

109TH CONGRESS
1ST SESSION

H. R. 3349

To extend Federal recognition to the Chickahominy Indian Tribe, the Chickahominy Indian Tribe—Eastern Division, the Upper Mattaponi Tribe, the Rappahannock Tribe, Inc., the Monacan Indian Nation, and the Nansemond Indian Tribe.

IN THE HOUSE OF REPRESENTATIVES

JULY 19, 2005

Mr. MORAN of Virginia (for himself, Mrs. JO ANN DAVIS of Virginia, Mr. SCOTT of Virginia, Mr. TOM DAVIS of Virginia, and Mr. KILDEE) introduced the following bill; which was referred to the Committee on Resources

A BILL

To extend Federal recognition to the Chickahominy Indian Tribe, the Chickahominy Indian Tribe—Eastern Division, the Upper Mattaponi Tribe, the Rappahannock Tribe, Inc., the Monacan Indian Nation, and the Nansemond Indian Tribe.

1 *Be it enacted by the Senate and House of Representa-
2 tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Thomasina E. Jordan
5 Indian Tribes of Virginia Federal Recognition Act of
6 2005”.

1 **TITLE I—CHICKAHOMINY**
2 **INDIAN TRIBE**

3 SEC. 101. FINDINGS.

4 Congress makes the following findings:

5 (1) In 1607, when the English settlers set shore
6 along the Virginia coastline, the Chickahominy In-
7 dian Tribe was 1 of about 30 tribes who received
8 them.

20 (4) In 1677, following Bacon's Rebellion, the
21 Queen of Pamunkey signed the Treaty of Middle
22 Plantation on behalf of the Chickahominy.

23 (5) In 1702, the Chickahominy were pushed off
24 their reservation, which caused the loss of a land
25 base.

5 (7) In 1750, the Chickahominy Indian Tribe
6 started to migrate from King William County back
7 to the area around the Chickahominy River in New
8 Kent and Charles City Counties.

12 (9) In 1831, the names of the ancestors of the
13 modern-day Chickahominy Indian Tribe began to
14 appear in the Charles City County census records.

15 (10) In 1901, the Chickahominy Indian Tribe
16 formed Samaria Baptist Church.

22 (12) In 1919, C. Lee Moore, Auditor of Public
23 Accounts for Virginia, told Chickahominy Chief
24 O.W. Adkins that he had instructed the Commis-
25 sioner of Revenue for Charles City County to record

1 Chickahominy tribal members on the county tax rolls
2 as Indian, and not as white or colored.

3 (13) During 1920–1930, various Governors of
4 the Commonwealth of Virginia wrote letters of intro-
5 duction for Chickahominy Chiefs who had official
6 business with Government agencies in Washington,
7 D.C.

8 (14) In 1934, Chickahominy Chief O.W. Adkins
9 wrote to John Collier, Commissioner of Indian Af-
10 fairs, requesting money to acquire land for the
11 Chickahominy Indian Tribe's use, to build school,
12 medical, and library facilities and to buy tractors,
13 implements, and seed.

14 (15) In 1934, John Collier, Commissioner of
15 Indian Affairs, wrote to Chickahominy Chief O.W.
16 Adkins, informing him that Congress had passed the
17 Indian Reorganization Act of 1934, but had not
18 made the appropriation to fund the bill.

19 (16) In 1942, Chickahominy Chief O.O. Adkins
20 wrote to John Collier, Commissioner of Indian Af-
21 fairs, asking for help in getting the proper racial
22 designation on Selective Service records for the
23 Chickahominy soldiers.

24 (17) In 1943, John Collier, Commissioner of
25 Indian Affairs, asked Douglas S. Freeman, editor of

1 the Richmond (Virginia) News-Leader newspaper, to
2 help Virginia Indians obtain proper racial designation
3 on birth records. Collier states that his office
4 cannot officially intervene because it has no responsibility
5 for the Virginia Indians, “as a matter largely
6 of historical accident”, but is “interested in them as
7 descendants of the original inhabitants of the re-
8 gion”.

9 (18) In 1948, the Veterans’ Education Com-
10 mittee of the Virginia State Board of Education ap-
11 proved Samaria Indian School to provide training to
12 veterans. This school was the one established and
13 run by the Chickahominy Indian Tribe.

14 (19) In 1950, the Chickahominy Indian Tribe
15 purchased land and donated it to the Charles City
16 County School Board, to be used to build a modern
17 school for students of the Chickahominy and other
18 Virginia tribes. The Samaria Indian School included
19 grades 1 through 8.

20 (20) In 1961, Senator Sam Ervin, Chairman of
21 the Subcommittee on Constitutional Rights, Senate
22 Committee on the Judiciary, requested Chicka-
23 hominy Chief O.O. Adkins to provide assistance in
24 analyzing the status of the constitutional rights of
25 Indians “in your area”.

1 (21) In 1967, the Charles City County school
2 board closed Samaria Indian School and converted it
3 to a countywide primary school as a step toward full
4 school integration.

15 (24) In 1983, the Chickahominy Indian Tribe
16 was granted recognition as an Indian tribe by the
17 Commonwealth of Virginia, along with 5 other
18 tribes.

19 (25) In 1985, Virginia Governor Gerald Baliles
20 was the special guest at an intertribal Thanksgiving
21 Day dinner hosted by the Chickahominy Indian
22 Tribe.

23 SEC. 102. DEFINITIONS.

24 For the purposes of this title—

1 (1) the term "Tribe" means the Chickahominy
2 Indian Tribe;

10 SEC. 103. FEDERAL RECOGNITION.

11 (a) FEDERAL RECOGNITION.—Federal recognition is
12 hereby extended to the Tribe. All laws and regulations of
13 the United States of general application to Indians or na-
14 tions, tribes, or bands of Indians, including the Act of
15 June 18, 1934 (25 U.S.C. 461 et seq.) which are not in-
16 consistent with any specific provision of this Act, shall be
17 applicable to the Tribe and its members.

