginia. As Lutherans here in Virginia we stand behind the six tribes of Virginia as they seek federal recognition.

This is the appropriate moment for the Congress to acknowledge the descendants of those who greeted our ancestors from Europe on their arrival in this land, which we all now share.

As a Virginia Lutheran I encourage the House Committee on Resources to act swiftly in this matter and pray that the House and Senate will pass the legislation this fall.

Respectfully,

John Seidel
Member of the Coordinating Cabinet of the
Virginia Council of Churches

Eastern Virginia Association
United Church of Christ
1622 Holland Road • Suffolk, Virginia 23434
Telephone: (757) 934-3146 • Fax: (757) 934-6112 • email: evaoffice@aol.com

Rev. Walter S. Snowa
Associate Conference Minister

Ms. Ruth Suggs-Varner
Program Associate

September 5, 2002

Rep. James V. Hansen, Chairman
Committee on Resources
U. S. House of Representatives
1324 Longworth House Office Building
Washington, DC 20515-6201

Dear Chairman Hansen,

I am writing in support of the "Thomasina E. Jordan Indian Tribes of Virginia Federal Recognition Act of 2001 (H. R. 2345), introduced by Congressman Moran of Virginia. As the United Church of Christ we stand with the six tribes of Virginia as they seek federal recognition. It is time for the United States Congress to acknowledge the descendants of those who greeted our European Ascenders to this great land. I encourage the House Committee on Resources to act swiftly in this matter and pray the House and Senate will pass legislation this fall.

Sincerely yours,

Walter S. Snowa
Associate Conference Minister

The Episcopal Diocese of Southwestern Virginia

The Right Reverend Frank Neff Powell, Bishop
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(540) 342-6797 • FAX (540) 343-9114 • TOLL FREE 1-800-DIO-SWVA (346-7982)
npowell@dioswva.org • www.dioswva.org

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.ltavista, St. Peter's
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.rrington, Trinity
3edford, St. John's
3edford Co., St. Thomas
3ig Stone Gap, Christ
3lacksburg, Christ
3luefield, St. Mary's
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3ristol, Emmanuel
3uchanan, Trinity
3uena Vista, Christ
:allaway, St. Peter's
:hristiansburg, St. Thomas
:lifford, St. Mark's
:lifton Forge, St. Andrew's
:ovington, Emmanuel
'incastle, St. Mark's
'olly Mills, Good Shepherd
'orest, St. Stephen's
3alax, Good Shepherd
3lasgow, St. John's
4ot Springs, St. Luke's
.exington, R.E. Lee Memorial
.ynchburg, Grace Memorial
.ynchburg, St. Barnabas
.ynchburg, St. John's
.ynchburg, St. Paul's
.ynchburg, Trinity
/arion, Christ
/artinsville, Christ
/artinsville, St. Paul's
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/oneta, Trinity
/ellysford, Peace in the Valley
/orton, All Saints
'earisburg, Christ
'edlar Mills, St. Luke's
'ocahontas, Christ
'ulaski, Christ
3adford, Grace
3ichlands, Trinity
3oanoke, Christ
3oanoke, St. Elizabeth's
3oanoke, St. James
3oanoke, St. John's
3ocky Mount, Trinity
3t. Paul, St. Mark's
3alem, St. Paul's
3altville, St. Paul's
3taunton, Emmanuel
3taunton, Trinity
'azewell, Stras Memorial
/aynesboro, St. John's
/ytheville, St. John's

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The Southwestern Episcopalian

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September 10, 2002

Rep. James V. Hansen, Chairman
Committee on Resources
U.S. House of Representatives
1324 Longworth House Office Building
Washington, DC 20515-6201

Dear Chairman Hansen,

I am writing in support of the "Thomasina E. Jordan Indian Tribes of Virginia Federal Recognition Act of 2001 (H.R. 2345), introduced by Congressman Moran of Virginia. As Episcopalians we stand with the six tribes of Virginia as they seek federal recognition. As you may know, we have been closely associated with the Monocan Indians in Amherst County where there is an Episcopal Mission that is quite active.

It is time for the United States Congress to acknowledge the descendants of those who greeted our European Ascenders to this great land. I encourage the House Committee on Resources to act swiftly in this matter and pray the House and Senate will pass legislation this fall.

