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(83.11 (c)(1)(vii)). The tribal government’s ability to “allocate entity resources such as land, residence rights, and the like” (83.11 (c)(2)(i)(A)) is evident through activities such as the continued disbursement of land in accordance with tribal laws and regulations. Finally, the Mattaponi Tribal Council was also able to “exert strong influence on the behavior of individual members” (83.11 (c)(2)(i)(C)) regarding allotment procedures on a case-by-case basis for the benefit of tribal members.

Public Works and Social Services

Between 1960 and 1979, the Mattaponi Tribal Council actively worked to improve the lives of tribal members through the provision of public works and social services. This included oversight of the Mattaponi Hatchery, which served to protect important tribal resources and lifeways, securing benefits for tribal students entering the public school system after the closure of the Mattaponi-Pamunkey Indian School, and federal grants to provide employment and housing services to tribal members. Each of these instances demonstrates tribal leaders’ efforts to secure benefits.

Mattaponi Hatchery

In this period, the Mattaponi Hatchery was a central tribal institution which acted to safeguard tribal livelihoods and resources. In 1962, the state cut funding for the hatcheries on the Mattaponi and Pamunkey reservations. Mattaponi Chief O.T. Custalow worked with Pamunkey Chief Tecumseh Deerfoot Cook to lobby the House of Delegates for financial support for the hatcheries (February 14, 1964). In 1968, the State continued to set money aside for the maintenance of the hatchery, as both Chiefs continued to lobby for funding and environmental protection (February 16, 1968; February 22, 1968).

Table C4-6. Public Works and Social Services, 1960-1979: Mattaponi Hatchery.

Date	Excerpt
February 14, 1964	[...] Cook and ██████████ of the Mattaponi tribe, headed delegations from their reservations in King William County, appearing before the committee in support of a measure to restore state-operated shad hatcheries on the Pamunkey and Mattaponi rivers which were discontinued two years ago. Their pleas, backed by a Commission of Fisheries inspector who supervised the hatcheries for about 10 years, and several seafood buyers apparently were convincing as the bill was voted out of the committee and now goes before the full House of Delegates. [...] ██████████ told the committee there are about 65 living on the Mattaponi reservation now, many of them making their living from fishing and hunting. He urged approval of re-establishment of the hatcheries so his people can continue to reside and earn their living there. [...] ³³
February 18, 1966	[...] There they were, a half-dozen Indians with feathers in their hair. In fact, Chief Tecumseh Cook of the Pamunkeys and ██████████ of the Mattaponi had feathers all over their heads and down their backs. [...] The Indians were on hand to back a bill calling for continued state support of shad hatcheries on the Indian reservations. The bill originally had called for the hatcheries to be reopened, but that was done two years ago. [...] The committee seemed impressed. It approved the fish bill for floor action and okayed the Indian fish hatchery bill and recommended it go on to the Appropriations Committee. ³⁴
February 16, 1968	The Pamunkey and Mattaponi Indians will be pleased to hear that the House of Delegates pushed ahead Thursday a bill appropriating \$2,000, for the next two years to maintain fish hatcheries that help stock the Pamunkey and Mattaponi rivers.

³³ Marble, Robert L., “Hatcheries Bill Out of Committee Following Plea by Indian Chief,” *Newport News Daily Dispatch* (Newport, VA), February 14, 1964.

³⁴ “Anglers Make Colorful Call On Richmond,” *Roanoke Times* (Roanoke, VA), February 18, 1966.

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	Chiefs of the two tribes, whose reservations lie in King William County, say fishing is their livelihood. ³⁵
February 22, 1968	<p>Two area Indian chiefs visited the General Assembly last week on behalf of a special law which would affect two rivers near their reservations.</p> <p>At the request of Chief Tecumseh Deerfoot Cook of the Pamunkey Indian tribe, Chief O. T. Custalow [REDACTED] of the Mattaponi tribe, and paleface Del. Robert R. Gwathmey III, who represents King William County where both reservations are located, the House Committee on the Chesapeake and its Tributaries authorized an expenditure of \$2,000 over the coming biennium to maintain fish hatcheries that help stock the Mattaponi and Pamunkey Rivers.</p> <p>Both chiefs, resplendent in full headdress, buckskins and a variety of arrowheads, bones and teeth, strongly supported the request.</p> <p>[...] Custalow said the hatchery had helped all people, not just the Indians, who fish the Mattaponi from the mouth on up.</p> <p>"Fishing is our livelihood," said Custalow. He said he was happy to hear the committee also discussing ways to preserve marshlands.</p> <p>Custalow also said he was proud to see government in action in "great America, which was once the Indian's country, but today we must say belongs to our paleface brethren."³⁶</p>

Land Acquisition

During the 1960s, Chief O.T. Custalow continued to lead efforts that had begun in 1955 to acquire land.³⁷ Chief Custalow used the Annual Tax Tribute to approach the Governor about deeding additional acreage to the reservation, citing the need for land to support economic activities such as farming (November 26, 1965). He also appeared before groups and organizations like the Daughters of the American Revolution (DAR) to discuss Mattaponi history and urge DAR's members to write to the Governor in support of the effort (January 21, 1965).

Table C4-7. Public Works and Social Services, 1960-1979: Land Acquisition.