18 (b) FEDERAL SERVICES AND BENEFITS.—

1 residence of any member on or near any Indian res-
2 ervation.

3 (2) SERVICE AREA.—For purposes of the deliv-
4 ery of Federal services to enrolled members of the
5 Tribe, the Tribe's service area shall be deemed to be
6 the area comprised of Charles City County, Virginia.

7 **SEC. 104. MEMBERSHIP; GOVERNING DOCUMENTS.**

8 The membership roll and governing documents of the
9 Tribe shall be the most recent membership roll and gov-
10 erning documents, respectively, submitted by the Tribe to
11 the Secretary before the date of the enactment of this Act.

12 **SEC. 105. GOVERNING BODY.**

13 The governing body of the Tribe shall be the gov-
14 erning body in place on the date of the enactment of this
15 Act, or any new governing body selected under the election
16 procedures specified in the governing documents of the
17 Tribe.

18 **SEC. 106. RESERVATION OF THE TRIBE.**

19 (a) IN GENERAL.—Notwithstanding any other provi-
20 sion of law, if, not later than 25 years after the date of
21 the enactment of this Act, the Tribe transfers land within
22 the boundaries of the Virginia counties of Charles City,
23 James City, or Henrico, to the Secretary, the Secretary
24 shall take such land into trust for the benefit of the Tribe.

1 (b) CONSTRUCTION.—No reservation or tribal lands
2 or land taken into trust for the benefit of the Tribe shall
3 be construed to satisfy the terms for an exception under
4 section 20(b)(1)(B) of the Indian Gaming Regulatory Act
5 (25 U.S.C. 2719(b)(1)(B)) to the prohibition on gaming
6 on lands acquired by the Secretary in trust for the benefit
7 of an Indian tribe after October 17, 1988, under section
8 20(a) of such Act (25 U.S.C. 2719(a)).

9 **SEC. 107. HUNTING, FISHING, TRAPPING, GATHERING, AND**

10 **WATER RIGHTS.**

11 Nothing in this Act shall expand, reduce, or affect
12 in any manner any hunting, fishing, trapping, gathering,
13 or water rights of the Tribe and its members.

14 **TITLE II—CHICKAHOMINY IN-**
15 **DIAN TRIBE—EASTERN DIVI-**
16 **SION**

17 **SEC. 201. FINDINGS.**

18 Congress makes the following findings:

19 (1) In 1607, when the English settlers set shore
20 along the Virginia coastline, the Chickahominy were
21 one of about 30 tribes who received them.

22 (2) In 1614, the Chickahominy Indian Tribe
23 signed a treaty with Sir Thomas Dale, Governor of
24 the Jamestown Colony, agreeing to provide 2 bushels
25 of corn per man and send warriors to protect the

1 English. Sir Thomas Dale agreed in return to allow
2 the Tribe to continue to practice their own tribal
3 governance.

4 (3) In 1646, a treaty was signed which forced
5 the Chickahominy from their homeland to the area
6 around the York River in present-day King William
7 County, leading to the formation of a reservation.

8 (4) In 1677, following Bacon's Rebellion, the
9 Queen of Pamunkey signed the Treaty of Middle
10 Plantation on behalf of the Chickahominy.

11 (5) In 1702, the Chickahominy were pushed off
12 their reservation, which caused the loss of a land
13 base.

14 (6) In 1723, the College of William and Mary
15 in Williamsburg established a grammar school for
16 Indians called Brafferton College. A Chickahominy
17 child was one of the first Indians to attend.

18 (7) In 1750, the Chickahominy Indian Tribe
19 started to migrate from King William County back
20 to the area around the Chickahominy River in New
21 Kent and Charles City Counties.

22 (8) In 1793, A Baptist missionary named
23 Bradby took refuge with the Chickahominy and took
24 a Chickahominy woman as his wife.

1 (9) In 1831, the names of the ancestors of the
2 modern-day Chickahominy Indian Tribe began to
3 appear in the Charles City County census records.

21 (13) In 1920–1921, the Chickahominy Indian
22 Tribe—Eastern Division began forming their own
23 tribal government. E.P. Bradby was the founder of
24 the Tribe and was elected to be Chief.

6 (16) In 1950, the Indian school was closed and
7 students were bused to Samaria Indian School in
8 Charles City County.

11 (18) In 1982–1984, Tsena Commocko Baptist
12 built a new sanctuary to accommodate church
13 growth.

14 (19) In 1983, the Chickahominy Indian Tribe—
15 Eastern Division was granted State recognition
16 along with 5 other Virginia Indian tribes.

21 (21) In 1988, a nonprofit organization known
22 as the United Indians of Virginia was formed. Chief
23 Marvin "Strongoak" Bradby of the Eastern Band of
24 the Chickahominy presently chairs the organization.

1 **SEC. 202. DEFINITIONS.**

2 For the purposes of this title—

3 (1) the term “Tribe” means the Chickahominy

4 Indian Tribe—Eastern Division;

5 (2) the term “Secretary” means the Secretary

6 of the Interior; and

7 (3) the term “member” means an enrolled

8 member of the Tribe, as of the date of the enact-

9 ment of this Act, or an individual who has been

10 placed on the membership rolls of the Tribe in ac-

11 cordance with this Act.