Sincerely,

The Rt. Rev. Neff Powell, DD, Bishop
Episcopal Diocese of Southwestern Virginia

NPbw

The Rt. Rev. Carol Joy W. T. Gallagher
Bishop Suffragan

The Diocese of Southern Virginia
Petersburg Office
112 North Union Street
Petersburg, Virginia 23803
Phone: (804) 863-2095
Fax: (804) 863-2096

September 18, 2002

Rep. James V. Hansen, Chairman
Committee on Resources
U. S. House of Representatives
1324 Longworth House Office Building
Washington, DC 20515-6201

Dear Chairman Hansen:

I am writing in support of the "Thomasina E. Jordan Indian Tribes of Virginia Federal Recognition Act of 2001" (H.R. 2345), introduced by Congresssman Moran of Virginia. As Episcopalians we stand with the six tribes of Virginia as they seek federal recognition. It is time for the United States Congress to acknowledge the descendants of those who greeted our European Ascenders to this great land. I encourage the House Committee on Resources to act swiftly in this matter and pray the House and Senate will pass legislation this fall.

Sincerely,

+ Carol Joy W.T. Gallagher

Carol Joy Wellkingstick Gallagher
Bishop Suffragan

CJWSG: ppw

Signed in the bishop's absence to avoid delay

The Rt. Rev. David Colin Jones
Bishop Suffragan

The Diocese of Virginia

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September 20, 2002

The Honorable James V. Hansen, Chairman
Committee on Resources
U.S. House of Representatives
1324 Longworth House Office Building
Washington, DC 20515-6201

Dear Chairman Hansen,

I am writing in support of the "Thomasina E. Jordan Indian Tribes of Virginia Federal Recognition Act of 2001 (H.R. 2345), introduced by Congressman Moran of Virginia. I support legislation that would give federal recognition to the six tribes of Virginia.

As an Episcopal Bishop, I have been privileged to visit reservations and to work side by side with Native American clergy and bishops. Their experience is unique. They need recognition.

It is time for the United States Congress to acknowledge the Native Americans in Virginia who were here to greet the first Episcopalians from Europe. I encourage the House Committee on Resources to act swiftly in this matter and pray the House and Senate will pass legislation this fall.

Faithfully,

David Colin Jones
Bishop Suffragan
Episcopal Diocese of Virginia

United Church of Christ
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OPERATIONS MANAGER

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September 19, 2002

Rep. James V. Hansen, Chairman
Committee on Resources
U.S. House of Representatives
1324 Longworth House Office Building
Washington, DC 20515-6201

Dear Chairman Hansen,

I am writing in support of the "Thomasina E. Jordan Indian Tribes of Virginia Federal Recognition Act of 2001 (H.R. 2345), introduced by Congressman Moran of Virginia. The United Church of Christ has a long tradition of supporting Native American interests. I stand with the six tribes of Virginia as they seek federal recognition. It is time for the United States Congress to acknowledge the descendants of those who greeted our European Ascenders to this great land. I encourage the House Committee on Resources to act swiftly in this matter and pray the House and Senate will pass legislation this fall.

Sincerely,

Richard M. Vaught
Associate Conference Minister of
the Central Atlantic Conference of
the United Church of Christ

Office of the Bishop *Diocese of Richmond*
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September 19, 2002

Rep. James V. Hansen, Chairman
Committee on Resources
U.S. House of Representatives
1324 Longworth House Office Building
Washington, DC 20515-6201

Dear Chairman Hansen,

I am writing in support of the "Thomasina E. Jordan Indian Tribes of Virginia Federal Recognition Act of 2001 (H.R. 2345), introduced by Congressman Moran of Virginia. As Bishop of the Catholic Diocese of Richmond, I stand with the six tribes of Virginia as they seek federal recognition. It is time for the United States Congress to acknowledge the descendants of those who greeted our European Ascenders to this great land. I encourage the House Committee on Resources to act swiftly in this matter and pray the House and Senate will pass legislation this fall.

The Catholic Church is committed to recognizing the right of indigenous peoples. In "Ecclesia in America," a major statement issued by Pope John Paul II after the Synod on America, the Pope wrote: "If the Church in America, in fidelity to the Gospel of Christ, intends to walk the path of solidarity, she must devote special attention to those ethnic groups which even today experience discrimination. Every attempt to marginalize the indigenous peoples must be eliminated. This means, first of all, respecting their territories and the pacts made with them; likewise, efforts must be made to satisfy their legitimate social, health and cultural requirements. And how can we overlook the need for reconciliation between the indigenous peoples and the societies in which they are living?" (#64)

Thank you for your attention to the rights of indigenous tribes in Virginia.

Sincerely,

+ Walter F. Sullivan

Walter F. Sullivan
Bishop of Richmond

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Danielle Moretti-Langholtz, Ph.D.
American Indian Resource Center, Coordinator
Testimony for the U.S. Senate
Committee on Indian Affairs
October 9, 2002

Mr. Chairman, members of the committee and guests, I am Dr. Danielle Moretti-Langholtz, coordinator of the American Indian Resource Center at the College of William & Mary and Visiting Assistant Professor in the Department of Anthropology. I am pleased to have the opportunity to address you today on this important issue. For the record, more extensive treatments of Virginia Indian history have been submitted by me, Dr. Helen Rountree, professor emeritus of Old Dominion University and Dr. Jeffrey Hantman, of the University of Virginia and Mr. Edward Ragan of Syracuse University.

