

15104909D

SENATE JOINT RESOLUTION NO. 220
AMENDMENT IN THE NATURE OF A SUBSTITUTE
 (Proposed by the Senate Committee on Rules
 on February 6, 2015)

(Patron Prior to Substitute—Senator Cosgrove)

Extending state recognition to the Appalachian Cherokee Nation Tribe.

WHEREAS, the Cherokee, a Native American people who are linguistically a branch of the Iroquoian language group, historically settled in the southeastern 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 ancestral home of the Cherokee was the southern Appalachian Mountains, including western North and South Carolina, northern Georgia and Alabama, and southwestern Virginia; and

WHEREAS, many Cherokee villages were spread along the Tennessee River, which runs through the Appalachian Mountains; and

WHEREAS, 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 was signed by the leaders of various Virginia Native American tribes and by the Honorable Herbert Jeffreys, Esq'r Governour and Captain Generall of his Majesties Colony of Virginia, on behalf of Charles II of England, outlining the Articles of Peace between the parties; and

WHEREAS, Virginia traders developed a small-scale trading system with the Cherokee before the end of the seventeenth 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 Captain Step and the Nottoway against the French; and

WHEREAS, many tracts of Cherokee land were ceded through treaties or forcibly taken, and research reveals 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 Cherokee 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, in 1772, 10,917 additional square miles of Cherokee land 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 to the event and the fact that Cherokee Indians were involved in the attack; and

WHEREAS, in a letter written in 1842, Benjamin Sharp, member of a prominent and wealthy Virginia family, describes how the Cherokee War of 1776 continued until Chief Bob Benge was killed in battle in 1776 in Powell Valley, located in Wise County, Virginia; Mr. Sharp'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, on March 17, 1775, Richard Henderson, a Virginia-born jurist and developer of the Transylvania Company, was involved in a treaty in which 27,050 square miles of Cherokee land located in Kentucky, Virginia, and Tennessee was ceded; and

WHEREAS, a map created by ethnographer James Mooney in 1900 outlines the limits of original Cherokee claims, the Cherokee boundary at the close of the American Revolution, and the Cherokee boundary at the final cession, and these boundaries include tracts in Virginia; and

WHEREAS, Dr. Walter Ashby Plecker, serving as the first registrar for the newly created Virginia Bureau of Vital Statistics from 1912 to 1946, denied Cherokee Indians and other Indian tribes the ability to verify their continuous heritage through the use of accurate and legally binding documents; and

WHEREAS, Chief Raymond Lonewolf Couch represented the Appalachian Cherokee Nation Tribe at

SENATE SUBSTITUTE

SJ220S1

60 numerous functions in Washington, D.C., and Virginia before his death on April 14, 2011; and

61 WHEREAS, in 1997, the Cherokee Nation of the Appalachians Tribe was granted federal tax-exempt
62 status under § 501(c)(3) of the Internal Revenue Code, and on November 16, 2003, the Cherokee Indian
63 Nation of the Appalachians, Incorporated, changed its name to the Appalachian Cherokee Nation Tribe;
64 and

65 WHEREAS, the Appalachian Cherokee Nation Tribe has active tribal members and councils in
66 Delaware, Virginia, West Virginia, and Kentucky; the tribal headquarters is located in Montross,
67 Virginia; and

68 WHEREAS, the Appalachian Cherokee Nation Tribe hosted annual pow wows for 25 years, the latest
69 being the 2010 Appalachian Cherokee Nation Pow Wow held in Leesburg; and

70 WHEREAS, an article written by Allison Brown of Chaminade University on September 17, 2010,
71 discussed the presence of the Cherokee in the Appalachian Mountains before the European settlers
72 arrived; now, therefore, be it

73 RESOLVED by the Senate, the House of Delegates concurring, That from and after the effective
74 date of this resolution, the General Assembly extend state recognition to the Appalachian Cherokee
75 Nation Tribe; and, be it

76 RESOLVED FURTHER, That the Clerk of the Senate transmit a copy of this resolution to Principal
77 Chief Marshall (Lone Wolf) Couch, requesting that he further disseminate copies of this resolution to his
78 constituents so that they may be apprised of the sense of the General Assembly of Virginia in this
79 matter; and, be it

80 RESOLVED FURTHER, That the General Assembly of Virginia, by this resolution, does not address
81 the question of whether the Appalachian Cherokee Nation Tribe has been continuously in existence since
82 the 1600s; and, be it

83 RESOLVED FURTHER, That the General Assembly of Virginia, by this resolution, does not
84 confirm, confer, grant, or recognize any rights or privileges, including any vested or nonvested rights to
85 property real and personal, to the Appalachian Cherokee Nation Tribe under any law, treaty, or other
86 agreements; and, be it

87 RESOLVED FINALLY, That the General Assembly of Virginia, by this resolution, does not confirm,
88 confer, or address in any manner any issues of sovereignty.