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**Chickahominy Indian Tribe**  
**Testimony Before the Senate Committee on Indian Affairs on**  
***The Thomasina E. Jordan Indian Tribes of Virginia Federal Recognition Act of 2013***  
**October 30, 2013**

Thank you Chairwoman Cantwell, ranking member Barrasso, and other distinguished members of this committee for inviting me here today to provide testimony in support of S. 1074. The bill, introduced by Senators Tim Kaine and Mark Warner and entitled the *Thomasina E. Jordan Indian Tribes of Virginia Federal Recognition Act of 2013*, would extend Federal Recognition to the Chickahominy Indian Tribe-Eastern Division, the Monacan Indian Nation, the Nansemond Indian Tribe, the Rappahannock Indian Tribe, Inc., the Upper Mattaponi Indian Tribe and my Tribe, the Chickahominy Indian Tribe.

It may surprise members of the committee that these tribes are not currently recognized. After all, our tribes are proud descendants of pre-colonial era tribes who were the keepers of this land when the settlers arrived in 1607. In fact, it was through the beneficence of these tribes that the first permanent English Settlement at Jamestown survived the rigors of a strange new environment. It was a complicated history: tribes were sometimes at peace and trading as friends with the settlers, while at other times things were more contentious.

I could tell you, Madame Chair, the much publicized story of the 17<sup>th</sup> Century Virginia Indians, but you, like most Americans, know our first contact history. Well-known is the story of Chief Powhatan and his daughter Pocahontas, her picture being in the United States Capitol building with her English husband John Rolfe. I often say this country is here today because of the kindness and hospitality of my forebears who helped the English colonists at Jamestown gain a foothold in a new and strange environment.

But while you, and most Americans, may know the early history of our tribes, the fact that we were so prominent in early history and then so callously denied our Indian heritage is the story that most don't want to remember or recognize. I, and those Chiefs here with me, stand on the shoulders of tribes like the Papsehegh, a tribe wantonly destroyed by Lord Delaware in 1610. We stand on the shoulders of leaders like my predecessor, Chief Arthur Lonewolf Adkins, who died in 2001 and who was among the delegation advised by the Assistant Secretary of the Department of the Interior in 1999 that many of the delegation would pass away before federal recognition would be achieved administratively.

Madame Chairwoman, the government of the United States of America currently offers to us an administrative route to achieve formal recognition, which many have encouraged us to seek. Yet this is impossible for our tribes to accomplish, owing to actions taken by the governments of the United States and of the Commonwealth of Virginia.

You see, you know the early history of our tribes and our relationships with the settlers. You know that relationships between the tribes and settlers were tested over the 17<sup>th</sup> century and several treaties were drawn. The culminating treaty signed between the settlers and the Virginia Indian Tribes to enable the two peoples to peacefully coexist is the Treaty of 1677 (also referred to as the Articles of Peace or the Treaty of the Middle Plantation). This treaty detailed the rights of sovereign tribal governance, the relationship between the Indians and the colonists, and fishing, hunting and trading rights.

This Treaty would be sufficient to allow us recognition as sovereign tribes, if it were recognized by the government of the United States. But because the Treaty was signed in

1677, while Virginia was still a colony and the Crown still reigned, the government of the United States has failed to honor this treaty.

Madame Chairwoman, I would like to pause for a moment just to reiterate that last statement. Our tribes are not recognized as legitimate because the treaty was not signed by the United States government, a government that would not come into existence for nearly one hundred years. Because our ancestors achieved a peaceful settlement with the settlers, our recognition as sovereign tribes is denied. We were invited to England in Commemoration of the 400<sup>th</sup> Anniversary of the First Permanent English Settlement at Jamestown. We were guests of the Queen. Our Tribes saw first-hand how reverently the Crown still holds the Treaty of 1677. It is our hope that you will embrace the spirit of the Articles of Peace and affirm our sovereign relationship with United States of America.

We are also seeking recognition through an act of Congress rather than the BIA because actions taken by the Commonwealth of Virginia during the 20<sup>th</sup> Century annihilated our nations, not through blood, as in the 17<sup>th</sup> century, but through paper. The Commonwealth of Virginia, through its agent, Walter Ashby Plecker, sought to systematically erase all history of Native Americans.

In 1924, Virginia's state legislature enacted The Racial Integrity Act. This vile law forced all segments of the population to be registered at birth in one of two categories: white or colored. Enforced by Walter Plecker, a rabid separatist and the director of the Virginia Bureau of Vital Statistics, the official policy of the Commonwealth eliminated Indian, Mexican, and Asian as a race. Those with a single drop of non-white blood were considered to be "Colored" for the purposes of the Commonwealth.