12 **SEC. 203. FEDERAL RECOGNITION.**13 (a) **FEDERAL RECOGNITION.**—Federal recognition is

14 hereby extended to the Tribe. All laws and regulations of

15 the United States of general application to Indians or na-

16 tions, tribes, or bands of Indians, including the Act of

17 June 18, 1934 (25 U.S.C. 461 et seq.) which are not in-

18 consistent with any specific provision of this Act, shall be

19 applicable to the Tribe and its members.

20 (b) **FEDERAL SERVICES AND BENEFITS.**—21 (1) **IN GENERAL.**—The Tribe and its members

22 shall be eligible, on and after the date of the enact-

23 ment of this Act, for all future services and benefits

24 provided by the Federal Government to federally rec-

25 ognized Indian tribes without regard to the existence

26 of a reservation for the Tribe or the location of the

1 residence of any member on or near any Indian res-
2 ervation.

3 (2) SERVICE AREA.—For purposes of the deliv-
4 ery of Federal services to enrolled members of the
5 Tribe, the Tribe's service area shall be deemed to be
6 the area comprised of New Kent County, Virginia.

7 **SEC. 204. MEMBERSHIP; GOVERNING DOCUMENTS.**

8 The membership roll and governing documents of the
9 Tribe shall be the most recent membership roll and gov-
10 erning documents, respectively, submitted by the Tribe to
11 the Secretary before the date of the enactment of this Act.

12 **SEC. 205. GOVERNING BODY.**

13 The governing body of the Tribe shall be the gov-
14 erning body in place on the date of the enactment of this
15 Act, or any new governing body selected under the election
16 procedures specified in the governing documents of the
17 Tribe.

18 **SEC. 206. RESERVATION OF THE TRIBE.**

19 (a) IN GENERAL.—Notwithstanding any other provi-
20 sion of law, if, not later than 25 years after the date of
21 the enactment of this Act, the Tribe transfers any land
22 within the boundaries of New Kent County, James City
23 County, or Henrico County, Virginia, to the Secretary, the
24 Secretary shall take such land into trust for the benefit
25 of the Tribe.

1 (b) CONSTRUCTION.—No reservation or tribal lands
2 or land taken into trust for the benefit of the Tribe shall
3 be construed to satisfy the terms for an exception under
4 section 20(b)(1)(B) of the Indian Gaming Regulatory Act
5 (25 U.S.C. 2719(b)(1)(B)) to the prohibition on gaming
6 on lands acquired by the Secretary in trust for the benefit
7 of an Indian tribe after October 17, 1988, under section
8 20(a) of such Act (25 U.S.C. 2719(a)).

9 **SEC. 207. HUNTING, FISHING, TRAPPING, GATHERING, AND**

10 **WATER RIGHTS.**

11 Nothing in this Act shall expand, reduce, or affect
12 in any manner any hunting, fishing, trapping, gathering,
13 or water rights of the Tribe and its members.

14 **TITLE III—UPPER MATTAPONI**
15 **TRIBE**

16 **SEC. 301. FINDINGS.**

17 Congress makes the following findings:

18 (1) From 1607 until 1646, the Chickahominies
19 lived about 20 miles from Jamestown; were major
20 players in English-Indian affairs in those years.
21 Mattaponis, who joined them later, lived farther
22 away. In 1646, the Chickahominies moved to
23 Mattaponi River basin, away from the English.

24 (2) In 1661, the Chickahominies sold land at
25 “the cliffs” on the Mattaponi River.

1 majority of the Upper Mattaponi have “Adams” as
2 their surname.

3 (9) In 1787, Thomas Jefferson, in Notes on the
4 Commonwealth of Virginia, mentioned Mattaponis
5 on reservation in King William County and said
6 Chickahominyes were “blended” with them and near-
7 by Pamunkeys.

8 (10) In 1850, the United States census showed
9 a nucleus of about 10 families, all ancestral to mod-
10 ern Upper Mattaponis, living in central King Wil-
11 liam County about 10 miles from the reservation.

12 (11) From 1853 until 1884, King William
13 County marriage records listed Upper Mattaponis as
14 “Indian” when marrying reservation people.

15 (12) From 1884 until the present, county mar-
16 riage records usually call Upper Mattaponis “Indi-
17 ans”.

18 (13) In 1901, Smithsonian anthropologist
19 James Mooney heard about the Upper Mattaponis
20 but did not visit them.

21 (14) In 1928, University of Pennsylvania an-
22 thropologist Frank Speck published a book on mod-
23 ern Virginia Indians with a section on the Upper
24 Mattaponis.

1 (15) From 1929 to 1930, the Tribe's leadership
2 fought against a "colored" designation in the 1930
3 United States Census, and won a compromise in
4 which their Indian ancestry was recorded but ques-
5 tioned.

16 (18) In 1983, the Upper Mattaponi Tribe ap-
17 plied for and won State recognition.

18 SEC. 302. DEFINITIONS.

19 For the purposes of this title—

20 (1) the term "Tribe" means the Upper
21 Mattaponi Tribe;

22 (2) the term "Secretary" means the Secretary
23 of the Interior; and

1 ment of this Act, or an individual who has been
2 placed on the membership rolls of the Tribe in ac-
3 cordance with this Act.

4 **SEC. 303. FEDERAL RECOGNITION.**

5 (a) **FEDERAL RECOGNITION.**—Federal recognition is
6 hereby extended to the Tribe. All laws and regulations of
7 the United States of general application to Indians or na-
8 tions, tribes, or bands of Indians, including the Act of
9 June 18, 1934 (25 U.S.C. 461 et seq.) which are not in-
10 consistent with any specific provision of this Act, shall be
11 applicable to the Tribe and its members.