Date	Excerpt
November 26, 1965	<p>We have about 55 who live on the reservation.</p> <p>"We need more land to avoid extinction," he [REDACTED] said. The reservation has about 145 acres according to the chief of one of the two remaining tribes in Virginia. The other is the Pamunkey.</p> <p>[...] The chief said he hoped the white man's government would give back to the Indian some of the land taken earlier, especially valuable timberland owned now by the Chesapeake Corp., a paper making firm.</p> <p>"We could work the timber on some nearby land," Custalow said. The reservation operates a fishery and traps and farms but all of the work is seasonal, he said. He said the farming was too small to be profitable.³⁸</p>

³⁵ Staff, "Fish Hatcheries Bill Is Passed," *Newport News Daily Press* (Newport News, VA), February 16, 1968.

³⁶ Staff, "Area Indians Visit Assembly," *Southside Sentinel* (Urbanna, VA), February 22, 1968. See also: Staff, "Fish Hatcheries Bill Is Passed," *Newport News Daily Press* (Newport, VA), February 16, 1968.

³⁷ Town Meeting Notes, 8 September 1955, Chief [REDACTED] Collection, Section 2, PDF Page 1.

³⁸ Staff, "Indian Chief Pays Tribe's Tribute to Va. Governor," *Newport News Daily Press* (Newport News, VA), November 26, 1965.

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Date	Excerpt
January 21, 1965	<p>The Mattaponi Tribe, was allowed, as wards of the State, to live on approximately 40,000 acres. These acres have dwindled to approximately 125 acres per Indian now on the Reservation, about 60 living at the present time on this small reservation. He said they were proud of their race, American Indians, and wished to remain an Indian Race.</p> <p>[...] He closed his remarks by asking Cobbs Hall Chapter members to see that the state returns to the Mattaponi Tribe all or some of their land taken from them.³⁹</p>

Educational Services

During the 1960s and 1970s, the tribal government worked to ensure that Mattaponi children had access to education. Due to the integration of schools in the 1960s, the state ceased funding the Mattaponi-Pamunkey Indian School and arranged for its students to attend King William County public schools. Many Mattaponi parents protested this change, citing long bus rides and potential discrimination as reasons, and the tribal government stepped in to negotiate a solution.⁴⁰ Recent interviews describe Chief O.T. Custalow’s efforts:

My granddaddy [REDACTED] when they made him—made us close the Indian School here, he went in front of the House in Richmond and got them. If we were going to go to public schools, and they want to close it down, he made sure we had free lunches, we didn't pay for books, and if we needed tutoring, we got it, and it was no charge. So, he facilitated that when we closed the school here, and we had to close the school here. He also had the schools—he went to the Bureau of Indian Affairs, and we had [...] a Native American representative from each tribe around here that sat on a board in the school with one person who was overhead, they had to apply for the grants that we got for the schools.⁴¹

Tribal government intervention continued, and in 1973 Chief O.T.’s Custalow’s successor, Chief Curtis Custalow Sr., appealed to the King William County School Board to apply for federal funding through the Indian Education Act to provide Mattaponi students with free school lunches, books, and medical and dental services (December 21, 1973). The School Board created an advisory committee, on which Chief Curtis Custalow and [REDACTED], an Upper Mattaponi tribal member, served to support the grant application process, lobby for more funding from the state legislature, and guide the school’s considerations of native identity and history (October-November 1974).

Table C4-8. Public Works and Social Services, 1960-1979: Advocacy Through Education.

Date	Excerpt
December 21, 1973	<p>The King William County School Board has agreed to make application for federal funds available under the Indian Education Act to finance a program for country children of the Mattaponi and Pamunkey tribes.</p> <p>The baord [<i>sic</i>; board] approved the request Wednesday after a school counselor to work with Indian children, their parents and school officials.</p>

³⁹ Staff, “Cobbs Hall Chapter Hears Indian Chief,” *Rappahannock Record* (Kilmarnock, VA), January 21, 1965.

⁴⁰ [REDACTED], “Interview: Chickahominy Fall Festival,” By Helen Rountree, Smithsonian Institution, October 24, 1981, PDF Pages 10-11.

⁴¹ This quote is likely referring to the advocacy of Chief [REDACTED] when the Mattaponi-Pamunkey Indian school closed in 1966. Records from the time indicate Chief [REDACTED] advocated for benefits through the Indian Education Act in the early 1970s, after Chief [REDACTED] had passed. [REDACTED], “Interview: [REDACTED],” By [REDACTED] and [REDACTED], Mattaponi Indian Tribe, July 25, 2023, PDF Page 12. See Also: [REDACTED], “Interview: [REDACTED],” By [REDACTED] and [REDACTED], Mattaponi Indian Tribe, July 26, 2023, PDF Page 10.

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Date	Excerpt
	<p>The project would also include medical and dental services and instructional material and supplies.</p> <p>Some 36 Indian children will be involved.</p> <p>School officials will work with an advisory committee in writing the project apdiscussion [sic; discussion] with Curtis Custalow [REDACTED] chief of the Mattaponi tribe, and Andrew Adams, a tribe member. Under federal regulations applications for funds must come through the local school board, which acts as the administering agency if funds are approved.</p> <p>Application will be made for between \$25,000 and \$30,000 to provide a home plication [sic; application], which must be submitted by January 15. Custalow and Adams were appointed to the committee and at least two other members will be named later.</p> <p>Custalow said he has had almost full assurance the project will be funded and if approved, it will go into effect at the start of the next school year.⁴²</p>
1974 ca.	<p>We had fought long and hard for secondary education on our Reservation, for our children. I had attended a legislative forum, the first legislative forum that was held in the state of Virginia, and it took place at the hard and trying years of the first busing.⁴³</p>
1974 ca.	<p>[...] He [REDACTED] applied for 25-30,000 dollars to add to the amount that King William County spends each year on each student, this amount being about \$935. He told me that there are 36 Indian children in the King William County school system.⁴⁴ [...]</p>
October-November 1974	<p>The Indian newspaper, Wassaja will be placed in the King William County schools. This is the first Indian paper to be placed in the library of our local schools. Also, copies of our treaties will be placed in the school system. This was brought about by the Indian Education Advisory Committee, of which Chief Curtis L. Custalow [REDACTED] is chairman. This committee has also received a grant for dental care for the Indian children in the school system and materials for the preservation and education of Native American culture. Wassaja is also placed in the Minnie-Ha-Ha [sic] Educational Trading Post for the public.⁴⁵</p>
July 18, 1979	<p>He [REDACTED] explained that the Mattaponi cannot get the federal funding for education except through utilizing Title IV funds. The tribe is now using the funds and Chief Custalow has testified before Congress on the problems facing American Indians.⁴⁶</p>