The history of Virginia's indigenous population is uniquely intertwined with the history and founding of the country we know today as the United States of America. Widely known is the story of the great Chief Powhatan and his daughter Pocahontas and their interactions with some of the earliest English-speaking settlers at Jamestown during the early 17th century. Less widely known is the story of what became of Virginia's indigenous population and their struggle for the survival of their culture, communities, and identity during the intervening four centuries. Today, representatives of six of these native tribes are before you seeking support for the passage of legislation to extend federal recognition to them.

At the time of colonization by the English in 1607, Virginia's coastal plain was occupied by a large paramount chiefdom of Algonquian-speaking tribes. According to early English documents the chiefdom was lead by Wahunsenacawh also known to us as Chief Powhatan, the father of Pocahontas. While the Virginia Piedmont was occupied by alliances of Siouan-speaking tribes. Anthropologists, archaeologists and historians still consult John Smith's early map of Virginia for its usefulness in identifying the names and locations of the native settlements during the early part of the colonial encounter. The six tribes seeking Congressional federal acknowledgment, descendant communities of some of the tribes encountered by the earliest settlers, have maintained their tribal governments and the center of their cultural events within the boundaries of their traditional homelands. Both archaeological evidence and early historical documents indicate these native peoples were sedentary horticulturalists, growing corn, beans and squash. Early English documents indicate the Powhatan tribes lived in ranked societies exhibiting differential dress, especially the wearing of copper by individuals of high status and differential burial practices for chiefs. Additionally, Virginia Indians society displayed highly organized political structures that included female chiefs. Today, the Rappahannock Tribe has a female chief, Chief G. Anne Richardson, and she is an example of that continuing tradition. Powhatan society was complex and included subchiefs that acted as intermediaries between the paramount or primary chief and the tributary tribes. The latter paid tribute or taxes to the central polity or paramount chief. Such taxes were paid in the form of food, skins, shells, miliary service or labor.

It is difficult to reconstruct the size of the indigenous population at the time of colonial settlement but serious estimates of at least fifteen thousand for the Powhatans and thus tens of

thousands for the Commonwealth of Virginia are acceptable. However, the rapid settlement of the colony of Virginia after 1607 resulted in a demographic shift, with settlers gaining control of the majority of the land originally controlled by Virginia Indians, as the economic life of the colony focused on the growth of tobacco. Moreover, the indigenous population was greatly reduced due to conflicts and disease and as time passed Virginia Indian identity was sometimes subsumed under other racial categories, as will be discussed in more detail below.

In the early colonial records Indians and tribes are mentioned by using distinct terms to represent the communities. An examination of the Acts of Assembly for October 1649 suggests some of the pressure that the community was under and indicates that Indian slavery was practiced in Virginia. The Assembly made the "kidnapping" of or "purchase" of Indian children illegal. The second act of 1649 made the killing of Indians while they were within the limits of colonial (English) settlements illegal. In order to identify specific Indians as friendly the English instituted the use of metal badges which granted permission to certain Indians to enter lands controlled by the English. Thus Indian access to their former lands and their freedom of movement was restricted by the colonial government. Given the pressures on Virginia Indians, particularly in the Tidewater area, the survival of the tribal entities from the time of colonial contact to the present is remarkable.

The Virginia tribes were signatories to colonial treaties. One in particular, the 1677 Treaty of Middle Plantation guaranteed Indians civil rights, and rights to gather food, and property rights. For some of the tribes reservations were established. The 1677 treaty indicated that "Indian Kings and Queens," the Colonial title for tribal leaders, could not be imprisoned without a warrant, thus implying the treaty was an attempt to reinforce tribal authority in the face of overwhelming pressures by settlers to weaken the paramount chiefdom. Despite the treaties, by 1700 all of Virginia's tribes were forced onto increasingly smaller pieces of their traditional homelands and nearly all tribes lost control over their reservation lands by the early 1800s. Details of Indian land loss have been enumerated by Helen Rountree in her book Pocahontas's People: The Powhatans of Virginia Through Four Centuries (1990).