12 (b) **FEDERAL SERVICES AND BENEFITS.**—

13 (1) **IN GENERAL.**—The Tribe and its members
14 shall be eligible, on and after the date of the enact-
15 ment of this Act, for all future services and benefits
16 provided by the Federal Government to federally rec-
17 ognized Indian tribes without regard to the existence
18 of a reservation for the Tribe or the location of the
19 residence of any member on or near any Indian res-
20 ervation.

21 (2) **SERVICE AREA.**—For purposes of the deliv-
22 ery of Federal services to enrolled members of the
23 Tribe, the Tribe's service area shall be deemed to be
24 the area within 25 miles of the Tribe's tribal center
25 in King William County, Virginia.

1 **SEC. 304. MEMBERSHIP; GOVERNING DOCUMENTS.**

2 The membership roll and governing documents of the
3 Tribe shall be the most recent membership roll and gov-
4 erning documents, respectively, submitted by the Tribe to
5 the Secretary before the date of the enactment of this Act.

6 **SEC. 305. GOVERNING BODY.**

7 The governing body of the Tribe shall be the gov-
8 erning body in place on the date of the enactment of this
9 Act, or any new governing body selected under the election
10 procedures specified in the governing documents of the
11 Tribe.

12 **SEC. 306. RESERVATION OF THE TRIBE.**

13 (a) **IN GENERAL.**—Notwithstanding any other provi-
14 sion of law, if the Tribe transfers any land within the
15 boundaries of King William County to the Secretary, the
16 Secretary shall take such land into trust for the benefit
17 of the Tribe.

18 (b) **CONSTRUCTION.**—No reservation or tribal lands
19 or land taken into trust for the benefit of the Tribe shall
20 be construed to satisfy the terms for an exception under
21 section 20(b)(1)(B) of the Indian Gaming Regulatory Act
22 (25 U.S.C. 2719(b)(1)(B)) to the prohibition on gaming
23 on lands acquired by the Secretary in trust for the benefit
24 of an Indian tribe after October 17, 1988, under section
25 20(a) of such Act (25 U.S.C. 2719(a)).

1 **SEC. 307. HUNTING, FISHING, TRAPPING, GATHERING, AND**
2 **WATER RIGHTS.**

3 Nothing in this Act shall expand, reduce, or affect
4 in any manner any hunting, fishing, trapping, gathering,
5 or water rights of the Tribe and its members.

6 **TITLE IV—RAPPAHANNOCK**
7 **TRIBE, INC.**

8 **SEC. 401. FINDINGS.**

9 Congress makes the following findings:

10 (1) During the initial months after Virginia was
11 settled, the Rappahannocks had 3 encounters with
12 Captain John Smith. The first occurred when the
13 Rappahannock weroance (headman) traveled to
14 Quiyocohannock (a principal town across the James
15 River from Jamestown) where he met with the Eng-
16 lishman to determine if Smith had been the “great
17 man” who had previously sailed into the Rappahan-
18 nock River, killed a Rappahannock weroance, and
19 kidnaped Rappahannock people. He determined that
20 Smith was too short to be that “great man”. On a
21 second meeting, during John Smith’s captivity (De-
22 cember 16, 1607 to January 8, 1608), Smith was
23 taken to the Rappahannock principal village to show
24 the people that Smith was not the “great man.” A
25 third meeting took place during Smith’s exploration
26 of the Chesapeake Bay (July to September 1608),

1 when Smith was prevailed upon to make peace be-
2 tween the Rappahannock and the Moraughtacund
3 Indians. The Moraughtacunds had stolen 3 women
4 from the Rappahannock King. In the settlement,
5 Smith had the 2 tribes meet on the spot of their
6 first fight. When it was established that both sides
7 wanted peace, Smith told the Rappahannock King to
8 select which of the 3 women he wanted; the
9 Moraughtacund King got second choice; Moseo, a
10 Wighcocomoco (on the Potomac River) guide, was
11 given the third woman.

12 (2) In 1645, Captain William Claiborne tried
13 unsuccessfully to establish treaty relations with the
14 Rappahannocks. The Rappahannocks had not par-
15 ticipated in the Pamunkey-led uprising in 1644, and
16 the English wanted to “treat with the
17 Rappahannocks or any other Indians not in amity
18 with Opechancanough, concerning serving the county
19 against the Pamunkeys”.

20 (3) In April 1651, the Rappahannocks conveyed
21 their first tract of land to an English settler, Colonel
22 Morre Fauntleroy. The deed was signed by
23 Accopatough, weroance of the Rappahannock Indi-
24 ans.

1 Indians be first served with the proportion of 50
2 acres of land for each Bowman”.

3 (8) In 1669, the colony conducted a census of
4 Virginia Indians. At that time, the majority of the
5 Rappahannocks were residing at their hunting vil-
6 lage on the north side of the Mattaponi River. At
7 the time of the visit, census takers were counting
8 only the tribes along the rivers. This explains the
9 low number of 30 Rappahannock bowmen counted
10 on that river. The Rappahannocks used this hunting
11 village on the north side of the Mattaponi River as
12 their primary residence until they were removed in
13 1684.

14 (9) In May 1677, the Treaty of Middle Planta-
15 tion was signed with England. The Pamunkey
16 Queen Cockacoeske signed on behalf of the
17 Rappahannocks “who were supposed to be her tribu-
18 taries”. However, before the treaty could be ratified,
19 the Queen of Pamunkey complained to the Virginia
20 Colonial Council “that she was having trouble with
21 Rappahannocks and Chickahominies, supposedly
22 tributaries of hers”.

