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**SENATE JOINT RESOLUTION NO. 300**  
**AMENDMENT IN THE NATURE OF A SUBSTITUTE**  
 (Proposed by the Senate Committee on Rules  
 on February 1, 2013)

(Patrons Prior to Substitute—Senators Vogel, Alexander [SJ 326], and Newman [SJ 354])

*Extending state recognition to the Appalachian Cherokee Nation of Virginia and the United Cherokee Indian Tribe of Virginia, Incorporated.*

WHEREAS, the Cherokee Indians had many Native American villages spread along the Tennessee River, which runs through the Appalachian Mountains; and

WHEREAS, they owned territory that stretched from Virginia to the southeastern part of the United States; and

WHEREAS, precontact Cherokee are considered to be part of the later Pisgah Phase of Southern Appalachia, which lasted from circa 1000 to 1500; and

WHEREAS, the original home of the Cherokee, linguistically a branch of the Iroquois, was the southern Appalachian Mountains, including western North and South Carolina, northern Georgia and Alabama, and Southwest Virginia; and

WHEREAS, the Cherokee are a Native American people historically settled in the Southeastern United States. Linguistically, they are part of the Iroquoian language. A map of the Indian Territories in Virginia for 1600 showed the Cherokee living in the southwestern part of Virginia; and

WHEREAS, in 1677, a treaty between Virginia and the Indians was signed. This treaty outlined the Articles of Peace between Lord Charles II, endorsed and concurred upon by the Honorable Herbert Jeffreys, Esq'r Governour and Captain Generall of his Majesties Colony of Virginia; and

WHEREAS, Virginia traders developed a small-scale trading system with the Cherokee before the end of the 17th century; the earliest recorded Virginia trader to visit the Cherokee was an individual named "Dority"; and

WHEREAS, Thomas Step attended the Brafferton Indian School at the College of William and Mary; during his time at the school, he began to learn and hone the skills of the Nottoway Indians; and

WHEREAS, in April 1756, "Captain Step" and 15 other Nottoway warriors joined the Cherokee to assist Lieutenant Colonel George Washington in Winchester; later, the Cherokee fought beside Step and the Nottoway against the French; and

WHEREAS, many tracts of Cherokee land were ceded or forcibly taken through treaties, and research reflects that more than 120,000 square miles of Cherokee land located in Virginia was involved; and

WHEREAS, on October 14, 1768, 850 square miles of land located in Southwest Virginia was ceded in a treaty with Britain; and

WHEREAS, on October 18, 1770, 9,200 square miles of Cherokee land also located in Southwest Virginia was ceded in a treaty with Britain; and

WHEREAS, later in 1772, 10,917 additional square miles of Cherokee land was ceded; and

WHEREAS, on March 17, 1775, Richard Henderson was involved with a treaty in which 27,050 square miles of Cherokee land located in Kentucky, Virginia, and Tennessee was ceded; and

WHEREAS, on October 10, 1773, in present day Lee County, Virginia, Daniel Boone's eldest son, James, and five others were killed by a party of Delaware, Shawnee, and Cherokee Indians. Today, a marker sign is found on the highway attesting to the event reading "In this valley, on 10 October 1773, Delaware, Shawnee and Cherokee Indians, killed Daniel Boone's eldest son, James, and five others in their group of eight settlers en route to Kentucky"; and

WHEREAS, sworn statements were provided attesting the event and the fact that Cherokee Indians were involved in the attack; and

WHEREAS, in a letter written in 1842, Benjamin Sharpe describes how the Cherokee War of 1776 continued until the killing of Chief Bob Benge in 1776 in Powell Valley located in Wise County, Virginia. Mr. Sharpe's letter includes the following statement: "Dear Sir - In the year 1776, about the time American independence was declared, all that part of west Virginia, now contained in the counties of Wyth, Smyth, Washington, Russell, Lee and Scott, with the adjoining counties in North Carolina (now Tennessee) of Sullivan and Washington, were broken up and the inhabitants driven into strongholds"; and

WHEREAS, a map of Cherokee County was created by James Mooney in 1900 that outlines the limit of original Cherokee claims, the Cherokee boundary at the close of the American Revolution, and the Cherokee boundary at the final cession; and

WHEREAS, these boundaries include tracts in Virginia; and

WHEREAS, from 1912 to 1946, Dr. Walter Plecker was the first registrar for the newly created

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60 Virginia Bureau of Vital Statistics; during that period, Cherokee Indians and other Indian tribes were  
61 denied the ability to accurately document their continuous heritage using accurate and legally binding  
62 documents; and

63 WHEREAS, Chief Ray Lonewolf Couch, who passed away on April 14, 2011, represented the  
64 Appalachian Cherokee Nation Tribe of Virginia at numerous functions in Washington, D.C., and  
65 Virginia; and

66 WHEREAS, the Appalachian Cherokee Nation Tribe of Virginia, Incorporated, is a federal 501(c)(3)  
67 tax-exempt organization; and