From the beginning of the colonial encounter, Virginia Indians came under increasing pressure to conform outwardly to non-Indian society. This may be seen in the switch to speaking English in place of native languages and in the demise of traditional religious practices. In the eighteenth century many Virginia Indians converted to Christianity during the historical period during the mid-eighteenth century known as the "Great Awakening." One of the main thrusts of the "Great Awakening" was a move from the standard practice of having clergy ordained in England, as required by the Anglican Church, to having the leadership of individual congregations selected from among the membership of the church. This form of leadership or pastoral authority became the practice of the New Light Baptist Churches. Formal education was not a criteria for holding a position of leadership within the churches. My current research (The Rise of Christianity Among Virginia Indians, Paper Presented at the Annual Conference of the Middle Atlantic Archaeological Conference, 2001) suggests this conversion permitted the traditional leadership of the tribes to maintain positions of power within the community by transferring Indian hegemony into the church arena at a time when the practice of traditional religion became too dangerous for the leadership of the Virginia Indian community. Additionally, the New Light Movement was strongly committed to education and supported Sunday school

programs to teach children, male and female, to read scripture. For more than a century this was the only educational opportunity open to Virginia Indian communities. Churches have continued, to the present-day, to be a haven and source of support for the Virginia Indian community.

From 1705 onwards the General Assembly of Commonwealth of Virginia enacted increasingly strict codes pertaining to slavery and racial identity. These are known in the academic literature as "slave codes" or "black codes." Elsewhere, I have argued that between 1607 and 1983 extant Powhatan tribes and the Monacan Indian Nation maintained an internal and Indian identity even as the Commonwealth of Virginia implemented a bipolar model or two-category system of race that subsumed Indian identity into the category of "free persons of color." Virginia Indians developed strategies to survive in this racially hostile climate by withdrawing into close-knit communities separate enough to maintain their tribal identities. An examination of birth, death and property records from this time period highlights the difficult position in which Virginia Indians found themselves as the state regularly manipulated the definitions of "Negro," "mullato," "Indian," and "free persons of color," to maintain white control over non-white persons (Winthrop Jordan 1968, Jack Forbes 1993). Confusion and chaos over the application of categories such as "colored" and "Indian" are clear in the throughout the historical record up through the 1970s. This is due to the tension between the state's attempt to imposed a bipolar model of race onto a population of persons of Indian descent who resisted the state-sponsored racial designations by asserting their Indianness.

As trying as the seventeenth and eighteenth centuries were an even more difficult time for the maintenance of Virginia Indian identity occurred with the emergence of the Eugenics Movement in the twentieth century. This pseudo-scientific movement was linked in England to the standard bearers of Darwin's concept of natural selection and in fact the founders of the movement were blood relatives of the eighteenth-century thinker. These men argued that heredity was the primary force in individual character and in the history of civilization. The nascent ideas of the Eugenics Movement may been seen in Herbert Spencer's philosophy of Social Darwinism. Proponents of the movement opposed the "mixing of races" through intermarriage as this was viewed as weakening the superior races by introducing the negative characteristics of one group into the other. According to their views of science, drawn from observations with animal husbandry, the maintenance of racial purity would lead to the betterment of humankind. In more practical terms the adherents to the movement opposed free public education, and such things as public aid to the unfit of society.

The Eugenics Movement gained support into the early twentieth century and had its fullest expression under the Nazi regime of the Third Reich. Sadly, adherents to the so-called scientific aspects of the movement guided legislation through Virginia's General Assembly consistent with their beliefs that the maintenance of racial purity was essential for the betterment of mankind. In 1924 the Commonwealth of Virginia passed the Racial Integrity Law, thereby requiring all segments of the population to be registered at birth in one of two categories; "white" or "colored," the latter category was mandated for all non-white persons regardless of race or ethnicity. This legislation was supported by Dr. Walter Plecker, head of the Bureau of Vital Statistics in Richmond, and made it illegal for individuals to correctly identify themselves as Virginia "Indians." Walter Plecker personally changed the birth records of many native persons from "Indian" to the generic non-white category of "colored" as required under the law. Birth