Employment Services

In the period from 1960 to 1979, the Mattaponi tribal government worked with the state and local authorities to direct the use of funds distributed through the federal Comprehensive Employment Training Act (CETA). Tribal meeting minutes indicate that the tribal government discussed jobs relevant to Title VI funds, and

⁴² Friend, S., "Education Funds to Be Sought for Indians," *Newport News Daily Press* (Newport News, VA), December 21, 1973.

⁴³ [REDACTED] Interview: Chickahominy Fall Festival, edited by Helen Rountree, National Anthropological Archive, Washington, D.C.: Smithsonian Institution, Original edition, Helen Rountree, 1981, PDF Page 10.

⁴⁴ Fieldnotes from Field Trip to the Mattaponi Reservation, ca. 1974, Helen C. Rountree, Fieldnotes, 1973-1982 Helen C. Rountree Papers, National Anthropological Archives, Smithsonian Institution, National Anthropological Archives, Washington, D.C. Box 2, PDF Page 15.

⁴⁵ Staff, "A First," *Wassaja*. October-November, 1974.

⁴⁶ Harrell, B., "Va. Indians open festival," *The Smithfield Times* (Smithfield, Va), July 18, 1979.

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that Chief Curtis met with the Governor’s Manpower Council, which was responsible for allocating those funds (April 22, 1977).

Table C4-6. Public Works and Social Services, 1960-1979: CETA in Tribal Meeting Minutes.

Date	Excerpt
April 22, 1977	Title 6 funds- Jobs and Taxes Packet from Governor Manpower council concerning a meeting [REDACTED], ⁴⁷

Chief Curtis Custalow was also serving on the Governor’s Minority Economic Development Advisory Committee during this time as an advocate for the Mattaponi Indian Tribe (June 6, 1972). According to a newspaper article, Employment Training Act funds were distributed to local groups through the Governor’s Manpower Services Council, of which Chief Custalow was also a member. The article also discussed the training and cultural activities that members of Virginia tribes, including the Mattaponi, would receive as part of the program (September 28, 1978). The tribal government participated in the program by serving on the Virginia Indian Advisory Board and participating with the Manpower Council and other local authorities to ensure employment opportunities for tribal members. CETA funding has continued to fund similar efforts through the Mattaponi-Pamunkey-Monacan, Inc. (MPM), which provides funding for tribal employment.

Table C4-7. Public Works and Social Services, 1960-1979: CETA in Other Sources.

Date	Excerpt
June 6, 1972	A Williamsburg minister, a Hampton Institute staff member and two Indian chiefs have been appointed to the Governor's Minority Economic Development Advisory Committee. The Rev. James B. Tabb Jr., pastor of Mount Ararat Baptist Church; Walter Walker, a purchasing agent for Hampton Institute; O. Oliver Adkins, an interpreter at the Indian village at Jamestown, and C. L. Custalow Sr. [REDACTED] chief of the Mattaponi Indians, will become a part of the 18-member committee which will study problems facing minority groups in the state. They will serve for two years. ⁴⁸
September 28, 1978	[...] Larry Trumbo, executive director of the Williamsburg-James City County Community Action Agency which will administer the \$126,500 grant, said the project’s goal is to make the Indians self-sufficient and allow them to retain their heritage. [...] Federal Comprehensive Employment Training Act (CETA) money from the Department of Labor is being funneled through the Governor’s Manpower Services Council for the Native American Program to the local community action agency. Trumbo said approximately 1,000 Indians are included in the Chickahominy, Mattaponi, Pamunkey and Rappahannock tribes that will benefit from the program. [...] Most of the \$126,500 grant will be used for wages for the participants. [...] Trumbo said the staff is expected to “consist mainly of American Indians [...] The on the job training will be limited to 12 clients and will conducted through private employers in the area, according to Trumbo. Trumbo said the final selection was authorized by the Virginia Indian Advisory Board made up of representatives of the Tribe’s to be served. [...] ⁴⁹

⁴⁷ Law Ledger, 22 April 1977, [REDACTED] Private Collection, PDF Page 85.

⁴⁸ Staff, “4 Area Men on Holton Minority Unit,” *Newport News Daily Press* (Newport News, VA), June 6, 1972.

⁴⁹ Dorsey, S., “Grant Is Awarded for Indians to Learn Tribal Art, Crafts,” *Newport News Daily Press* (Newport News, Va), September 28, 1978.

