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## SENATE JOINT RESOLUTION NO. 42

Offered January 10, 2018

Prefiled January 9, 2018

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

Patrons—McClellan; Delegate: Adams, D.M.

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, 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, 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 the heritage of the tribe through ongoing education, preservation, and community outreach, including 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, members of the Wolf Creek Cherokee Tribe represent the Cherokee people who have lived and continue to live in the Commonwealth of Virginia and they celebrate diversity, equity, and inclusion of all citizens of the Commonwealth; and

WHEREAS, members of the Wolf Creek Cherokee Tribe, Inc., of Virginia are all blood kinship, related to one another with ancestral heritage in the Commonwealth of Virginia and recognized by the general public; and

WHEREAS, the members of the Wolf Creek Cherokee Tribe, Inc., of Virginia are from the areas of Price Mountain Virginia, Milam Ridge, and Wolf Creek Mountain Virginia; and

WHEREAS, the history of Cherokee families is well documented in the Commonwealth of Virginia and Virginia promotes tourism connected with the tribe; the Wolf Creek Cherokee Tribal Center and Museum is featured on the Virginia is for Lovers website and they are also listed on visitrichmond.com and the Henrico County tourism website; and

WHEREAS, the Wolf Creek Cherokee Tribal Center and Museum is located at 7400 Osborne Turnpike in Henrico County and is open free of charge to the public to view presentations of their tribal history and the archaeology of their area; and

WHEREAS, through its tribal center and museum, the Wolf Creek Cherokee Tribe preserves Native American artifacts, displays artwork, provides opportunities for genealogical research, and sponsors educational classes; and

WHEREAS, the Wolf Creek Cherokee Tribe, Inc., of Virginia is the recipient of the Henrico County Historic Preservation Award 2017 for maintaining the history of their tribe; and

WHEREAS, the Wolf Creek Cherokee Tribe, Inc., of Virginia represents itself through cultural and historical performances at festivals in Henrico and Chesterfield Counties and in various cities and other counties of Virginia; and

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

WHEREAS, on November 1, 2017, the Wolf Creek Cherokee Tribe performed a cultural and historical program for the Virginia Commonwealth University Office of Multicultural Student Affairs, presenting their Cherokee Virginia history for Native American Heritage Month; and

WHEREAS, the Wolf Creek Cherokee Tribe is recognized by the military bases and school systems of Virginia, as they are called upon to provide Cherokee cultural and historical presentations; and

WHEREAS, the Wolf Creek Cherokee Tribe has been featured in several programs and articles in a variety of publications with circulation in Virginia, including (i) "An Identity Denied," by Joe Heim, *The Washington Post*, July 2, 2015; (ii) "Museum Tells Story of Wolf Creek Cherokees," by Bill Lohman, *Richmond Times-Dispatch*, July 5, 2015; (iii) "Wolf Creek Cherokee Tribe Moves Museum to Varina," by Eileen Mellon, *Henrico Citizen Magazine*, July 2, 2015; (iv) "Heritage on Display," by Bill Lohman,

59 *Richmond Times-Dispatch*, July 26, 2015; (v) *Virginia Currents Magazine*, Catherine Komp, September  
60 15, 2015; (vi) "Wolf Creek Cherokee Tribe Drum Circle," by Justin Vaughan and Maureen McNabb,  
61 *Richmond Magazine*, online, [Richmondmag.com/wolfcreek](http://Richmondmag.com/wolfcreek), September 16, 2015; (vii) "Native Identity,"  
62 by Tharon Giddens, *Richmond Magazine*, October 2015; (viii) "Exposing 'layers of history' in Henrico,"  
63 by Laura Kebede, *Richmond Times-Dispatch*, November 19, 2015; (ix) "Digging up the past in  
64 Henrico," by Bob Brown, containing interviews with Chief Terry Price and Virginia Archaeologist Harry  
65 Jaeger, *Richmond Times-Dispatch* online, November 19, 2015; (x) programs on HCTV Channel 17,  
66 featuring a Varina High School student interview with Wolf Creek Cherokee Tribe members and a Wolf  
67 Creek Cherokee Tribe Native American program at Holman Middle School; and (xi) "Hidden History,  
68 Henrico County Wolf Creek Cherokee Tribe drums to keep history alive," by Jonathan Costen, April 5,  
69 2017, 8 News, WRIC; and