certificates with "proper" racial designations were necessary in order to obtain marriage licenses. The legislation made it illegal for persons of different races to be married within the state of Virginia and mandated fines and prison terms for persons attempting to circumvent the law or file what the state deemed to be "false" papers with regard to race. It must be noted that the primary target of the Racial Integrity Law was the African American community and that all person's of mixed-blood heritage were impacted by the law in negative ways. However, the pressures and restrictions that this legislation placed upon Virginia's native population were significant. Proponents of the agenda heralded by the Eugenics Movement saw the Virginia Indian community as the threat; one that would make it possible for persons of mixed heritage of African American and Native American ancestry to move eventually out of the category of "colored" and into the category of "white." The law permitted persons of white and Virginia Indian ancestry, as long as it was not more than 1/16 of Indian blood quantum to be classified as "white." Thus the bipolar categorization of Virginia's racial categories made "Virginia Indian" a very problematic category. Officials from the state's Bureau of Vital Statistics actively sought to denigrate and deny person of Virginia Indian descent the right to identify themselves as "Indians" forcing them whenever possible to be declared by the state as "colored." The historical, political and cultural characteristics of the Virginia Indian communities were ignored by state officials during the years prior to the repeal of the 1924 legislation. The experience of subsuming the identity of "Indians" under a state-generated alternate category is unique to the Virginia Indian community and its effects were wide-reaching. It is the primary reason that our citizens are unfamiliar with Virginia's Indian tribes. Many Virginia Indians left the state to escape this oppressive legislation and for better jobs, and educational opportunities during these years. Those who remained withdrew into the communities and in general Virginia Indians sought to draw little or no attention to themselves. Scholars have documented that Virginia Indians refused to give up their Indian identity even during the difficult years of the legislation. In two instances Monacan tribal members challenged the restrictions on marriage laws based upon racial categories generated by the state. In each instance the Monacans prevailed in court. These court challenges are significant given the circumstances of the Monacans at the time, living in poor rural communities without benefit of quality education or financial means. Indian communities resisted the legislation in less public ways. They refused to put their children in segregated "colored" schools, relying instead on church-sponsored elementary schools, and by maintaining their tribal structures even as the state declared they were colored persons and not Indians. Obtaining a high school education for Virginia Indians was practically impossible during this time and those who managed to do so resorted to attending Indian boarding schools in other states. Nevertheless, during World Wars I and II Virginia Indians served their country despite the hardships which the Racial Integrity legislation placed upon the. Historical documents and tribal records indicate the tribes had functioning separate tribal governments during the time was making it nearly impossible to declare oneself a "Virginia Indian." It must also be noted that some anthropologists, using the rhetoric of the Eugenics Movement described Virginia Indians in very negative terms as "obscure" populations, "half-breeds", and "tri-racial isolates" (Calvin Beale 1957, Brewton Berry 1963). Such work was used against the Virginia Indian community by proponents of the Eugenics Movement. However, more prominent anthropologists such as James Mooney and Frank Speck did fieldwork among these tribes and detailing their history,

material culture, and genealogy. Frank Speck photographed many of the Powhatan tribal leaders and members and these photographs are housed in the Smithsonian's Archives. The body of work produced by Mooney and Speck constitutes the largest and most anthropologically accurate material on Virginia Indians collected during the early twentieth century. This work clearly establishes the distinct and enduring nature of Virginia's Indian tribes more than three hundred years after the settlement of Jamestown. The Racial Integrity Law remained in effect until its repeal by the U.S. Supreme Court in 1968 in the famous Loving v. Loving decision. The more recent work of cultural anthropologists such as Helen Rountree and Danielle Moretti-Langholtz (We're Still Here: Contemporary Virginia Indians Tell Their Stories, coauthored with Sandra Waugaman, 2000) has documented the continued presence of Virginia's Indian tribes into the present day. There has been culture change in these communities but there has also been a remarkable degree of cultural continuity as well.

With the repeal of the Racial Integrity legislation and the growing national Civil Rights Movement in the United States a period of more openness on matters of identity and history led to greater public visibility for Virginia Indians. Educational opportunities improved for Virginia Indians and a period of construction of tribal centers and museums began, and continues to the present time. In 1982 a subcommittee was established by the Virginia General Assembly to explore the granting of state recognition to some of Virginia's Indian tribes. The findings of the subcommittee were favorable to the extension of state-recognition to a number of tribes based upon the history, contributions and authenticity of the tribes. Between 1983 and 1989 the Commonwealth of Virginia granted state recognition to the six indigenous tribes present here today. In 1983 the Commonwealth of Virginia established the Virginia Council on Indians, a state-sanctioned advisory board to deal with educational issues and other matters pertaining to Virginia's state recognized tribes and issues for members of other tribes residing within the Commonwealth. As part of my fieldwork among Virginia Indians, my regular observations of the workings of the Virginia Council on Indians, since 1995, show the Council and an active and effective body dealing with issues of importance to the community on the state level. In 1997 former Virginia Governor George Allen signed legislation allowing Virginia Indians to correct their birth records. This important piece of legislation energized the Virginia Indian communities in positive ways. Tribal elders, many of whom lived during the 44 years the Racial Integrity legislation was in force, have become more comfortable speaking about their heritage to non-Indians and in public settings, thereby enriching the lives and cultural diversity of all our citizens. [I have just completed (2002), with the help of my students, a two-year project, the Virginia Indian Oral History Project, which resulted in the making of a video documentary, "In Our Own Words: Voices of Virginia Indians." This video will help the students and general public of Virginia to learn about the history of the state-recognized tribes and the work and responsibilities of tribal leadership. The years of racially restrictive legislation has made the Virginia Indian community understudied and too little known outside of a handful of anthropologists and historians.]