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November 23, 1979	[...] Another pocketful of CETA [Comprehensive Employment Training Act] money, designated for Indians living on reservations, is limited to the Pamunkey and Mattaponi tribes but Cook said it was cut from \$67,000 to \$37,000 this year. ⁵⁰

Housing Services

In the 1970s, the Tribe applied for and received federal funding through a Housing and Urban Development (HUD) Grant. Current Chief ██████████ described the impetus and use of the funds:

There were a lot of houses around here [that] didn't have running water and didn't have inside bathrooms. Some didn't even have electricity. We got a HUD [Housing and Urban Development] grant in the [19]70s, I mean, [19]72, [19]74 and help people out with being on wells and then get running water to their house. Ones that didn't have electricity, basically their houses were condemned anyway because they looked real bad. And with the HUD money, we purchased them some single-wide trailers so they had a place to live. Miss ██████████ used to live over here, that was the first time she ever had electricity, running water, and a refrigerator and so it was like coming out of the stone ages.⁵¹

The Tribe received the first tranche of funding in 1975 (July 16, 1975) and another in 1977 (June 21, 1977), which represent a multiyear award from HUD. The funding and plans were described in local newspapers:

Table C4-8. Public Works and Social Services, 1960-1970: Housing and Urban Development Grant in Newspapers.

Date	Excerpt
July 16, 1975	<p>Notification has been received of approval of grants totaling \$250,000 to Virginia's two Indian reservations.</p> <p>Notice from the office of Rep. Thomas N. Downing in Washington said Community Development block grants of \$125,000 each have been approved by the Department of Housing and Urban Development for the Pamunkey and Mattaponi tribes.</p> <p>Applications were made by Chief T. D. Cooke for the Pamunkeys and Chief Curtis Lee Custalow ██████████ of the Mattaponis.</p> <p>The grant to the Pamunkey reservation will be used for a community center.</p> <p>The one to the Mattaponis will be used for a central water system, rehabilitation work and planning activities.⁵²</p>
June 21, 1977	<p>The Mattaponi Indian Reservation has received a \$250,000 federal grant for housing and road improvements.</p> <p>[...] The grant to the Mattaponi, a community development block grant discretionary award through the Department of Housing and Urban Development (HUD), is to be used for rehabilitation of existing housing, road improvements, and program administration. [...]⁵³</p>

⁵⁰ Dorsey, S., "Federal Money Helping Indians Learn Old Crafts," *Newport News Daily Press* (Newport News, VA), November 23, 1979.

⁵¹ ██████████, "Interview: ██████████," By ██████████ and ██████████ Mattaponi Indian Tribe, July 26, 2023, PDF Page 19.

⁵² Staff, "Reservations Granted \$250,000," *Newport News Daily Press* (Newport News, VA), July 16, 1975.

⁵³ Staff, "Mattaponi, Pamunkey Get Federal Grants," *Newport News Daily Press* (Newport News, Va), June 21, 1977. It is most likely that this second round of funding was the second tranche of a multiyear award that started in 1975, and not a new award as implied by this article (Personal Communication, ██████████, October 12, 2024).

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Once the funds were awarded, the tribal government signed agreements to administer the funds (April 22, 1977).

Table C4-9. Public Works and Social Services, 1960-1970: Housing and Urban Development Grant in Tribal Meeting Minutes.

Date	Excerpt
April 22, 1977	Packet from All Siff containing performance forms for HUD to be signed by [REDACTED] [REDACTED] Also a notice should be published in Tidewater Review ⁵⁴

As a part of the grant administration process for housing rehabilitation, the Mattaponi Tribal Council would oversee the grant, including decisions on which properties would be improved and who would be hired to oversee the rehabilitation work performed. The administration of the grant was discussed in oral histories, which included the installation of new siding and windows and was based on need.

Table C4-10. Public Works and Social Services, 1960-1979: Housing and Urban Development Grant in Interviews.

Interviewee	Date	Excerpt
[REDACTED]	1974 ca.	[REDACTED] at that time, somehow, someway, negotiated HUD [Housing and Urban Development] money from the federal government for the benefit of tribal people in every home on that Reservation. And if you went around the Reservation in those years, lots of houses had aluminum siding and aluminum storm windows that were installed. That was a direct byproduct of the HUD [Housing and Urban Development] money that [REDACTED] was able to negotiate for that benefited families all over that Reservation. ⁵⁶ [...]
[REDACTED]	1974 ca.	Only certain people got anything done. My granddaddy's [REDACTED] house, they built a back room and put a bathroom in. Everybody got something. Some people gave theirs up to other people. And I couldn't tell you what, because that was all Council and Chief knew who gave what up and what they gave up and what was done for each house. But it was every house got—well, I didn't because my house was basically okay. So, I didn't need anything. There were some people that needed it badly. ⁵⁷

In 1977, the tribal government's allocation of funds caused tensions and disagreements over how the money should be spent, demonstrating internal conflicts over shared resources. The conflict reportedly pushed [REDACTED] to resign according to a newspaper article:

[...] Chief Curtis Lee (Warhorse) Custalow [REDACTED] chief of the Mattaponi Indian tribe in King William County for the past eight years, has resigned over a dispute which started with a federal grant. He said the tribe is arguing how to spend a \$250,000 community grant received this year from the Department of Housing and Urban Development.

⁵⁴ Law Ledger, 22 April 1977, [REDACTED] Private Collection, PDF Page 85.

⁵⁵ [REDACTED] has Mattaponi lineage but is enrolled with the Eastern Chickahominy Tribe.

⁵⁶ [REDACTED], "Interview: [REDACTED]," By [REDACTED] and [REDACTED], Mattaponi Indian Tribe, November 27, 2023, PDF Page 9.

