

Testimony of Congresswoman Jo Ann Davis before the House Resources Committee, re H.R. 2345, to extend Federal recognition to Virginia Indian tribes

September 25, 2002

Mr. Chairman, I appreciate the opportunity to testify on behalf of H.R. 2345, legislation that would grant federal recognition to Virginia Indian tribes, many of whom are located in my district. As a former member of the Virginia Council on the Indians, this is an issue close to my heart, and I commend Mr. Moran for taking the initiative to help the Commonwealth's Native American population achieve their long overdue recognition as tribes. As we approach the four hundredth anniversary of the founding of Jamestown in 2007, it is only appropriate that Congress also honor those Native Americans that resided in Virginia when the settlers came, and we can most effectively accomplish this by passing H.R. 2345 into law.

All of the six tribes seeking federal recognition have obtained state recognition, and I am proud to say that three of them are located within my congressional district. They are the Rappahannock, the Mattaponi, and the Upper Mattaponi. They seek this designation in order to gain the same rights and recognition that have already been obtained by 558 tribes in 35 states.

Some may question why, if the Virginia Indians are indeed historical tribes, they have only recently attempted to seek federal recognition. The answer lies in the turmoil of the early twentieth century that found Virginia Indians working to merely preserve their identity. In what will forever be a black mark on Virginia's history, the registrar of the Bureau of Vital Statistics, Dr. Walter Plecker, despite the overwhelming evidence and the historical accounts, believed there were no real native-born Indians and worked to remove the designation from birth records and other vital records.

Plecker was a white supremacist, and one of his tools of racial purity was to label all non-whites as "colored" and to block any interracial marriages with Caucasians, enforcing a 1924 state law. Indian midwives were threatened with imprisonment for putting the term "Indian" on birth records, and many Indians suppressed their heritage rather than risk retaliation or controversy with state government. Generations of Virginia Indians suffered through this state-sponsored discrimination.

But Plecker did not destroy the heritage or spirit of these native Virginians, and in fact the adversity they faced gave them a stronger bond and increased their resolve to preserve their identity as a people. In spite of this effort to deny their existence as a distinct race of people, substantial, indeed, overwhelming proof of their lineage endures. The Virginia Indians have the support of anthropologists and historians testifying today that have studied and documented their history in Virginia.

In the 1980s, Virginia Indians succeeded in gaining state recognition, and in 1999 the Virginia General Assembly passed a resolution in support of federal recognition, passing unanimously in the Senate and by a vote of 89-2 in the House.

I think it is important that I broach the issue of Indian gaming in the course of my testimony. Personally, I believe that gambling has reached epidemic levels in our country, and continues to exact a heavy toll of economic destruction and despair in thousands of American homes. And if I believed that this federal recognition bill was about gaming, rest assured I would not be cosponsoring the legislation or testifying on behalf of it. It is indeed regrettable that the gaming issue has tainted this effort.

According to state law, the Virginia Indians currently could operate bingo games, but they do not. I have

also been told casino gambling interests have offered to finance their federal recognition efforts, but they have rightly refused such assistance. Several of the Virginia tribal leaders are personal friends of mine, and I know they do not seek recognition in order to begin gambling enterprises. In fact, many of the Indians are devout Christians, and have strong moral objections against gambling.

If future generations of Virginia Indians would seek class III gaming operations, they would of course be subject to the constraints of IGRA, which would require approval by the Governor, and a negotiated compact. Moreover, H.R. 2345 includes a provision closing any possible loophole that would allow the Virginia tribes to engage in class III gaming without the consent of the Governor.

Virginia Indians seek federal recognition to obtain the rights and statutory benefits that accompany the designation, but most of all to validate what is true- that these tribes are indigenous to the Commonwealth of Virginia and have resided here for hundreds of years, and should be afforded the respect and honor that has been granted to hundreds of other similarly situated tribes.

Mr. Chairman, the administrative route for obtaining tribal recognition is broken, and needs to be fixed. Recognition obtained through the Bureau of Indian Affairs can take 20 years or longer to achieve. I hope Congress acts to reform this system, but in the interim, it is unfair to deny Virginia Native Americans the federal recognition they are due. And, again, I believe it is symbolically important that we get this accomplished before the quadricentennial celebration of Jamestown in 2007.

I appreciate you holding this hearing today and urge you to take the next step by scheduling consideration of H.R. 2345 by the House Resources Committee in the immediate future.

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