

Statement by Rep. James P. Moran
on Legislation (H.R. 2345)
Granting Federal Recognition to Six Virginia Tribes
September 25th 2002
before the
House Resources Committee

Good morning and thank you, Mr. Chairman:

I appreciate your willingness to hold this hearing and providing us with an opportunity to help tell the story of six of Virginia's Native American tribes. The story of these tribes is compelling, but I ask for more than your sympathetic ear. I also ask for action on legislation that I, along with my colleague Jo Ann Davis, have introduced to grant these tribes federal recognition.

I ask that the federal government, starting with this distinguished Resources Committee, recognize the Chickahomony, the Eastern Chickahomony, the Monacan, the Nansemod, the Rappahannock and the Upper Mattaponi tribes. These tribes exist, they have existed on a substantially continuous basis since before the first western European settlers stepped foot in America; and, they are here with us today.

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. 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.

Like much of our early history as a nation, the Virginia tribes were subdued, pushed off their land, and, up through much of the 20th 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 preserve their cultural identity. That story of survival doesn't encompass decades, it spans centuries of racial hostility and coercive state and state-sanctioned actions. Unlike most tribes that resisted encroachment and obtained federal recognition when they signed peace treaties with the federal government, Virginia's six tribes signed their peace treaties with the Kings of England. Most notable among these was the Treaty of 1677 between these tribes and Charles the II.

In more recent times, this racial hostility culminated with the enactment and brutal enforcement of Virginia's Racial Integrity Act of 1924. This act empowered zealots, like Walter Plecker, a state official, to destroy records and reclassify in Orwellian fashion all non-whites as "colored." To call yourself a "Native American" in Virginia was to risk a jail sentence of up to one year.

Imagine a married couple unable to obtain the release of their newborn child from the hospital until they

change their child's ethnicity on the medical record to read "colored," not "Native American."

Or, imagine being told that you have no right to reclaim and bury your ancestors once you learn they were being stored in a museum vault.

Or, imagine the Indian mission school that your grandparents and your parents attended receiving federal recognition as a historic landmark, but yet you and your daughters and sons not recognized by the federal government as Native Americans.

Or, imagine your frustration upon finding your legal efforts to appeal a local water issue in federal court because you're told your suit has no standing since your tribe doesn't exist.

Mr. Chairman, these are just a few of the examples of the indignities visited upon the members of the six tribes present here today.

I mention these indignities because they are part of a shameful legacy experienced in our lifetime. Some are indignities that are still visited upon members of the tribes today.

More to the point, this legacy has also complicated these tribes' quest for federal recognition, making it difficult to furnish corroborating state and official documents. It wasn't until 1997 when then Governor George Allen signed legislation directing state agencies to correct state records that had deliberately been altered to list Virginia Indians on official state documents as "colored."

In recent years, the Virginia tribes have filed their petitions with the Bureau of Indian Affairs. They have no deep pockets and lack the financial means to rigorously pursue the lengthy and resource intensive petition process. Even more discouraging, they have been told by bureau officials not to expect to see any action on their petitions within their lifetime. The GAO study this committee reviewed earlier this year confirms this backlog.

Asking them to wait another 10 years or more is not what these tribes deserve. Many of the members are elderly and in need of medical care and assistance. They lack health insurance and pensions because past discrimination denied them opportunities for an advanced education and a steady job. Federal recognition would entitle them to receive health and housing assistance.

It would be one of the greatest of ironies and a further injustice to these tribes if in our efforts to recognize the 400th anniversary of the first permanent European settlement in North America, we had failed to recognize the direct descendants of the Native Americans who met these settlers.

Before closing, let me touch upon one issue, the issue of gambling, that may be at the forefront of some Members' concerns. In response to such concerns, I have worked with Rep. Jo Ann Davis, Frank Wolf and others to close any potential legal loopholes in this legislation to ensure that the Commonwealth of Virginia could prevent casino-type gaming by the tribes. Having maintained a close relationship with many of the members of these tribes, I believe they are sincere in their claims that gambling is inconsistent with their values. Many of the tribes live in rural areas with conservative family and religious beliefs. All six tribes have established non-profit organizations and are permitted under Virginia law to operate bingo games. Despite compelling financial needs that bingo revenues could help address, none of the tribes are engaged in bingo gambling.

Mr. Chairman, the real issue for the tribes is one of acknowledgment and the long overdue need for the federal government to affirm their identity as Native Americans. I urge you to proceed with action on this proposal.

Thank you again for arranging this hearing and for your indulgence on this issue.

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