Sadly this tells only a part of the story. The policies established by Plecker made it illegal to designate Indian on a birth certificate or to give an Indian child a traditional Indian name. The law stayed in effect until 1967, a date so recent that only one member of this committee, Senator Schatz, was born after its repeal. This law made it necessary for my parents to travel to Washington D.C. on February 20, 1935 in order to be married as Indians.

The official practice of the Commonwealth of Virginia was to erase the existence of my people through statutes and legislation. Not only is the Treaty of 1677 disregarded, but the destruction of documents regarding our existence during the Civil War and other periods of early history pales in comparison to the State-sanctioned indignities heaped upon my people under the hand of Walter Ashby Plecker. This has made the administrative process nearly impossible. Although socially unacceptable to kill Indians outright, Virginia Indians became fair game to Plecker as he led efforts to eradicate all references to Indians in Vital Records (a practice that was supported by the state's Establishment when the eugenics movement was endorsed by leading state universities).

The effect of this period and the racial policies of the State meant that Indian people were targeted -- it was feared that they would dare to try to claim their heritage and seek extra protection outside the state or with the Federal Government. Violations put doctors and midwives at risk of up to one year in jail. Our anthropologist says there is no other state that attacked Indian identity as directly as the laws passed during that period of time in Virginia. No other ethnic community's heritage was denied in this way. Our State, by law, declared there were no Indians in the State in 1924, and if you dared to say differently, you went to jail or worse. That law stayed in effect half of my life.

We have been asked why many of us do not have traditional Indian names. Quite simply, the law said we couldn't, and the law said that we weren't Indian. Our parents weighed the risks and decided violating The Racial Integrity Act was not worth the risk of going to jail.

In addition, as part of the Indian Reorganization Act in 1934, United States government officials contacted the Commonwealth of Virginia regarding its Indian population. The state registrar, Mr. Walter A. Plecker, advised there were no Indian Tribes in Virginia. Despite Plecker's response, federal government officials visited Virginia tribes, conducted interviews, and photographed people, places and things, thereby substantiating our existence. But no action was taken, and we remain unrecognized.

We are seeking recognition through Congress because we believe the petition process would not understand this history and would not be able to reconcile this State action with our heritage. We feared the process would not be able to see beyond the corrupted documentation that legally denied our Indian heritage. Many of the elders in our community also feared racial backlash if they tried, and for good reason.

Our parents lived through the Plecker years and carried those scars to their graves. When I approached my father and his peers 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 Indians who had risked marrying in Virginia, and those 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 these Virginia Indians.

The story I just recounted to you is very painful and I do not like to tell that story. Many of my people will not discuss what I have shared with you, Chairwoman Cantwell, but I feel you need to understand recent history opposite the romanticized, inaccurate accounts of 17th century history.

Let me tell you how we got here today. The six tribes on this bill gained State Recognition in the Commonwealth of Virginia between 1983 and 1989. Subsequent to state recognition, George Allen, as governor, learned our story. In 1997, he passed the statute that acknowledged the aforementioned discriminatory laws and allowed those with Indian heritage to correct their records with costs to be borne by the Commonwealth. At that juncture, we began to look ahead to federal recognition. In 1999, we were advised by the Assistant Secretary – Indian Affairs that many of us would not live long enough to see our petition go through the administrative process, a prophecy that has come true - we have buried three of our chiefs since then.

Given the realities of the Office of Federal Acknowledgement and the historical slights suffered by the Virginia Indian Tribes for the last 400 years, the six tribes referenced in S.1074 feel that our situation clearly distinguishes us as candidates for Congressional Federal recognition.

As Chiefs of our respective tribes, we have persevered in this process for one reason. We do not want our families or our Tribes to let the legacy of Walter Plecker stand. We want the assistance of Congress to give the Indian Tribes in Virginia their freedom from a history that denied their Indian identity. Without acknowledgment of our identity, the harm of racism is the dominant history. We want our children, and the next generation,

to have their Indian Heritage honored and to move past what we and our parents experienced. We want our veterans, the descendants of veterans who gave the ultimate sacrifice in the defense of this country, our tribal elders who have gone before, and those who struggle for recognition today to know their efforts have not been in vain. We, the leaders of these six Virginia Tribes, are asking Congress to help us make history for the Indian people of Virginia, a history that honors our ancestors who were there at the beginning of this great country.

I would like to quote a statement made by Chief Powhatan to John Smith, a statement that has almost been forgotten but ironically still has relevance today:

Why should you take by force that which you can have from us by love? Why should you destroy us who have provided you with food? What can you get by war? .... I therefore exhort you to peaceable councils ...

Madame Chairwoman, passage of this bill would give us the peace that Chief Powhatan sought, would honor the treaty our ancestors made with the early Colonists and the Crown, and would show respect for our heritage and identity that has never before been acknowledged.

Finally, there is never a wrong time to do the right thing. Acknowledging these six Indian Tribes as sovereign nations is the right thing to do. You have the power to do it. Perhaps you were placed here for such a time as this.