23 (10) In November 1682, the Virginia Colonial
24 Council established a reservation for the Rappahan-
25 nock Indians of 3,474 acres “about the town where

1 they dwelt". The Rappahannocks "town" was their
2 hunting village on the north side of the Mattaponi
3 River, where they had lived throughout the 1670's.
4 The acreage allotment was based on the 1658 Indian
5 land act (seen above), which translates into a bow-
6 man population of 70, or an approximate total Rap-
7 pahannock population of 350.

8 (11) In 1683, following raids by Iroquoian war-
9 riors on both Indian and English settlements, the
10 Virginia Colonial Council ordered the
11 Rappahannocks to leave their reservation and unite
12 with the Nanzatico Indians at Nanzatico Indian
13 Town, which was located across and up the Rappa-
14 hannock River some 30 miles.

15 (12) Between 1687 and 1699, the
16 Rappahannocks migrated out of Nanzatico, return-
17 ing to the south side of the Rappahannock River at
18 Portobacco Indian Town.

19 (13) In 1706, by order of Essex County, Lieu-
20 tenant Richard Covington "escorted" the
21 Portobacos and Rappahannocks out of Portobacco
22 Indian Town, out of Essex County, and into King
23 and Queen County where they settled along the
24 ridgeline between the Rappahannock and Mattaponi

1 Rivers, the site of their ancient hunting village and
2 1682 reservation.

3 (14) During the 1760's, 3 Rappahannock girls
4 were raised on Thomas Nelson's "Bleak Hill" Plan-
5 tation in King William County. One girl married a
6 Saunders man, 1 a Johnson man, and the third had
7 2 children, Edmund and Carter Nelson, fathered by
8 Thomas Cary Nelson. In the 19th century, these
9 Saunders, Johnson, and Nelson families are among
10 the core Rappahannock families from which the
11 modern tribe traces its descent.

12 (15) In 1819 and 1820, Edward Bird, John
13 Bird and his unnamed wife, Carter Nelson, Edmund
14 Nelson, and Carter Spurlock (all Rappahannock an-
15 cestors) were listed on the tax roles of King and
16 Queen County. They are taxed at the county poor
17 rate. Edmund Bird is added to the list in 1821. This
18 is significant documentation because the over-
19 whelming majority of pre-1864 records for King and
20 Queen County were destroyed by fire.

21 (16) Beginning in 1819, and continuing
22 through the 1880's, there was a solid Rappahannock
23 presence in the membership at Upper Essex Baptist
24 Church. This is the first instance of conversion to
25 Christianity by at least some Rappahannocks. Twen-

1 ty-six identifiable and traceable Rappahannock sur-
2 names appear on the pre-1863 membership list; 28
3 were listed on the 1863 membership roster; that
4 number had declined to 12 in 1878 and had risen
5 only slightly to 14 by 1888. One reason for the de-
6 cline: in 1870, a Methodist circuit rider, Joseph
7 Mastin, secured funds to purchase land and con-
8 struct St. Stephens Baptist church for the
9 Rappahannocks living nearby in Caroline County.
10 Mastin documented from 1850 to 1870, "These In-
11 dians, having a great need for moral and Christian
12 guidance". St. Stephens was the dominant tribal
13 church until the Rappahannock Indian Baptist
14 Church was established in 1964. At both, the core
15 Rappahannock family names of Bird, Clarke, For-
16 tune, Johnson, Nelson, Parker, and Richardson pre-
17 dominate.

18 (17) During the early 1900's, James Mooney,
19 noted anthropologist, maintained correspondence
20 with the Rappahannocks, surveying them and in-
21 structing them on how to formalize their tribal gov-
22 ernment.

23 (18) November 1920, Speck visited the
24 Rappahannocks and assisted them in organizing the
25 fight for their sovereign rights. In 1921, the

1 Rappahannocks were granted a charter from the
2 Commonwealth of Virginia formalizing their tribal
3 government. Speck began a professional relationship
4 with the Tribe that would last more than 30 years
5 and document Rappahannock history and traditions
6 as never done before.

7 (19) April 1921, Rappahannock Chief George
8 Nelson asked the Governor of Virginia, Westmore-
9 land Davis, to forward a proclamation to the Presi-
10 dent of the United States. A list of tribal members
11 and a handwritten copy of the proclamation itself
12 were appended. The letter concerned Indian freedom
13 of speech and assembly nationwide.

14 (20) In 1922, the Rappahannocks established a
15 formal school at Lloyds, Essex County, Virginia.
16 Prior to that time, Rappahannock children were
17 taught by a tribal member in Central Point, Caroline
18 County, Virginia.

19 (21) In December 1923, Rappahannock Chief
20 George Nelson testified before the United States
21 Congress appealing for a \$50,000 appropriation to
22 establish an Indian school in Virginia.

23 (22) In 1930, the Rappahannocks were engaged
24 in an ongoing dispute with the Commonwealth of
25 Virginia and the United States Census Bureau

1 about their classification in the 1930 Federal cen-
2 sus. In January 1930, Rappahannock Chief Otho S.
3 Nelson wrote to the Chief Statistician of the United
4 States Census Bureau asking that the 218 enrolled
5 Rappahannocks be listed as Indians. In February,
6 Leon Truesdell replied to Nelson saying that “spe-
7 cial instructions” were being given about classifying
8 Indians. That April, Nelson wrote to William M.
9 Steuart at the Census Bureau asking about the enu-
10 merators’ failure to classify his people as Indians.
11 Nelson said that enumerators had not asked the
12 question about race when they interviewed his peo-
13 ple. In a follow-up letter to Truesdell, Nelson re-
14 ported that the enumerators were “flatly denying”
15 his people’s request to be listed as Indians. Further-
16 more, the race question was completely avoided dur-
17 ing interviews. The Rappahannocks had talked with
18 Caroline and Essex County enumerators, and with
19 John M.W. Green already, without success. Nelson
20 asked Truesdell to list people as Indian if he sent a
21 list of members. The matter was settled by William
22 Steuart who concluded that the Bureau’s rule was
23 that people of Indian descent could only be classified
24 as “Indian” if Indian “blood” predominated and
25 “Indian” identity was accepted in the local commu-

1 nity. The Virginia Vital Statistics Bureau classed all
2 nonreservation Indians as “negro”, and it failed to
3 see why “an exception should be made” for the
4 Rappahannocks. Therefore, in 1925, the Indian
5 Rights Association took on the Rappahannock case
6 to assist them in fighting for their recognition and
7 rights as an Indian Tribe.