68 WHEREAS, on November 16, 2003, the Cherokee Indian Nation of the Appalachians, Incorporated,  
69 changed its name to the Appalachian Cherokee Nation, Incorporated; and

70 WHEREAS, the Appalachian Cherokee Nation has active tribal members and councils in Delaware,  
71 Virginia, West Virginia, and Kentucky with the tribal headquarters located in Winchester, Virginia; and

72 WHEREAS, the Appalachian Cherokee Nation have hosted annual powwows for the past 25 years,  
73 the latest being the 2010 Appalachian Cherokee Nation Pow Wow held in Leesburg; and

74 WHEREAS, an article written by Allison Brown of Chaminade University on September 17, 2010,  
75 discussed how the Cherokee Indians were in the Appalachian Mountains before the settlers arrived; and

76 WHEREAS, the 1983 Session of the General Assembly passed House Joint Resolution No. 54  
77 recognizing the existence within the Commonwealth of certain named Indian tribes and also  
78 acknowledging the fact that members of other Indian tribes reside within the Commonwealth; and

79 WHEREAS, the United Cherokee Indian Tribe of Virginia, Incorporated, commonly known as the  
80 Buffalo Ridge Band of Cherokee, was not among those tribes formally recognized in 1983; and

81 WHEREAS, Horace R. Rice, in his 1991 book, *The Buffalo Ridge Cherokee: The Colors and Culture*  
82 *of a Virginian Indian Community*, describes the rich historical legacy of the United Cherokee Indian  
83 Tribe of Virginia, Incorporated; and

84 WHEREAS, the United Cherokee Indian Tribe of Virginia, Incorporated, comprised of about 650  
85 members, is located in Madison Heights in Amherst County; and

86 WHEREAS, the members of the United Cherokee Indian Tribe of Virginia, Incorporated, trace their  
87 ancestry back to Northumberland County, where the "king of Wiccocomico Indian Town," Robert Pinn,  
88 is considered the first ancestor chief and patriarch; and

89 WHEREAS, as the English encroached, the Northern Neck Indians left the area in search of new  
90 land for their people and mingled with other Indian tribes, including the Cherokee; and

91 WHEREAS, Robert Pinn's great-grandson, Raleigh, who had both Wiccocomico and Cherokee  
92 heritage, served briefly as an indentured servant before moving to the Buckingham County and Amherst  
93 County area; and

94 WHEREAS, Raleigh Pinn's work as a Native American farmer and experiences with white settlers as  
95 an indentured servant allowed him to become a successful farmer, and Amherst County records from the  
96 late 1700s detail his land transactions; and

97 WHEREAS, Raleigh Pinn also served as a militia man with the Amherst County militia, eventually  
98 serving at the Battle of Yorktown; and

99 WHEREAS, even though Raleigh Pinn successfully assimilated in many ways into white culture, he  
100 continued to honor his Native American heritage; and

101 WHEREAS, Raleigh Pinn formed two bands of mixed Cherokee and Wiccocomico on land he  
102 owned, one in Buckingham County and one at Buffalo Ridge in Amherst County; and

103 WHEREAS, Raleigh Pinn separated the bands so as to not alarm local white settlers with one large  
104 Cherokee settlement; he served as chief of both Cherokee bands for many years; and

105 WHEREAS, in 1991, the tribes were officially named the United Cherokee Indian Tribe of Virginia,  
106 Incorporated, and today the two bands are led by Samuel H. Penn, Sr.; and

107 WHEREAS, in 2000, Samuel H. Penn, Sr., and a delegation from the United Cherokee Indian Tribe  
108 of Virginia, Incorporated, were honored at a U.S. Department of Interior's National Park Service  
109 celebration of Native Americans who fought at Yorktown; and

110 WHEREAS, the United Cherokee Indian Tribe of Virginia, Incorporated, and its descendants  
111 contributed and continue to contribute to the settlement and growth of the Commonwealth, have  
112 maintained their ethnic background, and number among themselves families with well-known names  
113 throughout the area and Commonwealth; now, therefore, be it

114 RESOLVED by the Senate, the House of Delegates concurring, That from and after the effective  
115 date of this resolution, the Commonwealth of Virginia recognizes the existence within the  
116 Commonwealth of the Appalachian Cherokee Nation of Virginia and the United Cherokee Indian Tribe  
117 of Virginia, Incorporated; and, be it

118 RESOLVED FURTHER, That the Clerk of the Senate transmit a copy of this resolution to Chief  
119 Marshall (Lonewolf) Couch of the Appalachian Cherokee Nation of Virginia and Chief Samuel H. Penn,  
120 Sr., of the United Cherokee Indian Tribe of Virginia, Incorporated, requesting that they further  
121 disseminate copies of this resolution to their constituents so that they may be apprised of the sense of

122 the General Assembly of Virginia in this matter; and, be it  
123 RESOLVED FURTHER, That the Commonwealth, by this resolution, does not address the question  
124 of whether the tribes have been continuously in existence since 1776; and, be it  
125 RESOLVED FINALLY, That the Commonwealth, by this resolution, does not confirm, confer, or  
126 address in any manner any issues of sovereignty.