70 WHEREAS, in May 2017, Chief Terry Price of the Wolf Creek Cherokee Tribe, Inc., of Virginia  
71 initiated a Native American cultural outreach program to Virginia's short-term inmates that is recognized  
72 by the Virginia Department of Corrections; and

73 WHEREAS, in October 2017, Chief Terry Price and tribal members were recognized as they gave a  
74 lecture to counselors at Henrico County Mental Health Services during Suicide Prevention Month to  
75 promote well-being for Henrico citizens; and

76 WHEREAS, the Wolf Creek Cherokee Tribe's ancestors made contact with the Spanish explorers in  
77 the areas of Southwest Virginia near Saltville 80 years before English explorers and therefore were later  
78 called Melungeons due to the influence by the Spanish/Portuguese; and

79 WHEREAS, the article, "Surviving Indian Groups of the Eastern United States," by William Harlen  
80 Gilbert, published in the 1948 annual report of the Board of Regents of the Smithsonian Institution lists  
81 the Ramps and Melungeons Tribe of Virginia with more than 3,000 members who have been defined as  
82 their Cherokee ancestors; and

83 WHEREAS, the Wolf Creek Tribe, Inc., of Virginia offers the following references in verifying that  
84 the Ramps or Melungeons (same and interchangeable) of Virginia are the Cherokee of Virginia:

85 1. "Surviving Indian Groups of the Eastern United States," William Harlen Gilbert, Annual Report of  
86 the Board of Regents of the Smithsonian Institution, 1948.

87 2. "Surviving Indian Groups of the Eastern United States," William A. Brophy and Sophie Alberle  
88 Brophy Papers, 1923-1973, Commissioner of Indian Affairs, 1945-1948, Box 94, Harry S. Truman  
89 Library and Museum. Ramps and Melungeons Tribe of Virginia.

90 3. Letter to the Secretary of State, Nashville, Tennessee, from Walter Plecker, August 5, 1942,  
91 regarding Melungeons in Southwest Virginia.

92 4. *The Melungeons*, Bonnie Ball, Historical Society of Southwest Virginia. The Melungeons were  
93 called Ramps by their neighbors.

94 5. Letter of Hamilton McMillan to Indian Office, July 17, 1890, Indians of North Carolina: A Letter  
95 from the Secretary of the Interior, Exhibit B7.

96 6. Smithsonian Institution, Bureau of American Ethnology, 1907, p. 365. Melungeons found in North  
97 Carolina and Tennessee, all of these are local designations for people of mixed race with an Indian  
98 nucleus, differing in no way from the present mixed blood remnants known as Pamunkey,  
99 Chickahominy, and Nansemond Indians in Virginia, except in the more complete loss of their identity.

100 7. Annual Report of the Board of Regents of the Smithsonian Institution, No. 24, December 10,  
101 1948. Tennessee - the Cherokee are very few and located in the eastern mountain counties. Also in the  
102 Appalachian great valley area.

103 8. "Genealogical History of the Melungeons Families," Mark French Jr. History from George  
104 Washington Osborne of Copper Ridge near Dungannon in Scott County, Virginia. George Washington  
105 Osborne is an ancestor of the Wolf Creek Cherokee Tribe.

106 9. "A Strange People," William Allen Dromgoole, *Nashville Sunday American*, September 1, 1890.  
107 Reference to full blooded Indian, Cherokee chief, and Melungeon customs.

108 10. "The Melungeons," unknown journalist, *Littell's Living Age*, March 1849. Reference to the  
109 Melungeons of Powell's Mountain and Copper Ridge Virginia.

110 11. "Peculiar Peoples in America," Frederic J. Haskins, *Dallas Morning News*, June 23, 1907.  
111 Melungeons resemble the Cherokee and were part of the Cherokees who refused to go West.

112 12. Interview of Lewis Jarvis published in the Hancock County Times, 1903. Reference to  
113 Melungeons coming from Cumberland County and New River Virginia. Mentions Stoney Creek, Scott  
114 County, Virginia, Fort Blackmore. Also states: "people were quite full blooded."

115 13. Letter of Mrs. John Trotwood Moore dated August 12, 1942, in response to a letter from Walter  
116 Plecker. These people are friendly to the Cherokee and came west from Cumberland County, Virginia.  
117 Most Melungeons went to the Union Army. References to Stony Creek, Scott County, and Fort  
118 Blackmore.