8 (23) During the Second World War, the
9 Pamunkeys, Mattaponis, Chickahominies, and
10 Rappahannocks had to fight the draft boards about
11 their racial identity. The Virginia Vital Statistics
12 Bureau insisted that certain Indian draftees be in-
13 ducted into Negro units. In the end, 3
14 Rappahannocks were convicted of violating the Fed-
15 eral draft laws. After spending time in a Federal
16 prison, they were granted conscientious objector sta-
17 tus and served out the remainder of the war working
18 in military hospitals.

19 (24) In 1943, Frank Speck noted that there
20 were approximately 25 communities of Indians left
21 in the Eastern United States that were entitled to
22 Indian classification. The Rappahannocks were in-
23 cluded in this grouping.

24 (25) In the 1940's, Leon Truesdell, Chief Stat-
25 istician, United States Bureau of the Census, listed

1 118 members in the Rappahannock tribe in the In-
2 dian population of Virginia.

3 (26) April 25, 1940, the United States Depart-
4 ment of the Interior, Office of Indian Affairs in-
5 cludes the Rappahannocks in their list of Tribes by
6 State and Agency.

7 (27) In 1948, the Smithsonian Institution An-
8 nual Report included an article by William Harlen
9 Gilbert entitled, "Surviving Indian Groups of the
10 Eastern United States". The Rappahannock Tribe
11 was included and described in this article.

12 (28) In the late 1940's and early 1950's, the
13 Rappahannocks operated a school at Indian Neck.
14 The State agreed to pay a tribal teacher to teach 10
15 students bused by King and Queen County to Shar-
16 on Indian School in King William County, Virginia.
17 In 1965, Rappahannock students entered Marriott
18 High School (a white public school) by Executive
19 order of the Governor of Virginia. In 1972, the
20 Rappahannocks worked with the Coalition of East-
21 ern Native Americans to fight for Federal recogni-
22 tion. In 1979, the Coalition established a pottery
23 and artisans company, operating with other Virginia
24 tribes. In 1980, the Rappahannocks received funding

1 through the Administration for Native Americans, to
2 develop an economic program for the Tribe.

3 (29) In 1983, the Rappahannocks received
4 State recognition.

5 **SEC. 402. DEFINITIONS.**

6 For the purposes of this title—

7 (1) the term “Tribe” means the organization
8 possessing the legal name Rappahannock Tribe, Inc.,
9 only and no other tribe, subtribe, band, or splinter
10 groups representing themselves as Rappahannocks;

11 (2) the term “Secretary” means the Secretary
12 of the Interior; and

13 (3) the term “member” means an enrolled
14 member of the Tribe, as of the date of the enact-
15 ment of this Act, or an individual who has been
16 placed on the membership rolls of the Tribe in ac-
17 cordance with this Act.

18 **SEC. 403. FEDERAL RECOGNITION.**

19 (a) FEDERAL RECOGNITION.—Federal recognition is
20 hereby extended to the Tribe, which entitles the
21 Rappahannocks to all sovereign powers and rights as au-
22 tonomous Native American Nations. All laws and regula-
23 tions of the United States of general application to Indi-
24 ans or nations, tribes, or bands of Indians, including the
25 Act of June 18, 1934 (25 U.S.C. 461 et seq.) which are

1 not inconsistent with any specific provision of this Act,
2 shall be applicable to the Tribe and its members.

3 (b) FEDERAL SERVICES AND BENEFITS.—

4 (1) IN GENERAL.—The Tribe and its members
5 shall be eligible, on and after the date of the enact-
6 ment of this Act, for all future services and benefits
7 provided by the Federal Government to federally rec-
8 ognized Indian tribes without regard to the existence
9 of a reservation for the Tribe or the location of the
10 residence of any member on or near any Indian res-
11 ervation.

12 (2) SERVICE AREA.—For purposes of the deliv-
13 ery of Federal services to enrolled members of the
14 Tribe, the Tribe's service area shall be deemed to be
15 the area comprised of King and Queen, Caroline,
16 and Essex Counties, Virginia.

17 **SEC. 404. MEMBERSHIP; GOVERNING DOCUMENTS.**

18 The membership roll and governing documents of the
19 Tribe shall be the most recent membership roll and gov-
20 erning documents, respectively, submitted by the Tribe to
21 the Secretary before the date of the enactment of this Act.

22 **SEC. 405. GOVERNING BODY.**

23 The governing body of the Tribe shall be the gov-
24 erning body in place on the date of the enactment of this
25 Act, or any new governing body selected under the election

1 procedures specified in the governing documents of the
2 Tribe.

3 **SEC. 406. RESERVATION OF THE TRIBE.**

4 (a) IN GENERAL.—Notwithstanding any other provi-
5 sion of law, if the Tribe transfers the land described in
6 subsection (b) and any other land within the boundaries
7 of King and Queen County, Essex County, and Caroline
8 County, Virginia, to the Secretary, the Secretary shall
9 take such land into trust for the benefit of the Tribe.