⁵⁷ [REDACTED], "Interview: [REDACTED]," By [REDACTED] and [REDACTED], Mattaponi Indian Tribe, July 25, 2023, PDF Page 13.

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Chief Custalow said the money whould [*sic*; would] be spent to rehabilitate houses on the reservation and build roads whereas others want to relocate the houses.

Daniel Webster (Little Eagle) Custalow [REDACTED] a cousin of the former chief, is now chief of the Mattaponi tribe.⁵⁸

This characterization is disputed by [REDACTED] family, and it seems likely that conflict over how to spend the funds was not the only issue factoring into his decision to resign.⁵⁹

The grants precipitated queries to the Attorney General by the State Executive Director of Housing regarding the status of reservation lands. It appears that the Attorney General, in turn, consulted with Tribal leaders, ultimately confirming that the lands were held in trust by the state and that tribal law prohibited anyone other than tribal members from holding reservation allotments, though non-Indian spouses could reside there (February 7, 1977; August 25, 1977).

Table C4-11. Public Works and Social Services, 1960-1979: Regulation of Housing Allotments.

Date	Excerpt
February 7, 1977	<p>THE HONORABLE E. A. RAGLAND Executive Director, Office of Housing</p> <p>This is in response to your inquiry whether "the Commonwealth of Virginia holds fee title to the land on the Pamunkey and Mattaponi Indian Reservations, in trust for the benefit of the Indian tribes, giving them rights of beneficial use and occupancy."</p> <p>[...]</p> <p>Accordingly, I am of the opinion that the Mattaponi and Pamunkey Indians have the exclusive right to occupy and possess the lands on their reservations. That right has been recognized by the Commonwealth of Virginia and is to be protected by the trustees of the tribes. The State assumed fee ownership of the land from the Crown; therefore, the Indians' aboriginal title can only be extinguished with the State's permission and the Indians' consent.</p> <p>You also inquire whether the Indians' tribal law prohibits the occupancy of the land by other than tribe members. I have been advised by [REDACTED] of the Mattaponi tribe and Chief Tecumseh D. Cook of the Pamunkey tribe that tribal law sets forth such a prohibition, with certain exceptions in the case of marriage between a tribal member and a non-Indian. Lands can only be allotted to a member of the tribe.⁶⁰</p>
August 25, 1977	<p>Dear Mr. Bartoll:</p> <p>Governor Godwin has asked me to respond to your letter of July 27, 1977. In Virginia there are two State reservations. The Pamunkey and Mattaponi Reservations are both located adjacent to King William County. Apparently, in order to live on these reservations, you must be able to prove either Pamunkey or Mattaponi ancestry.⁶¹</p>

Conclusion

Between 1960 and 1979, the Mattaponi tribal government continued to perform important community services including advocating and overseeing the continuation of the Mattaponi Hatchery, pursuing

⁵⁸ Staff, "Congressman Paul Trible," *Glo-Quips* (Gloucester, Va), December 14, 1977.

⁵⁹ Law Ledger, Note from [REDACTED] Private Collection, PDF Page 87.

⁶⁰ *Opinions of the Attorney General and Report to the Governor of Virginia from July 1, 1976 to June 30, 1977*, Richmond, Virginia: Commonwealth of Virginia Department of Purchases and Supplies, 1977, PDF Page 181-183.

⁶¹ Letter from C. Christophersen to E. Johnson, 28 December 1977, Governor Godwin, Mills E., Executive Papers, 1974-1978, Accession 30193, State Government Records Collection, Library of Virginia, Richmond, Virginia, Box 14, Folder "Indians 1977," PDF 2.

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additional lands to expand the Reservation, working with state and local authorities to obtain funding for employment, and pursuing and receiving two federal funds to improve reservation housing. These efforts demonstrate the tribal government’s capacity to “allocate entity resources such as land, residence rights, and the like” (83.11 (c)(2)(i)(A)), and maintain “land set aside by a State for the petitioner” (83.11 (c)(1)(vii)). The tribal government’s advocacy work further demonstrates its representation of “the entity in dealing with outsiders in matters of consequence,” (83.11(c)), and that “the membership considers issues acted upon or actions taken by entity leaders or governing bodies to be of importance” (83.11 (c)(1)(ii)). Additionally, tensions within the tribal government over the allocation of tribal resources shows the existence of “internal conflicts that show controversy over valued entity goals, properties, policies, processes, or decisions” (83.11 (c)(1)(v)).

Maintaining Social Order

During the period between 1960 and 1979, tribal laws continued to be upheld by the tribal government. The existence of tribal laws and the tribal government’s enforcement of those laws demonstrate its ability to order the everyday lives of tribal members.

Tribal Laws and Regulations

Tribal laws continued to be administered by the tribal government during this period. The administration of laws is evidenced in the surviving tribal ledgers and law books⁶² kept by the descendants of government officials as well as Helen Rountree’s fieldnotes from the period. Rountree’s fieldnotes describe the existence of law books as well as laws prohibiting profanity and drunkenness (March 13, 1970). Rountree also described the jurisdictional issues on the Reservation. That tribal laws continued to exist and be administered by the Mattaponi Tribal Council was also evidenced by newspapers during this period (February 14, 1974). Articles also highlighted the tribe’s retention of prohibitions against women voting (July 8, 1979) which had continued long after the country had extended the right to vote.⁶³

Table C4-12. Maintaining Social Order, 1960-1979: Tribal Laws.