119 14. "Battle of Sappony Church, Sussex County, Virginia, June 28, 1864," *Daily South Carolinian*,  
120 July 1864. "Were these Virginia Melungeons different from the Tennessee Melungeons? Or were they

kin?"

15. "The Remnant of an Indian Race," John B. Brownlow, *Watson's Jeffersonian Magazine*, 1911, p. 522. A mixture of these Portuguese with the Cherokee Indians, but not with Negroes.

16. *Atlanta Constitution*, March 15, 1891 (reporting on). "William Allen Dromgoole in the March Arena gives account of the Malungeons, 'in appearance they bear striking resemblance to the Cherokee and they are believed by the people round about to be a kind of half breed Indian.'"

17. Report on Indians Taxed and Indians Not Taxed in the United States (Except Alaska) at the Eleventh Census: 1890, Washington D.C., U.S. Census Printing Office, p. 594. Popularly known as Melungeons in addition to those still known as Cherokee. Trace descent to two Cherokee Indians.

18. Quotes of persons of Scott County who have heard their families called Ramps.

19. "Memorandum Concerning the Characteristics of the Larger Mixed-Blood Racial Islands of the Eastern United States," William Harlen Gilbert Jr., *Social Forces*, Vol. 24, No. 4 (May 1946), pp. 438-477. In Southwest Virginia, they are also known as Ramps and can occur in the counties of Giles, Lee, Russell, Scott, Washington, and Wise. List of surnames include those of the members of the Wolf Creek Cherokee Tribe, Inc., of Virginia.

20. "Memorandum Concerning the Characteristics of the Larger Mixed-Blood Racial Islands of the Eastern United States," William Harlen Gilbert Jr., *Social Forces*, Vol. 24, No. 4 (May 1946), pp. 438-477. Melungeons of the Southern Appalachians. Relief: Were given food and clothing in Virginia during the Depression of the 1930s.

21. "New Native American Haplogroup," Roberta Estes, December 19, 2010. DNA Explanations, Native American.

22. "Melungeons, A Multi-Ethnic Population," Roberta J. Estes, Jack H. Goins, Penny Ferguson, Janet Lewis Crain, *Journal of Genetic Genealogy*, Vol. 7. (Fall 2011). Sizemore ancestors of the Wolf Creek Cherokee Tribe, Inc., of Virginia; and

WHEREAS, the following 31 enumerated references are offered by the Wolf Creek Tribe, Inc., of Virginia as proof of the Cherokee history in Virginia:

1. "Four Thousand Years of Native American Cave Art in the Southern Appalachians," Charles H. Faulkner, Department of Anthropology, University of Tennessee, *Journal of Cave and Karst Studies*, December 1997.

2. Wikipedia, the free encyclopedia. The first Anglo-Cherokee contact was made in 1654. English settlers fought the Powhatan confederacy and 600 Cherokee settled in abandoned Powhatan lands in Virginia.

3. Cherokee Nation of Oklahoma; Tribal website.

4. Eastern Band of Cherokee website.

5. "Indians Struggle for Recognition in their Own Land," RVA News, May 26, 2015. Capital News Service states Virginia Indians were victims of what some call paper genocide.

6. Wikipedia, free encyclopedia. Native tribes in Virginia, includes Cherokee of Southwest Virginia.

7. "Osteological Comparison of Prehistoric Native American from Southwest Virginia and East Tennessee Mortuary Caves," C. Clifford Boyd, Jr., and Donna C. Boyd, Department of Sociology and Anthropology, Radford University, Radford, Virginia, *Journal of Cave and Karst Studies*, December 1997.

8. Federal Register, Vol. 74, No. 87, Thursday, May 7, 2009, Department of the Interior, National Park Service Notice of Inventory Completion; Virginia Department of Conservation and Recreation, Division of State Parks, Richmond, Virginia, and Southwest Virginia Museum Historical State Park, Big Stone Gap, Virginia Agency; National Park Service Interior; Notice: Study of Cherokee Territorial Control of this Area of Virginia.

9. Virginia Department of Education study guide; map of Cherokee occupation of Virginia, description of Cherokee people of Virginia.

10. "The Pocahontas Exception: The Exemption of American Indian Ancestry from Racial Purity Law," Kevin Noble Maillard, *Michigan Journal of Race and Law*, Spring 2007. Families with ancestry of the Powhatan Tribe only were exempt from the Racial Integrity Act.

