

**Statement of Senator Jim Webb**  
**Regarding the Thomasina E. Jordan Indian Tribes of Virginia**  
**Federal Recognition Act (H.R. 1294)**  
**Senate Committee on Indian Affairs Hearing**  
**September 25, 2008**

Thank you, Mr. Chairman and members of the Committee. I am honored to be here today to show my strong support for the “Thomasina E. Jordan Indian Tribes of Virginia Federal Recognition Act of 2007” (H.R. 1294). I am pleased to be joined by Virginia Governor Tim Kaine and Congressman Jim Moran, both of whom have been strong advocates for Virginia’s Native American Tribes. I would also like to acknowledge and thank the Chief’s of the six Virginia tribes and all the members present here today.

I appreciate your willingness to hold this hearing. This is not a new issue for this Committee and you have heard support for these six Virginia tribes from many individuals throughout the 15 years since they began seeking federal recognition. These six tribes are the Chickahominy, Chickahominy Indian Tribe Eastern Division, the Upper Mattaponi, the Rappahannock, the Monacan, and the Nansemond Indian Tribe.

I am here today to urge the Committee to approve legislation recognizing the six Virginia tribes that began the administrative recognition process so long ago. The tribes covered by this bill gained state recognition in the Commonwealth of Virginia between

1983 and 1989. I believe it is appropriate for them to finally receive the federal recognition that has been denied for far too long.

Mr. Chairman, I understand the reluctance from Congress to grant any Native American tribe federal recognition through legislation rather than through the BIA administrative process. I have not taken this issue lightly, and agree in principle that Congress generally should not have to determine whether or not Native American tribes deserve federal recognition.

Earlier this year the BIA's Office of Federal Acknowledgment came out with new guidelines on implementing the criteria to determine federal recognition. While I applaud improvements to the process, this still does not change the impact that racially hostile laws formerly in effect in Virginia had on these tribes' ability to meet the BIA's seven established recognition criteria.

Virginia's unique history and its harsh policies of the past have created a barrier for Virginia's Native American Tribes to meet the BIA criteria, even with the new guidelines. Many Western tribes experienced government neglect during the 20<sup>th</sup> century, but Virginia's story was different.

First, Virginia passed "race laws" in 1705, which regulated the activity of Virginia Indians. In 1924, Virginia passed the Racial Integrity Law, and the Virginia Bureau of Vital Statistics went so far as to eliminate an individual's identity as a Native American on many birth, death and marriage certificates. The elimination of racial identity records had a

harmful impact on Virginia's tribes, when they began seeking Federal recognition.

Second, Virginia tribes signed a treaty with England, predating the practices of most tribes that signed a treaty with the federal government.

For these reasons, I strongly believe that recognition for these six Virginia tribes is justified based on principles of dignity and fairness.

As I mentioned, I have spent several months examining this issue in great detail, including the rich history and culture of Virginia's tribes. My staff and I asked a number of tough questions, and great care and deliberation were put into arriving at this conclusion. After meeting with leaders of Virginia's Indian tribes and months of thorough investigation of the facts, I concluded that legislative action is needed for recognition of Virginia's tribes. Congressional hearings and reports over the last several Congresses demonstrate the ancestry and status of these tribes.

On May 2007, the House overwhelmingly passed the Thomasina E. Jordan Indian Tribes of Virginia Federal Recognition Act, with bipartisan support. This bill has advanced further this year than it has in the past several Congresses with the strong support and tireless efforts of Congressman Jim Moran. Virginia Governor Tim Kaine and the Virginia legislature support federal recognition for these tribes. I look forward to working with my colleagues in the Senate, especially those on the Indian Affairs Committee, to push for passage of this important bill. Congress has exercised its power to recognize tribes

in the past and I ask you to use this power to grant federal recognition to these six Virginia tribes.

Last year, we celebrated the 400<sup>th</sup> Anniversary of Jamestown – America’s first colony. After 400 years since the founding of Jamestown, these six tribes deserve to join our nation’s other 562 federally-recognized tribes.

Thank you Mr. Chairman and members of this Committee. I respectfully request that this Committee pass this bill as soon as possible.