10 (b) CONSTRUCTION.—No reservation or tribal lands
11 or land taken into trust for the benefit of the Tribe shall
12 be construed to satisfy the terms for an exception under
13 section 20(b)(1)(B) of the Indian Gaming Regulatory Act
14 (25 U.S.C. 2719(b)(1)(B)) to the prohibition on gaming
15 on lands acquired by the Secretary in trust for the benefit
16 of an Indian tribe after October 17, 1988, under section
17 20(a) of such Act (25 U.S.C. 2719(a)).

18 **SEC. 407. HUNTING, FISHING, TRAPPING, GATHERING, AND**
19 **WATER RIGHTS.**

20 Nothing in this Act shall expand, reduce, or affect
21 in any manner any hunting, fishing, trapping, gathering,
22 or water rights of the Tribe and its members.

1 **TITLE V—MONACAN INDIAN**
2 **NATION**

3 **SEC. 501. FINDINGS.**

4 Congress makes the following findings:

5 (1) In 1677, the Monacan Tribe signed the
6 Treaty of Middle Plantation between Charles II of
7 England and 12 Indian “Kings and Chief Men”.

8 (2) In 1722, in the Treaty of Albany, Governor
9 Spotswood negotiated to save the Virginia Indians
10 from extinction at the hands of the Iroquois. Specifi-
11 cally mentioned are the Monacan tribes of the
12 Totero (Tutelo), Saponi, Ocheneeches (Occaneechi),
13 Stengenocks, and Meipontskys.

14 (3) In 1782, the First National Census records
15 Benjamin Evans and Robert Johns, both ancestors
16 of the present Monacan community. They are listed
17 as white with mulatto children. Tax records also
18 begin for these families.

19 (4) In 1850, the Census records 29 families,
20 mostly large, with Monacan surnames, who are gene-
21 alogically related to the present community.

22 (5) In 1870, a log structure at the Bear Moun-
23 tain Indian Mission was built. In 1908, this struc-
24 ture became an Episcopal Mission and is now listed
25 as a National Historic Landmark.

12 (8) In 1947, D'Arcy McNickle, a Salish Indian,
13 saw some of the children at the Amherst Mission
14 and requested that the Cherokee Agency visit them
15 because they appeared to be Indian. This letter was
16 forwarded to the Department of the Interior, Office
17 of Indian Affairs, Chicago, Illinois. Chief Jarrett
18 Blythe of the Eastern Band of Cherokee did visit the
19 Mission and wrote that he "would be willing to ac-
20 cept these children in the Cherokee school".

1 (10) In 1981, the Mattaponi-Pamunkey-Mona-
2 can Consortium was created and since organized as
3 a nonprofit corporation that serves as a vehicle to
4 obtain funds for the tribes through the Native Amer-
5 ican Program of the Job Training Partnership Act
6 (Department of Labor).

13 SEC. 502. DEFINITIONS.

14 For the purposes of this title—

15 (1) the term "Tribe" means the Monacan In-
16 dian Nation;

1 **SEC. 503. FEDERAL RECOGNITION.**

2 (a) FEDERAL RECOGNITION.—Federal recognition is
3 hereby extended to the Tribe. All laws and regulations of
4 the United States of general application to Indians or na-
5 tions, tribes, or Tribes of Indians, including the Act of
6 June 18, 1934 (25 U.S.C. 461 et seq.) which are not in-
7 consistent with any specific provision of this Act, shall be
8 applicable to the Tribe and its members.

9 (b) FEDERAL SERVICES AND BENEFITS.—

10 (1) IN GENERAL.—The Tribe and its members
11 shall be eligible, on and after the date of the enact-
12 ment of this Act, for all future services and benefits
13 provided by the Federal Government to federally rec-
14 ognized Indian tribes without regard to the existence
15 of a reservation for the Tribe or the location of the
16 residence of any member on or near any Indian res-
17 ervation.

18 (2) SERVICE AREA.—For purposes of the deliv-
19 ery of Federal services to enrolled members of the
20 Tribe, the Tribe's service area shall be deemed to be
21 the area comprised of all lands within 25 miles of
22 the center of Amherst, Virginia.

23 **SEC. 504. MEMBERSHIP; GOVERNING DOCUMENTS.**

24 The membership roll and governing documents of the
25 Tribe shall be the most recent membership roll and gov-

1 erner documents, respectively, submitted by the Tribe to
2 the Secretary before the date of the enactment of this Act.

3 **SEC. 505. GOVERNING BODY.**

4 The governing body of the Tribe shall be the gov-
5 erning body in place on the date of the enactment of this
6 Act, or any new governing body selected under the election
7 procedures specified in the governing documents of the
8 Tribe.

9 **SEC. 506. RESERVATION OF THE TRIBE.**

10 (a) **IN GENERAL.**—Notwithstanding any other provi-
11 sion of law, if the Tribe transfers to the Secretary a parcel
12 consisting of approximately 10 acres located on Kenmore
13 Road in Amherst County, Virginia, and a parcel of land
14 consisting of approximately 165 acres located at the foot
15 of Bear Mountain in Amherst County, Virginia, the Sec-
16 retary shall take such land into trust for the benefit of
17 the Tribe.

18 (b) **CONSTRUCTION.**—No reservation or tribal lands
19 or land taken into trust for the benefit of the Tribe shall
20 be construed to satisfy the terms for an exception under
21 section 20(b)(1)(B) of the Indian Gaming Regulatory Act
22 (25 U.S.C. 2719(b)(1)(B)) to the prohibition on gaming
23 on lands acquired by the Secretary in trust for the benefit
24 of an Indian tribe after October 17, 1988, under section
25 20(a) of such Act (25 U.S.C. 2719(a)).

