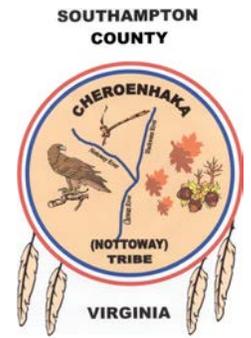




**CHEROENHAKA (NOTTOWAY) INDIAN TRIBE,
SOUTHAMPTON COUNTY, VIRGINIA
P.O. Box 397
Courtland, Virginia 23837**



“PEOPLE AT THE FORK OF THE STREAM”

*Recognized by the Commonwealth of Virginia in The Circuit Superior Court of Law and Chancery
for the County of Southampton County On March 3, 1851 In the 75th Year of the Commonwealth,
Witness, Littleton R. Edwards, Clerk of Said Court
(Cheroenhaka (Nottoway) Indian Tribe Vs Jeremiah Cobb)
-Senate Joint Resolution 127 & House Joint Resolution 171-*

September 24, 2013

Elizabeth K. Appel
Acting Director, Office of Regulatory Affairs & Collaborative Action
Office of the Assistant Secretary – Indian Affairs
U. S. Department of the Interior
1849 C Street, NW, MS 4141
Washington, DC 20240

Subject: Federal Acknowledgment of Indian Tribes, Discussion Draft Rule – 25 CFR 83

Dear Ms. Appel:

On behalf of the Tribal Council and members of the Cheroenhaka (Nottoway) Indian Tribe of Southampton County Virginia, we extend our gratitude for allowing us to provide comments on the Preliminary Discussion Draft Rule – 25 CFR 83.

In reading through the summary documentation, it is noted that one of the stated aims of the proposed changes to said Rule is to increase flexibility which further state as a mechanism to "account for the unique history of tribal communities." Clearly, one of the "unique" historical negative impacts on tribal communities in the state of Virginia is the Ethnic Genocide / Documentary Genocide perpetuated and promulgated by Dr. Walter Plecker, first director of the Bureau of Vital Statistics from 1912-1946.

As a member of the “Eugenics Movement” his state mandated policies impacted negatively on Virginia’s Indian Population / tribes, and was designed to destroy the tribal community and negate tribal autonomy and change “Paper Wise” the ethnic origin of Virginia Native People to something other than Indian.

It is prudent that the federal government in recognizing tribes must also recognize and consider the political institutional problems such as those created uniquely in Virginia and the impact that said problems has on other portions of the criteria, especially those associated with "community (reservations post 1934, cultural patterns, intermarriage, etc). It is factual that Dr. Plecker’s state generated policies were designed to destroy the Native "community" and bring about a “lapse(s)” in tribal identify.

As such, in accordance with the spirit of the purpose(s) of the revisit to CFR Part 83 an accommodation must be made for this unique situation. In Part 83, definition of "continuous" including the concept of "without lapses" must address Virginia's State Mandated Policies negating "Tribal Community" and fostering "lapses" in Tribal Identity.

In lieu of the above, the following recommendations/additions to said Rule are provided per the Discussion Draft of revisions to 25 CFR 83: (Please note recommendations/additions are in red).

1. Page 1. Definition of "Continuous" ... Amend: "Continuous means extending from 1934 to the present substantially without interruption ***absent any government sponsored or mandated policies that created an interruption in community.***
2. Page 3 "83.3 Scope:" Subsection (c): Associations, organizations, corporations or groups of any character that have been formed in recent times may not be acknowledged under these regulations ***unless prior historical and documented governmental policies interfered with tribal identify and operation as a tribal entity.***
3. In "Duties of the Department" (83.5) a clause should be added that recognizes historical relationships and agreements between tribes and state governments. ***Add (h) shall research and accept as record any pre-existing governmental relationships between the petitioner tribe/ group and the state in which it resides as further substantiation of its historical existence.***
4. Page 7 83.6. (e). Last sentence. Fluctuations in tribal activity..... ***Especially as it relates to concerted actions on the part of past government bodies to eradicate tribal and community identities.***
5. Page 7 83.7 (b)of the petitioning group comprises a distinct community and has existed as a community from 1934 until the present ***absent any interference from government entities in the states where the petitioning group resides.***
6. Page 8 83.7 (b) 1 (viii) over a period of 50 years, notwithstanding changes to name ***or governmental policies that sought to restrict such identity.***
7. Page 9 83.7 (c) ... this is particularly troubling. I would suggestion: "The petitioner has maintained political influence or authority over its members as an autonomous Indian group from 1934 to the present. ***absent governmental policies that sought to restrict such identity and autonomy.***
8. Page 11 83.7 (f) (1) It has functioned from 1934 ***(disruption due to governmental policies that have or attempted to negate said ability of tribe(s) to function as a separate autonomous Indian tribal entity will be weighted)....***

Again, thank you so very much for inviting our tribe to provide comments / recommendations. We look forward to a future consultation meeting, in Virginia, with the "Eleven" Virginia State Recognized Tribe.

"May your walk in the sacred circle of life make better the walk of another – our children"

Respectfully,

Ia' (I walk).



Chief Walt "*Red Hawk*" Brown
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cc: The Honorable Doug Domenech