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**Governor
of the Commonwealth of Virginia**

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Committee on Indian Affairs

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Thank you for the opportunity to speak with you today in support of Federal Recognition for Virginia's Native American Tribes. We are proud of Virginia's Native Tribes and the contribution their communities have made to our Commonwealth and the Nation.

I am here today because recognition of these Tribes by the Federal Government is long overdue.

As a part of my Inaugural Address on January 14, 2006 at the Colonial Capital in Williamsburg, Virginia, I stated:

“Our Virginia might not exist today were it not for the generosity extended to those first settlers by the native Virginia tribes living in this region. Without the hospitality of Chief Powhatan... those in Jamestown would have perished... And, we should use this historic time to help those who first helped us by working with the federal government to see that Virginia's native Indian tribes are finally recognized.”

Almost immediately after first landing at Jamestown in 1607, the early English settlers and explorers came into contact with the Virginia Tribes living throughout Eastern Virginia. While the relationship between the Native Tribes and the English settlers was not always easy, there can be little doubt that had it not been for accommodations on both sides, the settlement would not have survived. Indeed, Virginia's Native American Tribes played an integral role in helping the settlers survive those first harsh winters.

One year after the 400th anniversary of the first permanent English Settlement at Jamestown, it is especially tragic that these tribes still have not received equal status with the 562 other Federally Recognized Tribes in the United States.

How can we commemorate their history and not recognize their existence? Now is the time to reconcile history. Let us, once and for all, honor their heritage. A heritage, I might add, that has been sorely tested by centuries of racial hostility and state-sanctioned coercive actions.

The eight Virginia Tribes – the Chickahominy, Eastern Chickahominy, Mattaponi, Monacan Indian Nation, Nansemond, Pamunkey, Rappahannock and the Upper Mattaponi - are unique. Unlike most tribes that obtained federal recognition when they signed peace treaties with the federal government, tribes in Virginia signed their peace treaties with the British Monarchy.

- Most notable among these was the Treaty of 1677 between Virginia's Tribes and Charles the II – well before the establishment of the United States. This treaty has been recognized by the Commonwealth of Virginia every year for the past 331 years when the Governor of Virginia accepts tribute from the Tribes in a ceremony now celebrated at the State Capitol.

However, while the Virginia Tribes have received official recognition from the Commonwealth of Virginia, acknowledgement and officially recognized status from the federal government has been considerably more difficult due to systematic mistreatment over the past century.

Recent History of Tribal Recognition Issue in Virginia -

For 34 years, from 1912 to 1946, Walter Ashby Plecker, at the Virginia Bureau of Vital Statistics, led an effort to actively destroy vital records and evidence of Indian existence in the Commonwealth.

This practice was supported when the eugenics movement was endorsed by Virginia Universities and the Virginia General Assembly enacted the Racial Integrity Act in 1924 – a race based statute that forced all segments of the population to be registered at birth in one of two categories “white” or “colored”. From that point on no reference was allowed for other ethnic distinctions and no reference was allowed for Indian Tribal peoples in Virginia. Members of Virginia's Tribes were denied their identities as Native peoples.

Essentially, Virginia declared, by law and the systematic altering of key documents, that there were no Indians in the Commonwealth as of 1924. The passage of these race based statutes in Virginia made it criminal for Native peoples to claim their Indian Heritage. For instance, married couples were denied marriage certificates or even forbidden to

obtain the release of their newborn child from a hospital until they changed their ethnicity on the state record to read “colored.”

- Ironically, 1924 is the same year that the Federal Government guaranteed Native Americans full citizenship and the corollary right to vote.

The Racial Integrity Act was not struck down by the Federal Courts until 1967.

From 1983-1989 each Tribe gained official Recognition in the Commonwealth of Virginia.

In 1997, then Governor George Allen signed legislation acknowledging the “paper genocide” of Indians in Virginia. This legislation provided that state records be corrected that had been deliberately altered to list Virginia Indians on official state documents as “colored.” In 1999, the Virginia General Assembly adopted a resolution calling upon Congress to enact legislation recognizing the Virginia Tribes.

Each of the tribes have also petitioned the U.S. Department of Interior and the Bureau of Indian Affairs (BIA) for official recognition under the process set forth in 25 CFR Part 83, “Procedures for Establishing that an American Indian Group Exists as an Indian Tribe.” The Virginia Tribes have also submitted letters of intent and partial documentation to petition for Federal acknowledgment.

Unfortunately, these applications have been denied as incomplete. Without proper records and complete documentation the Tribes cannot fulfill the requirements of the BIA process.

Helen Rountree, noted anthropologist and expert on Native-Americans in Virginia, has spent her life documenting the Virginia Tribes. Through her thorough analysis and research the Commonwealth of Virginia was provided with sufficient authentication to officially recognize these tribes. I believe that that research should also be sufficient to address the damage of the Racial Integrity Act era and meet the BIA’s criteria.

Need for Congressional Action –

It is clear that political action is needed to remedy what bureaucracies cannot fix. Justice begs for a congressional response.

Six of the Tribes first came to Congress seeking recognition in 1999. They joined together to request Congressional action on their application for Federal Acknowledgement through the “Thomasina E. Jordan Indian Tribes of Virginia Federal Recognition Act” (this year it is H.R. 1294).

The six Tribes view Federal recognition as a basic issue of equality with the other 562 tribes.

Under the United States Constitution Indian Commerce Clause, Congress has the authority to recognize a “distinctly Indian community” as an Indian tribe. I believe that the Tribes’ situation clearly distinguishes them as excellent candidates for Congressional action.

Under H.R. 1294, the six Tribes would finally, and at long last, be granted federal recognition. At the same time, I feel that the safeguards provided in this legislation would address some Virginians’ concerns about Class III style gaming in the Commonwealth. Indeed, this legislation would give both the Governor and the General Assembly strict control over any possibility of the development of Indian Gaming.

I commend the committee for giving its time and attention to the Thomasina E. Jordan Indian Tribes of Virginia Federal Recognition Act. I would like to especially thank Chairman Byron Dorgan (D-ND) for his leadership on this important issue.

I would also like to thank Senator Jim Webb (D-VA) for his important work on behalf of the native peoples of Virginia and his testimony today. I am also heartened by the bipartisan Virginia Delegation support for H.R. 1294 and thank Representatives Jim Moran (D-VA), Tom Davis (R-VA), and Bobby Scott (D-VA) for their original co-sponsorship of the legislation.

It is time for these Virginia native peoples to be recognized by their own country.
Recognition of the Tribes of Virginia is long overdue.

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 our Virginia Tribes. Our recent commemoration of the 400 years of modern Virginia history will be incomplete without successful Federal recognition of these Virginia Tribes.

It is time to finally right an historic wrong for Virginia and the Nation.

Thank you for the opportunity to testify today on this important issue and I welcome your questions.