Date	Excerpt
March 13, 1970	The tribe possesses law-books, which the chief [REDACTED] says are "sacred"- I believe that means no access to outsiders. I'd like to see them but may not be able to. The tribe has its own laws, some of them very conservative. Drunkenness is not permitted on the reservation, nor is profanity. However, the state paved their loop road, and as long as the offender stays on it, the Indians have no jurisdiction by themselves. Also, no policemen, town, state, or federal, can enter the reservation in pursuit of a fugitive and actually take him into custody. To make an arrest, a policeman has first to go to the chief, and the chief may then escort him to the house of the fugitive- or not, as he chooses. Only by permission of the Chief may a person, resident, or non-resident (I gather), be arrested on the grounds of the reservation. The tribal council is composed of the males of the tribe, who elect the chief and amend the laws. The proceedings are secret and may be divulged by no one present. ⁶⁴
February 14, 1974	The reservation was confirmed in 1658 by an act of the Grand Assembly. Today the tribe is still governed by these laws. ⁶⁵

⁶² Law Ledger, 1914-1977, [REDACTED] Private Collection.

⁶³ The Tribe passed a new constitution in 2023 that establishes women’s right to voice and vote.

⁶⁴ Diary Entry from Rountree, 13 March 1970, Helen C. Rountree, Fieldnotes, 1969-1973, Helen C. Rountree Papers, National Anthropological Archives, Smithsonian Institution, National Anthropological Archives, Washington, D.C. Box 2, PDF Page 4-5.

⁶⁵ Staff, “Cub Scout Banquet Feb. 22,” *Newport News Daily Press* (Newport News, Va), February 14, 1974.

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Date	Excerpt
July 8, 1979	Modern life styles contrast with the life the Indians live today on their reservation in King William County. For example, the tribes are still governed by a tribal council which forbids women to vote. [...] ⁶⁶

Enforcement of Tribal Laws

During the period from 1960 to 1979, the tribal government enforced the tribal laws, including the application of sanctions. Additionally, the Mattaponi Tribal Council convened a court to settle a dispute between reservation residents, ultimately successfully mediating the issue (December 14, 1977).

Table C4-13. Maintaining Social Order, 1960-1979: Enforcement of Tribal Laws in Tribal Meeting Minutes.

Date	Excerpt
December 14, 1977	Court Trial and Town Meeting The meeting was called to order by the [REDACTED] [REDACTED] There was no roll call taken, as most of the members were not present. The first business on the agenda was a court trial and a hearing involving [REDACTED] [REDACTED] and his wife [REDACTED] concerning a misconduct on the Reservation. Which was settled between the accused by an apology and hand shake between them. ⁶⁷

Helen Rountree’s field notes describe the loss of residential rights due to non-residence (1974 ca.), demonstrating that the Mattaponi Tribal Council continued to uphold the longstanding law regarding residential requirements for tribal allotments during this period.

Table C4-14. Maintaining Social Order, 1960-1979: Enforcement of Tribal Laws in Other Sources.

Date	Excerpt
1974 ca.	[REDACTED] has lost his residential rights on Matt. Res. by living away [sounds too permanent- better check], & so has joined Upper Matt. Organization. [He could anyway- Mo. Is U. Matt.] ⁶⁸

Conclusion

Between 1960 and 1979, the Mattaponi tribal government administered tribal laws over the reservation and exerted “strong influence on the behavior of individual members, such as the establishment or maintenance of norms or the enforcement of sanctions to direct or control behavior” (83.11 (c)(2)(i)(C)). Its ability to preside over tribal court cases further demonstrates the existence of “internal conflicts” (83.11 (c)(1)(v)) and the Mattaponi Tribal Council’s authority to “settle disputes,” (83.11 (c)(2)(i)(B)). The continuation of other political processes discussed in other sections, including the allocation of land and resources (83.11 (c)(2)(i)(A)) and participation in town meetings and elections (83.11 (c)(1)(iii)), also indicate the maintenance of tribal laws and social norms by the tribal government.

⁶⁶ Berryman, L., “Mattaponi, Pamunkey Indians Attend Chippokes Festival,” *Newport News Daily Press* (Newport News, Va), July 8, 1979.

⁶⁷ Town Meeting and Court Trial, 14 December 1977, [REDACTED], Folder 1, PDF Page 1.

⁶⁸ Meeting with Chief Andrew Adams Notes, ca. 1974, Helen C. Rountree, Fieldnotes, 1973-1982 Helen C. Rountree Papers, National Anthropological Archives, Smithsonian Institution, National Anthropological Archives, Washington, D.C. Box 2, PDF Page 24.

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Political Participation

During the period from 1960 to 1979, internal community participation in political processes continued. This included attendance at town meetings and elections wherein new tribal leaders were selected.

Meeting Attendance

Participation in town meetings and the election process was described in a recent interview with [REDACTED] who said:

Growing up, we didn't hear a whole lot about what went on in these tribal meetings. And if people came out and talked about them, they talked about them and who knows what was true and what wasn't. But either way, we knew that this was a government, we knew that the Tribal Council voted with peas and corn. It wasn't like a ballot box and you had it locked and all that stuff. People were here together and they voted and it was men only.⁶⁹

Important topics discussed in meetings throughout the period between 1960 and 1979 included the allocation of land, communication with state officials, and disbursement of federal grant funds. Regular attendance was taken as part of the meeting minutes.