1 **SEC. 507. HUNTING, FISHING, TRAPPING, GATHERING, AND**
2 **WATER RIGHTS.**

3 Nothing in this Act shall expand, reduce, or affect
4 in any manner any hunting, fishing, trapping, gathering,
5 or water rights of the Tribe and its members.

6 **TITLE VI—NANSEMOND INDIAN**
7 **TRIBE**

8 **SEC. 601. FINDINGS.**

9 Congress makes the following findings:

10 (1) From 1607 until 1646, Nansemonds lived
11 about 30 miles from Jamestown; were major players
12 in English-Indian affairs in those years. After 1646,
13 there were 2 sections of the tribe, in communication
14 with each other: the Christianized Nansemonds in
15 Norfolk County lived as citizens, while the tradition-
16 alist Nansemonds farther west (various counties)
17 had a reservation.

18 (2) In 1638, a Norfolk County Englishman
19 married a Nansemond woman, according to an entry
20 in a 17th century sermon book still owned by the
21 Chief's family. The couple are lineal ancestors of all
22 of the present Nansemond tribe (so are some of the
23 traditionalists).

24 (3) In 1669, the Tribe's 2 sections appeared in
25 Virginia Colony's census of Indian bowmen.

16 (8) In 1742, Norfolk County issued a certificate
17 of Nansemond descent to William Bass.

23 (10) In 1797, Norfolk County issued a certifi-
24 cate stating that William Bass was of Indian and
25 English descent; the Indian line of ancestry ran di-

1 rectly back to the early 18th century elder in a tra-
2 ditionalist section of Nansemonds on the reservation.

13 (13) In 1901, Smithsonian anthropologist
14 James Mooney visited the Nansemonds and took a
15 tribal census counting 61 households. The census
16 was later published.

17 (14) In 1922, Nansemonds got a special Indian
18 school in Norfolk County's segregated school system.
19 The school survived only a few years.

20 (15) In 1928, University of Pennsylvania an-
21 thropologist Frank Speck published a book on mod-
22 ern Virginia Indians with a section on the
23 Nansemonds.

4 SEC. 602. DEFINITIONS.

5 For the purposes of this title—

6 (1) the term “Tribe” means the Nansemond Indian Tribe;

15 SEC. 603. FEDERAL RECOGNITION.

16 (a) FEDERAL RECOGNITION.—Federal recognition is
17 hereby extended to the Tribe. All laws and regulations of
18 the United States of general application to Indians or na-
19 tions, tribes, or bands of Indians, including the Act of
20 June 18, 1934 (25 U.S.C. 461 et seq.) which are not in-
21 consistent with any specific provision of this Act, shall be
22 applicable to the Tribe and its members.

23 (b) FEDERAL SERVICES AND BENEFITS.—

24 (1) IN GENERAL.—The Tribe and its members
25 shall be eligible, on and after the date of the enact-

1 ment of this Act, for all future services and benefits
2 provided by the Federal Government to federally rec-
3 ognized Indian tribes without regard to the existence
4 of a reservation for the Tribe or the location of the
5 residence of any member on or near any Indian res-
6 ervation.

7 (2) SERVICE AREA.—For purposes of the deliv-
8 ery of Federal services to enrolled members of the
9 Tribe, the Tribe's service area shall be deemed to be
10 the area comprised of the cities of Chesapeake,
11 Hampton, Newport News, Norfolk, Portsmouth, Suf-
12 folk, and Virginia Beach, Virginia.

13 **SEC. 604. MEMBERSHIP.**

14 Not later than 18 months after the date of the enact-
15 ment of this Act, the Tribe shall submit to the Secretary
16 a membership roll consisting of all individuals currently
17 enrolled for membership in the Tribe. The qualifications
18 for inclusion on the membership roll of the Tribe shall be
19 determined by the membership clauses in the Tribe's gov-
20 erning document, in consultation with the Secretary.
21 Three months after the date of the enactment of this Act
22 the Secretary shall publish notice of such in the Federal
23 Register. The Tribe shall ensure that such roll is main-
24 tained and kept current.

1 **SEC. 605. GOVERNING DOCUMENTS AND GOVERNING BODY.**

2 (a) GOVERNING DOCUMENTS.—The governing documents of the Tribe in effect on the date of enactment of this Act shall be the interim governing documents for the Tribe until such documents are changed in accordance with the documents.

7 (b) GOVERNING BODY.—The governing body of the Tribe shall be the governing body in place on the date of the enactment of this Act, or any new governing body selected under the election procedures specified in the governing documents of the Tribe.

12 **SEC. 606. RESERVATION OF THE TRIBE.**

13 (a) IN GENERAL.—Notwithstanding any other provision of law, if the Tribe transfers the land described in subsection (b) and any other land within the boundaries of the City of Suffolk, the City of Chesapeake, and Isle of Wright County, Virginia, to the Secretary, the Secretary shall take such land into trust for the benefit of the Tribe.

20 (b) CONSTRUCTION.—No reservation or tribal lands or land taken into trust for the benefit of the Tribe shall be construed to satisfy the terms for an exception under section 20(b)(1)(B) of the Indian Gaming Regulatory Act (25 U.S.C. 2719(b)(1)(B)) to the prohibition on gaming on lands acquired by the Secretary in trust for the benefit

1 of an Indian tribe after October 17, 1988, under section
2 20(a) of such Act (25 U.S.C. 2719(a)).

3 **SEC. 607. HUNTING, FISHING, TRAPPING, GATHERING, AND**
4 **WATER RIGHTS.**

5 Nothing in this Act shall expand, reduce, or affect
6 in any manner any hunting, fishing, trapping, gathering,
7 or water rights of the Tribe and its members.

○