11. "A Sketch of the Early History of Southwestern Virginia," Ralph M. Brown, *William and Mary Quarterly* 2nd Ser., Vol. 17, No. 4, Oct. 1937. The Cherokee Appareny permitted the remnants of the Siouans to live undisturbed in the Southwest of Virginia. The Siouans being the Monacans.

12. *The Virginia Indian Heritage Trail*, edited by Kareen Wood, The Virginia Foundation for the Humanities, 2009, 3rd ed. page 14. Native languages and corresponding Virginia tribes: Iroquoian, Cherokee, Nottaway, and Meherrin.

13. Recognition of Indian Tribes, Secretary of Natural Resources, Report Document No. 74 (2014), Virginia Legislative Information System. The General Assembly was confronted with several resolutions from groups with possible association with the historical Cherokee habitation of Southwest Virginia.

14. Smithsonian Institution map, 1974. Showing Cherokee occupation in Virginia.

15. *Virginia History*, Keith Egloff, assistant curator, Virginia Department of Historic Resources, Richmond, Virginia and William B. Obrochta, assistant director of education, Virginia Historical Society, Richmond, Virginia. (A Virginia history textbook used in the public school system in 2015 that states the historic occupation of Cherokee in Virginia and includes a map.)

16. Virginia is for Lovers. Promotion of the history of Cherokee people in the Southwest of Virginia.

17. "Indians of Virginia - The Real First Families of Virginia," *Virginia Places*, October 2015. Explorers identified tribes such as the Cherokee.

18. "Amherst County Indians," Edgar Whitehouse, *Richmond Times Dispatch*, April 19, 1896. Virginia Indian Archive called it a highly interesting history of an old settlement of Cherokees.

19. *Virginia Indian Archive*, January 29, 2005. Quote of Chief Wayne Adkins: "It's hard to go anywhere without somebody saying I have a Cherokee grandmother."

20. Virginia is for Lovers, Big Stone Gap. The story begins with the Cherokee.

21. "The Problem of the Rechaecrian Indians of Virginia," William Wallace Tooker, *The American Anthropological Association*, Vol. 11, No. 9, September 1898. The Rechaecrian Indians who fought at the Battle of Bloody Run near Richmond were, in fact, Cherokee.

22. National Register of Historic Places, Fort Chiswell, Wythe County, Virginia. Settlers were not to pass Fort Chiswell as the land beyond belonged to the Cherokee.

23. National Register of Historic Places, Gala Site, Botetourt County, Virginia. Complex history of influences including Mississippian Cherokee cultures.

24. New River Notes, Flower Swift Company, Montgomery County, Virginia, 1779-1783. A reference to the Osborne family descendants of the Wolf Creek Cherokee Tribe, Osborne Cemetery.

25. "An Archeological Survey of Southwest Virginia," C. G. Holland, *Smithsonian Contribution to Anthropology*, Number 12, 1970. Report on Cherokee artifacts unearthed in Southwest Virginia categorized and sent to the Smithsonian Institution.

26. National Register of Historic Places, St. Paul Historic District, Wise County, Virginia. The colonial government had good relations with the Cherokees and they were acknowledged as having rights to most of Southwest Virginia in treaty negotiations.

27. "The Lost World of Rocketts Landing," Matt Gottlieb, *Notes on Virginia*, Virginia Department of Historic Resources, Number 49, 2005. At Rocketts, whites, free blacks, and mulattoes along with slaves and European immigrants and Cherokee and other Virginia Indians labor together.

28. *American Anthropologist*, Vol. 11, No. 9, Sept. 1898, pp. 261-270. The tradition as to those who came from Virginia seeks also to establish the idea that the Powhatan Indians were Cherokees.

29. *Virginia's First People Past & Present*, Virginia Department of Education (present geography maps and regions). Others recognized Cherokee claim to Southwestern Virginia.

30. Memoirs of Lt. Henry Timberlake who lived with the Cherokee of Virginia, 1765.

31. State Corporation Commission, Wolf Creek Cherokee Tribe, Inc., Class states Cherokee American Indians; and

WHEREAS, precedent has been set by the states of Georgia and Alabama, who have recognized Native American Cherokee tribes at the state level; now, therefore, be it

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

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

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

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

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