Table C4-15. Political Participation, 1960-1979: Town Meetings.⁷⁰

Date	Type of Meeting	Total Members Present
October 30, 1969†	Town Meeting & Election	Unknown
November 13, 1969	Town Meeting	Unknown
February 12, 1970	Special Tribal Meeting	Unknown
June 11, 1970	Town Meeting	7
December 10, 1970	Town Meeting	9
1971 ca.†	Town Meeting & Election	Unknown
July 21, 1972	Town Meeting	13
October 6, 1972	Town Meeting	10
January 5, 1973	Town Meeting	7
January 26, 1973	Town Meeting	9
February 23, 1973†	Town Meeting	12

†Signifies meetings at which the community was asked to vote on a particular issue including formal elections.

Elections

After the passing of Chief O.T. Custalow, an election took place, in which voting members of the reservation elected Chief Curtis Custalow Sr. to a two-year term and Council Members, both existing and newly elected, were sworn in (October 30, 1969). At the end of this term, Chief Curtis was re-elected, along with other leaders including four councilmen (October 30, 1971). Chief Curtis described the election process:

Any candidate nominated for chief can run for a full term or a half term and can succeed himself," Chief Custalow said. He explained that he has served for two half terms of two years and a full four-year term but has withdrawn his name from the next election.⁷¹

Chief Curtis served consecutively until he resigned in 1977, at which time Daniel Webster Custalow was elected chief (October 31, 1977).

⁶⁹ [REDACTED] "Interview [REDACTED]," By [REDACTED] and [REDACTED], Mattaponi Indian Tribe, April 20, 2023, PDF Page 7.

⁷⁰ Meeting minutes described in this table are part of [REDACTED] private collection.

⁷¹ Harrell, B., "Va. Indians open festival," *The Smithfield Times* (Smithfield, Va), July 18, 1979.

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Table C4-16. Political Participation, 1960-1979: Elections in Tribal Meeting Minutes.

Date	Excerpt
October 30, 1969	<p>The meeting was called to order and [redacted] was voted to be chairman. The motion was made by Rev. [redacted] & seconded by [redacted]. [redacted] was elected as temporary clerk for this meeting by Rev. [redacted] & seconded by [redacted]. The motion to elect these two (2) officers was put before all those attending and accepted.</p> <p>A motion was made by [redacted] that those members present will constitute a quorum to transact all business at hand and all business will be final. The motion was seconded by [redacted]. Carried.</p> <p>Rev. [redacted] led in prayer. A hymn was sung, "Love Lifted Me."</p> <p>The first order of business was to elect a chief and assistant chief for the Mattaponi Indian Reservation. The motion to elect [redacted] Chief of the Mattaponi Indian Reservation for a period of two (2) years was made by Rev. [redacted] and seconded by [redacted]. Vote put [by] [redacted] and seconded by [redacted]. Motion presented and carried.</p> <p>[redacted] and [redacted] were sworn into their afore mentioned positions by a show of placing their hands on the Holy Bible and sworn in by Rev. [redacted].</p> <p>[redacted] Rev. [redacted] and [redacted] were appointed by Chief [redacted] and elected as councilmen. [redacted] head councilman, Rev. [redacted] second councilman and [redacted] third councilman. [...]</p> <p>[redacted] was appointed by Chief [redacted] and elected as tax collector and treasurer. The motion was made by Rev. [redacted] and seconded by [redacted]. Motion presented and carried. [redacted] was appointed by Chief [redacted] and elected as [illegible]⁷²</p>
October 30, 1969 Law Ledger Summary	<p>At the Death of [redacted] on Oct. 18-1969 [redacted] the son of [redacted] and [redacted] was unanimously elected as Chief of the Mattaponi Indian Reservation Tribe. He was nominated by [redacted] appointed [redacted] as asst. Chief. Chief [redacted] accepted for the term of 2 years instead of 4 due to a heart condition; carried.⁷³</p>
October 30, 1971	<p>[...] secretary be reelected for a period of two (2) years. From October 30-1971 to October 30-1973. Voted and approved by all attending members.</p>

⁷² Tribal Meeting Minutes, 30 October 1969, [redacted] Private Collection, PDF Page 45.

⁷³ Law Ledger, 30 October 1969, [redacted] Private Collection, PDF Page 45.

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Date	Excerpt
	<p>Motion made by [REDACTED] seconded by [REDACTED] that councilman [REDACTED] councilman [REDACTED] councilman [REDACTED] by reelected for a period of two (2) years. From October 30-1971 to October 30-1973. And [REDACTED] be elected as head councilman for a period of two (2) years. From October 30-1971 to October 30-1973. Voted on and approved by all attending members. [...]</p> <p>Motion made by [REDACTED] seconded by [REDACTED] that regular town meeting will be held on Fridays unless of emergency. Writing notices will be sent to each member letting them know the place time and day. ⁷⁴</p>
October 31, 1977 Law Ledger Summary	<p>[...] [REDACTED] elected 1977 to succeed [REDACTED] Whose term expired Oct. 31- 1977 who resigned to go into Native American Rights Fund Organization to work for Native Americans all over the United States full time. ⁷⁵</p>

Mattaponi elections were recounted in local newspapers, which highlighted [REDACTED] initial election (November 9, 1969), subsequent reelection, and the tradition of using peas and corn to cast votes (November 17, 1971).

Table C4-17. Political Participation, 1960-1979: Elections.