In February 1999 the Virginia Legislature agreed to House Joint Resolution No. 754. This bill, named for the late Thomasina E. Jordan, the first American Indian chairwoman of the Virginia Council on Indians, requested the Congress of the United States to grant historic Congressional federal recognition to these tribes based upon their demonstrated historical

documentation as the descendants of Virginia's original tribes, the contemporary location of the tribes within their traditional homelands as documented at the time of contact with European settlers and their contributions to the history of this country. The anthropological and scholarly community represented here today acknowledges the authenticity of these tribes and supports their request for federal recognition based upon the criteria for federal recognition. These six tribes; the Chickahominy, Chickahominy---Eastern Division, Monacan, Nansemond, Rappahannock, and Upper Mattaponi, have maintained a separate Indian identity within the Commonwealth of Virginia since the time of European colonization. The functioning of tribal governments, church-sponsored schools and tribal centers can be documented from the early 1900s. Broadly speaking, these tribes have a shared common experience of history which has forged in them a sense of solidarity and identity.

In 2007 the Commonwealth of Virginia and the country as a whole will mark the four-hundredth anniversary of the founding of Jamestown. Before marking such an occasion it would be fitting, honorable and historically accurate to extend federal recognition to these tribes thereby acknowledging their continued existence and their contributions to the founding of our nation. After four centuries Congress has the opportunity to enable these tribes to join the community of other federally recognized tribes thereby setting the historical record straight for all Americans. Mr. Chairman, four centuries is long enough to wait. Please support the extension of Congressional Federal Recognition to these six Virginia tribes.

Curriculum Vitae
Danielle Moretti-Langholtz

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Current Position: Coordinator of the American Indian Research Center at the College of William & Mary and Visiting Assistant Professor, Department of Anthropology, The College of William & Mary

Ph.D. Anthropology, 1998 The University of Oklahoma, Norman, Oklahoma
M.A. Anthropology, 1989 The University of Oklahoma, Norman, Oklahoma
B.A. Social Science, 1969 SUNY, Oneonta, New York

2000-Present: Director of the Virginia Indian Oral History Project in Partnership with the Virginia Council on Indians and the Jamestown-Yorktown Foundation

1999-Present: Coordinator of the American Indian Resource Center at the College of William & Mary

1998-2000: Visiting Assistant Professor, Department of Anthropology, College of William & Mary

1994-98: Adjunct Instructor, Department of Anthropology, College of William & Mary.

1995: Co-curator of the Harley Exhibit Room, Department of Anthropology, College of William & Mary.

1992-94: Member of the Department of Anthropology, American Museum of Natural History New York, New York. Worked on summaries of anthropology collections to bring the museum into compliance with NAGPRA legislation. Dr. Ian Tattersall, Department Chair.

1991-92: Member of the Department of Anthropology, American Museum of Natural History, New York, New York. Compiled computer database of archival documents, field notes, photographs, and archaeological and ethnological artifacts from the Carl Lumholtz Collection. Project coordinator, Dr. Martha Graham.

1990-91: Processed and cataloged archaeological artifacts for the State of Oklahoma Archaeological Survey, Norman, Oklahoma.

1987-91: Oklahoma Museum of Natural History (OMNH). Assistant Collections Manager in

Archaeology/Ethnology. Varied duties at OMNH included organization, management, and storage of over 3 million archaeological artifacts; cataloging new museum acquisitions; and the cleaning, labeling, and maintenance of existing collections. Also updated archaeological files for the Oklahoma Archaeological Survey. Other responsibilities included assisting with collections for research purposes and with exhibitions.

1986 - 89: Assistant to the Editor of Book Reviews for the journal *American Antiquity*. Duties included the acquisition of newly published anthropological and archaeological works from presses world-wide. Solicited reviews for published materials; coordinated timely completion and publication of book reviews. Editor, Dr. Susan Vehik.

INVITED SCHOLARLY PAPERS AND TALKS

2002 "The Legacy of the Grandmothers: Native American Women and Leaders and Caretakers of the Culture." 2007 Heritage Lecture Series, Jamestown-Yorktown Foundation. September 8, 2002.

2002 "The Rise of Christianity Among Virginia Indians in the Eighteenth Century." Paper presented at the Annual Conference of the Middle Atlantic Archaeological Conference, Virginia Beach, Virginia, March 16, 2002.

2002 Speaker at the Conference on Indian Affairs, Richmond, Virginia, March 15, 2002. Screening of the video documentary, "In Our Own Words: Voices of Virginia Indians."

2002 "Chiefly Stories: The Virginia Indian Oral History Project." Poster presented with Amy Cadge, at the Annual Meeting of the Society for Applied Anthropology, Atlanta, Georgia, March 8, 2002.

2001 "Chiefly Stories: The Virginia Indian Oral History Project." Lecture for Parents' Weekend at The College of William & Mary. September 29, 2001.

