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SENATE JOINT RESOLUTION NO. 73

Offered January 11, 2012

Prefiled January 11, 2012

Extending state recognition of the Appalachian Cherokee Nation of Virginia.

Patron—Vogel

Referred to Committee on Rules

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 location 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; 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 and 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 and 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 Sharp 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 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 Revolutions, and the Cherokee boundary at the final cession; and

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59 WHEREAS, these boundaries include tracts in Virginia; and
60 WHEREAS, from 1912 to 1946, Dr. Walter Plecker was the first registrar for the newly created
61 Virginia Bureau of Vital Statistics, and during that period Cherokee Indians and other Indian tribes were
62 denied the ability to accurately document their continuous heritage using accurate and legally binding
63 documents; and
64 WHEREAS, Chief Ray Lonewolf Couch, who passed away on April 14, 2011, represented the
65 Appalachian Cherokee Nation Tribe at numerous functions in Washington, DC and Virginia; and
66 WHEREAS, the Appalachian Cherokee Nation Tribe, Incorporated is a federal 501(c)(3) tax-exempt
67 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 "Pow Wows" for the past 25
73 years; the latest being the 2010 Appalachian Cherokee Nation "Pow Wow" held in Leesburg; and
74 WHEREAS, in an article written by Allison Brown of Chaminade University on September 17, 2010,
75 how the Cherokee Indians were in the Appalachian Mountains before the settlers arrived was discussed;
76 now, therefore, be it
77 RESOLVED by the Senate, the House of Delegates concurring, That from and after the effective
78 date of this resolution, the Commonwealth of Virginia recognizes the existence within the
79 Commonwealth of the Appalachian Cherokee Nation and with this, grants the Appalachian Cherokee
80 Nation, Incorporated, representation on the Virginia Council on Indians; and, be it
81 RESOLVED FURTHER, That the Commonwealth, by this resolution, does not address the question
82 of whether the tribe has been continuously in existence since 1776; and, be it
83 RESOLVED FINALLY, That the Commonwealth, by this resolution does not confirm, confer, or
84 address in any manner any issues of sovereignty.
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