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HOUSE JOINT RESOLUTION NO. 76

Offered January 13, 2016

Prefiled January 7, 2016

Extending state recognition to the Wolf Creek Cherokee Tribe of Virginia.

Patron—Ingram

Referred to Committee on Rules

WHEREAS, the Wolf Creek Cherokee Tribe of Virginia are a Native American people who are ancestors of the original Cherokee of Virginia and now linguistically a branch of the Iroquoian language group; and

WHEREAS, pre-contact Cherokee are considered to be part of the later Pisgah Phase of Southern Appalachia, which influenced Mississippian culture as far north as Lee County, Virginia, circa 1000 to 1500; and

WHEREAS, a 1974 map created by the Smithsonian Institution indicates the ancestral home of the Cherokee in southwest Virginia as far north as Rockingham County; and

WHEREAS, since 1621 the Wolf Creek Cherokee Tribe of Virginia has been known by many names, including "Rickahochans" or "Ricahechrians" in 1656; "Tchalaquie" in 1755; "Ani'Kitu"Hwagi", the long house group of eastern Indians who kept alive ancient rituals and customs; "Ani-Yun-Wiya," meaning "the real people"; and "Tsalagi," meaning "we are still here"; and

WHEREAS, in 1654, the Ricahechrians fought in the Battle of Bloody Run, in an area currently known as Church Hill in Richmond, against the English colonists who allied with the Pamunkey tribe in an unsuccessful attempt to force the Cherokee from the settlement at the falls of the James River; and

WHEREAS, on April 23, 1672, a treaty was entered into by the Cherokee and Virginia to allow the trading of goods with the Indians at Fort Chiswell in Wythe County before the Fort Chiswell mines were closed for violating the treaty with the Cherokee; and

WHEREAS, Gabriel Arthur and James Needham conducted trade expeditions, funded by Abraham Woods of England, with the Cherokee; on one expedition James Needham was killed and Gabriel Arthur survived; he lived among the Cherokee, married, and had a daughter whose descendants are members of the Wolf Creek Cherokee Tribe of Virginia; and

WHEREAS, in 1776, Enoch Osborne, a long hunter and trader, married Mary Brock, a Cherokee, and due to their relationship, long hunters did not attack Cherokees in the area; and

WHEREAS, the memoirs of Lieutenant Henry Timberlake, dated 1765, include a description of his time with the Cherokee of Southwest Virginia; under the command of Colonel Adam Stephen, he volunteered for the assignment as an exchange officer to the Cherokee to explain the truce in 1761; Timberlake writes of his travels with the Cherokee down the Holston River in Southwest Virginia as well as time spent at the Cherokee villages in Virginia; and

WHEREAS, many treaties with the Cherokees have been broken throughout the years, and land owned by the Cherokee was ceded or forcibly taken; and

WHEREAS, many Native American persons were forced from Virginia, but many ancestors of the Wolf Creek Cherokee Tribe remained in the mountainous regions of 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, the Virginia Department of Minority Business Enterprise defines a Native American as "a person having origins in any of the original peoples of North America and who is regarded as such by the community of which this person claims to be a part or who is recognized by a tribal organization"; and

WHEREAS, several tribal members of the Wolf Creek Cherokee Tribe have been verified as meeting the definition of Native American by the Commonwealth of Virginia by being recognized as Native American minority business owners; and

WHEREAS, the Wolf Creek Cherokee Tribe of Virginia, a nonprofit organization granted 501(c)(3) status by the Internal Revenue Service, is dedicated to maintaining the Cherokee culture and heritage of the tribe through ongoing education, preservation, and community outreach through participation in cultural events that educate and support good will such as pow wows, school programs, cultural and musical performances, and performances at military institutions; and

WHEREAS, the Wolf Creek Cherokee Tribe has been featured in several articles in a variety of publications with circulation in Virginia, including (i) "An Identity Denied," by Joe Heim, The

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59 Washington Post, July 2, 2015; (ii) "Museum Tells Story of Wolf Creek Cherokees," by Bill Lohman,
60 Richmond Times-Dispatch, July 5, 2012; (iii) "Wolf Creek Cherokee Tribe Moves Museum to Varina,"
61 by Eileen Mellon, Henrico Citizen Magazine, July 2, 2015; (iv) "Heritage on Display," by Bill Lohman,
62 Richmond Times-Dispatch, July 26, 2015; (v) Virginia Currents Magazine, Catherine Komp, September
63 15, 2015; (vi) "Wolf Creek Cherokee Tribe Drum Circle," by Justin Vaughan and Maureen McNabb,
64 Richmond Magazine, online, richmondmag.com/wolfcreek, September 16, 2015; (vii) "Native Identity,"
65 by Tharon Giddens, Richmond Magazine, October 2015; (viii) "Exposing 'layers of history' in Henrico,"
66 by Laura Kebede, Richmond Times-Dispatch, November 19, 2015; (ix) "Digging up the past in
67 Henrico," by Bob Brown, containing interviews with Chief Terry Price and Virginia Archaeologist Harry
68 Jaeger, Richmond Times-Dispatch online, November 19, 2015; (x) programs on HCTV Channel 17,
69 featuring a Varina High School student interview with Wolf Creek Cherokee Tribe members and a Wolf
70 Creek Cherokee Tribe Native American program at Holman Middle School; and

71 WHEREAS, on November 24, 2015, The Wolf Creek Cherokee Tribe members performed during the
72 Fort Lee Native American Observance Ceremony and were commended by Brigadier General Ronald
73 Kirklin of the U.S. Army; and

74 WHEREAS, The Wolf Creek Cherokee Tribal Center and Museum are featured on "Virginia is for
75 Lovers" website promoting tourism in Virginia; and

76 WHEREAS, The Wolf Creek Cherokee Tribe also provides for the preservation of Native American
77 artifacts, artwork, genealogical research, and educational classes through its tribal center and museum
78 located at 7400 Osborne Turnpike in Henrico; now, therefore be it

79 RESOLVED by the House of Delegates, the Senate concurring, That from and after the effective
80 date of this resolution, the General Assembly of Virginia extend state recognition to the Wolf Creek
81 Cherokee Tribe of Virginia; and, be it

82 RESOLVED FURTHER, That the Clerk of the House transmit a copy of this resolution to Chief
83 Terry Price of the Wolf Creek Cherokee Tribe of Virginia, requesting that he further disseminate copies
84 of this resolution to his constituents so that they may be apprised of the sense of the General Assembly
85 of Virginia in this matter; and be it

86 RESOLVED FURTHER, That the General Assembly of Virginia, by this resolution, does not address
87 the question of whether the Wolf Creek Cherokee Tribe of Virginia has been continuously in existence
88 since the 1600s; and, be it

89 RESOLVED FURTHER, That the General Assembly of Virginia, by this resolution, does not
90 confirm, confer, grant, or recognize any rights or privileges, including any vested or nonvested rights to
91 property real or personal, to the Wolf Creek Cherokee Tribe of Virginia under any law, treaty, or other
92 agreements; and, be it

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