2001 "Receiving the Word: The Rise of Christianity Among Virginia Indians." 2007 Heritage Lecture Series-Faith of Our Fathers. Jamestown-Yorktown Foundation. September 23, 2001.

2001 "Political Resurgence Among Virginia Indians in the Twentieth Century." Penn State, Fayette Campus, March 23, 2001.

2001 The Governors Conference on Indian Affairs, Richmond. "In Our Own Words: The Virginia Indian Oral History Project." March 17, 2001.

2001 Jamestown-Yorktown Foundation Heritage Lecture Series. "Chiefly Stories: The Virginia Indian Oral History Project." on February 7, 2001.

2000 The Dragon Run Foundation. "Virginia Indians in the Twentieth Century." September 22, 2000.

2000 The Governors Conference on Indian Affairs, Richmond. "Virginia Indians and Education in the 21st Century." March 16, 2000.

2000 Town & Gown Lecture, "Virginia Indians in the Twentieth Century." Feb. 10,2000

1999 The Governors Conference on Indian Affairs, Richmond. "Defending Mother Earth."

1998 The Governors Conference on Indian Affairs, Richmond. "The Eugenics Movement and Its Impact on Virginia's Indian Community."

1991 University of Oklahoma Research, Life History Panel Organizer

1990 American Anthropological Association, New Orleans. "Competition for Control: The Case of the Chickasaw Peace Medal."

1989 Society for Applied Anthropology, Santa Fe, New Mexico. "Will There Be One In Mauve?: The Crown Point Rug Weavers Cooperative."

1988 National Women's Studies Conference, Minneapolis. "Oomingmak and Spider Woman: Native American Women's Cooperatives."

COURSES TAUGHT

Fall 2002
Anthropology 150W: The Colonial Encounter
Anthropology 300: The History of Anthropological Theory

Summer 2002
Keio University Program, William & Mary Campus

Spring 2002
Anthropology 202: Introduction to Cultural Anthropology
Anthropology 328: The Sun Dance People
Anthropology 402: Senior Thesis Research

Fall 2001
Anthropology 150W: The Colonial Encounter
Anthropology 302: Methods of Ethnography
Anthropology 401: Senior Thesis Research

Spring 2001
Anthropology 302: Methods of Ethnography
Anthropology 150W: The Colonial Encounter

Anthropology 402: Senior Thesis Research

Fall 2000
Anthropology 302: Methods of Ethnography
Anthropology 150W: The Colonial Encounter
Anthropology 401: Senior Thesis Research

Summer 2000
Anthropological Fieldwork: Keio University Program, William & Mary campus

Spring 2000
Anthropology 302: Methods of Ethnography
Anthropology 350: The Sun Dance People: Indians of the Great Plains
Anthropology 402: Senior Thesis Research

Fall 1999
Anthropology 150W: The Colonial Encounter
Anthropology 302: Methods of Ethnography
Anthropology 401: Senior Thesis Research

Summer 1998
Anthropological Fieldwork: Keio University Program, William & Mary campus

Spring 1998
Anthropology 350: The Sun Dance People: Indians of the Great Plains
Anthropology 350: Life History in Anthropological Inquiry
Anthropology 402: Senior Thesis Research

Fall 1998
Anthropology 202: Introduction to Cultural Anthropology
Freshman Seminar 150W: The Colonial Encounter
Anthropology 401: Senior Thesis Research

Summer 1998
Anthropological Fieldwork: Keio University Program

Spring 1998
Freshman Seminar 150W: Indians of the Great Plains
Anthropology 308: Primitive Religion
Anthropology 350: Life History in Anthropological Inquiry

Summer 1997
Anthropological Fieldwork: Keio University Program

Spring 1997
Freshman Seminar 150W: Indians of the Great Plains
Anthropology 326: Indians of North America

Summer 1996
Anthropological Fieldwork: Keio University Program, William & Mary campus

Fall 1996
Freshman Seminar 150W: Indians of the Great Plains

Fall 1995
Freshman Seminar 150W: Life History in Anthropology

Spring 1991
Anthropology 1113: Introduction to Anthropology at The University of Oklahoma.

Fall 1990
Anthropology 1113: Introduction to Anthropology at The University of Oklahoma.

1995-Present Elderhostel Programs: Indians of North America, Virginia Indians

FIELDWORK

2000-Present: Director of the Virginia Indian Oral History Project. Directed and produced, *In Our Own Words: Voices of Virginia Indians*, a video based on a two-year oral history project with the chiefs of Virginia's eight state-recognized tribes. Currently materials are being organized to produce a CR-ROM for educators, and to publish the transcriptions of the interviews. The project focus is twentieth-century history and culture change among Virginia's indigenous peoples. Supported by the Virginia Council on Indians, the College of William & Mary, and the Jamestown-Yorktown Foundation and the Virginia Foundation for the Humanities and Public Policy.

