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**Congress of the United States**  
**House of Representatives**

Statement by Rep. James P. Moran  
on the  
Thomasina E. Jordan Indian Tribes of Virginia  
Federal Recognition Act (H.R. 1294)

before the

House Committee on Natural Resources

April 18, 2007

Good morning and thank you, Mr. Chairman and Members of this Committee.

I appreciate your willingness to hold this hearing and provide me with an opportunity to help tell the story of six of Virginia's Native American tribes. This is not the first time this story has been told. Nor is it the first time I or my fellow witnesses have been on a panel before this committee to plead our case that Virginia's historic tribes should be recognized by the federal government.

Like most Native Americans, the Virginia tribes first welcomed western settlers, but quickly became subdued, pushed off their land, and, up through much of the 20<sup>th</sup> 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 economic security and to preserve their cultural identity. Their story of survival doesn't encompass decades, it spans centuries of racial hostility and coercive state and state-sanctioned actions.

Their story, however, is unique in two ways:

First, unlike most tribes that resisted encroachment and obtained federal recognition when they signed peace treaties with the federal government, Virginia's 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. This treaty has been observed by Virginia every year for the past 329 years when the Governor accepts tribute from the tribes in a ceremony now celebrated at the State Capitol every November. I understand that this is the longest celebrated treaty in the United States.

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In the intervening years between 1677 and the birth of this nation, however, these six tribes were dispossessed of most of their land and became too weak pose a threat. They were never in a position to negotiate with and receive recognition from our nascent federal government. Last year, the English government reaffirmed its recognition and hosted a visit by the modern Virginia tribes. But, as we are about to kick off the 400<sup>th</sup> anniversary of Jamestown, scheduled for early next month, these same tribes, who ensured the survival of this first English permanent settlement in the new world, have yet to be recognized by the federal government.

The second unique circumstance for the Virginia tribes, and this point speaks to the reason why Congress must act to recognize them, is that the Virginia tribes have experienced what has been called a "paper genocide" perpetrated by the Commonwealth of Virginia. At the time when the federal government granted Native Americans the right to vote, Virginia's elected officials were embracing the eugenics movement and began adopting racially hostile laws targeted at those classes of people who did not fit into the dominant white society

These actions culminated with the enactment of the Racial Integrity Act of 1924. This act empowered zealots, like Walter Plecker, a state official, to destroy state and local court house records and reclassify in Orwellian fashion all non-whites as "colored." It targeted Native Americans and sought to deny them their identity. To call yourself a "Native American" in Virginia was to risk a jail sentence of up to one year. The law remained in effect until it was struck down in the federal courts in 1967.

For up to 50 years, state officials waged a war to destroy all public and many private records that affirmed the existence of Native Americans in Virginia. Historians have affirmed that there is no other state that compares to Virginia's efforts to eradicate its citizens' Indian identity. All of Virginia's state-recognized tribes have filed petitions with the Bureau of Acknowledgment seeking federal recognition.

But it is a very heavy burden the Virginia tribes will have to overcome and one fraught with complications that officials from the bureau have acknowledged may never be resolved in their lifetime. The acknowledgment process is already expensive, subject to unreasonable delays, and lacks dignity. Virginia's legacy of paper genocide only further complicates these tribes' quest for federal recognition, making it difficult to furnish corroborating state and official documents and aggravating the injustice already visited upon these tribes.

It wasn't until 1997 when Governor George Allen signed legislation directing state agencies to correct state records that the tribes were given the opportunity to correct official state documents that had deliberately been altered to list them as "colored." The law allows living members of the tribes to correct their records, but the law cannot correct the damage done to past generations. Two years later, the Virginia General Assembly adopted a resolution calling upon Congress to enact legislation recognizing the Virginia tribes. I am pleased to have honored that request and beginning in 2000 and in subsequent sessions, I and Virginia's Senators have introduced legislation to recognize the Virginia tribes. I also greatly appreciate the fact that you, Mr. Chairman, and several Members of this Committee have agreed to cosponsor this year's bill.

Mr. Chairman, there is no doubt that the Chickahominy, the Eastern Chickahominy, the Monacan, the Nansemond, the Rappahannock and the Upper Mattaponi tribes exist. These tribes have existed on a continuous basis since before the first western European settlers stepped foot in America, and, they are here with us today. Helen Roundtree, who will testify today, has spent her career verifying their history and their existence. Her publications are well known and well regarded. Her expertise on Virginia tribes cannot be matched at the Bureau of Indian Affairs.

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. We have made significant compromises to give the Governor and the Virginia General Assembly the option to say "no" to a gaming compact. And, I stand ready to work with you to find the right equation that is respectful of tribal sovereignty and rights and Members' concerns about this issue.

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. I stand ready to work with you and this committee to make it happen.

Thank you.