1995-Present Virginia Indian: Political Organization, Virginia Council on Indians, Dissertation Research.

1990 Kansas Farm Women: Life History, Goff and Seneca Kansas.

1989 Chickasaw Tribe, Oklahoma. Repatriation of Cultural Patrimony. Chief Anoatubby, Chickasaw Nation of Oklahoma.

1988-89 Navajo Nation, Crown Point Weavers Association: Ethnography, M.A. Research.

1988 Alaska: Musk Oxen Weavers Cooperative: Ethnography, M. A. Research.

1987 Archaeological Excavation of Mogollon Pit-House. Safford, Arizona. Dr. Patricia Gilman, Principal Investigator.

1986 Southern Cheyenne Tribe, Oklahoma. Bureau of Indian Affairs Housing Project, Dr. John H. Moore, Project Director.

1986 Creek Nation, Oklahoma. Diabetes Health Project: Ethnography and Genealogy Collection, Dr. John H. Moore, Project Director.

FELLOWSHIPS AND GRANTS

2002 Virginia Indian CD-ROM Project for final edit and production, $5000.

2000 Chiefly Stories: Oral History of Virginia's Eight State-Recognized Chiefs, Virginia Foundation for the Humanities and Public Policy (Video Project, Director/Producer) $8,000.

2000 Chiefly Stories: Support for the Oral History Project, support for student salaries and stipends for the chiefs, $4000.

2000 Chiefly Stories: Oral History Project. Virginia Council on Indians, support for the video edit, $5,000.

1998 Army Corps of Engineers for the Traditional Cultural Property Study of the Mattaponi, Pamunkey and Upper Mattaponi Tribes. (Contributing author) $25,000

1995 College of William & Mary Grant for the Harley Exhibit $25,000 (guest curator)

1990 University of Oklahoma Grant for Preservation and Curation of Guatemalan Textiles $1,000

1990 University of Oklahoma Grant for the Society for Applied Anthropology $300

1988-90 University of Oklahoma Grant for Professional Museum Training (Exhibit Design, Conservation of Photographs, Collections Management, Document Preservation) $2,000

1989 University of Oklahoma Grant for Women's Studies Conference $500

PUBLICATIONS

Waugaman, Sandra and Danielle Moretti-Langholtz. We're Still Here: Virginia Indian Voices After Four Centuries. Palari Press: Virginia (July 2000).

Video Documentary

Moretti-Langholtz, D. Director, Producer. *In Our Own Words: Voices of Virginia Indians* 37 minute video, color, 2002.

WORKS IN PROGRESS OR SUBMITTED

Moretti-Langholtz, D. Other Names I Have Been Called: Political Resurgence Among Virginia Indians in the Twentieth Century. Ph D Dissertation, 1998.

Moretti-Langholtz, D., editor. The Powhatan Language Coloring Book, with Hazel Ringas and Lonnie Custalow. for the Virginia Council on Indians. (In Progress)

Moretti-Langholtz, D., editor. Hand Puppet for Algonquian Oral Stories and Legends, with Amy Cadge for the Virginia Council on Indians. (In Progress)

Curriculum Materials for Virginia Teachers, grades K-12 for the Standards of Learning, Commonwealth of Virginia 1999.

PROFESSIONAL SERVICE

2002 Consultant to The Virginia Museum of Fine Arts, Richmond, Virginia for the exhibit *Uncommon Legacy: Native American Art from the Peabody Essex Museum.*

2001 Consultant to Colonial Williamsburg for the Electronic Fieldtrip television broadcast and teacher's guide, *Hostage in Two Worlds.*

2001 Genocide Education Project. Advisory Board Member. Christopher Newport University.

2000 Founder, with Dr. Kathleen Bradgon, of the American Indian Resource Center at the College of William & Mary.
Establishment of Virginia Indian Archives at William & Mary
Coordinator of the Virginia Indian Oral History Project
Founder of the First People's Working Group

2000 Liaison for the Virginia Council on Indians to the Jamestown 2007 Project, Planning and Coordination Activities

2000 Member of the Virginia Governor's Task Force on Diversity Education, contributing author to the Report to the General Assembly, January 2000

2000 Undergraduate Studies Committee, College of William & Mary

1999-present Chair of the Committee on Indian Education, Virginia Council on Indians

1999 Planner of the Environmental Summit, College of William & Mary

1997-98 Affirmative Action Planning Committee: American Indian Forum

1996-98 International Congress of Anthropological Ethnological Sciences: Scientific Committee

1995-Present Exhibits Committee, Department of Anthropology, College of William & Mary

PROFESSIONAL MEMBERSHIP

American Anthropological Association
Society for Applied Anthropology

References Available Upon Request

○