Date	Excerpt
November 9, 1969	<p>We have a heritage and a tradition that I want to maintain," says the newly elected chief [REDACTED] of the Mattaponi Indians. [...]</p> <p>His elevation to chief following the unexpected death of the 71-year-old Chief O. T. Custalow [REDACTED] caught him without the traditional Indian dress worn for ceremonial occasions and the tribe's annual Thanksgiving tribute to the governor is approaching.</p> <p>[...] The new chief, looking at his predecessor's work, says, "We have a heritage and a tradition that I want to maintain. Keeping up our traditions is important." [...]</p> <p>[...] Chief Custalow accepted his position for two years rather than the regular four-year term because of health reasons - he suffered a heart attack only a few months ago.</p> <p>He told the tribal council if his health continues to improve for the next two years he will stand for election to another term.</p> <p>His main duties as chief are ceremonial functions and as a representative in legal matters involving the tribe. ⁷⁶</p>
November 17, 1971	<p>Mattaponi- Curtis L. Custalow Sr. [REDACTED] has been reelected [<i>sic</i>] to a two-year term as chief of the Mattaponi Indian reservation.</p>

⁷⁴ Tribal Meeting Minutes, 1971 ca., [REDACTED] Private Collection.

⁷⁵ Law Ledger, Note by [REDACTED], 31 October 1977, [REDACTED] Private Collection, PDF Page 33.

⁷⁶ Phillips, Gene, "New Chief Will Continue Tradition of Mattaponi Indians," *Newport News Daily Press* (Newport, VA), November 9, 1969.

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Date	Excerpt
	Members of the council were also re-elected with the addition of George F. Custalow Jr. [REDACTED] 80, one of the oldest men of hhe [<i>sic</i> ; the] tribe. The election was by secret ballot with a grain of corn used to designate "yes" and a bean for "no" following tribal custom. ⁷⁷

Conclusion

Participation in town meetings and elections by voting members of the tribe demonstrate the tribal government's ability to "mobilize significant numbers of members and significant resources from its members for entity purposes" (83.11 (c)(1)(i)), and that "the membership consider issues acted upon or actions taken by entity leaders or governing bodies to be of importance" (83.11 (c)(1)(ii)). Additionally, the organization of the election process shows a "continuous line of entity leaders" (83.11 (c)(1)(viii)) who played key roles in the exercise of political authorities under criterion 83.11 (c)(2)(i), and the existence of "widespread knowledge, communication, or involvement in political processes by many of the entity's members" (83.11 (c)(1)(iii)).

External Relations

In the 1960s and 1970s, the Mattaponi tribal government regularly represented the Mattaponi Indian Tribe and mediating relationships between state, federal, and other tribal leaders. Much of this work was related to the protection of tribal status, such as the exploration of federal recognition and efforts to ensure exemption from probate fees and hunting license requirements. Lastly, the tribal government represented the Tribe through advocacy gatherings and honorary events, such as the annual tax tribute to the Governor.

Protection of Indian Status

During the period from 1960 to 1979, the Mattaponi Tribal Council continued to act as the main mediators in the preservation of tribal and Indian status for the reservation community. Tribal leaders and began to explore the possibility of federal recognition with the aid of the Native American Rights Fund. They also worked to guarantee that tribal members would be exempt from taxes and fees associated with inheritance. Finally, and as in other decades, the tribal government worked to affirm and maintain tribal exemption from hunting licenses, appealing to the Attorney General and the House of Delegates to ensure that tribal members were not restricted in their pursuit of one of their traditional livelihood activities.

Federal Recognition

During Chief [REDACTED] term, the tribal government met with legal advocates and received information regarding the possibility for the Tribe to gain federal recognition. In December of 1972, the Native American Rights Fund (NARF) hosted "The Eastern Indian" conference in Washington D.C. to assist non-federally recognized tribes to apply for federal grants and to learn about the federal recognition process.⁷⁸ The Mattaponi, Chickahominy, and Pamunkey attended the conference (January 1, 1973). In a 1983 interview, [REDACTED] reflected on these efforts, noting that the Bureau of Indian Affairs and Department of Interior had reached out regarding the process:

⁷⁷ Staff, "Mattaponi Chief Gets New Term," *Newport News Daily Press* (Newport News, VA), November 17, 1971.

⁷⁸ After [REDACTED] resigned from his position as Chief of the Mattaponi, he served on the Native American Rights Fund board for eleven years. Law Ledger, [REDACTED] Private Collection, PDF Page 87.

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I received a letter from the Bureau of Indian Affairs, and also from the Interior Department asking if we would like to file an application. I brought it before the council. They said, no, we're satisfied as we are now.⁷⁹

Despite the Council's reluctance to pursue federal acknowledgment, ██████████ recognized that the federal government retained some trust responsibility to the Mattaponi Indian Tribe and continued to advocate for federal funding (July 18, 1979).

Table C4-18. *External Relations, 1960-1979: Federal Recognition.*

Date	Excerpt
January 1, 1973	<p>[...] The more specific purposes of this conference were to assist federally unrecognized and unlanded Eastern Indians to gain recognition, and to attempt to gain a land base from federal surplus lands.</p> <p>[...] Among the tribes represented by official participants were these: Creek, Mohegan, Pequot, Nanticoke, Appalachiacola [<i>sic</i>; Apalachiacola], Miccosukee, Seminole, Miami, Cherokee, Narragansett, Seneca, Cayuga, Onondaga, Mohawk, Chickahominy, Ottawa, Chippewa, Choctaw, Shinnecock, Lumbee, Menominee, Rappahannock [<i>sic</i>; Rappahannock], Passamaquoddy [<i>sic</i>; Passamaquoddy], Penobscot, Wampanoag, Potawatamie [<i>sic</i>; Potawatomi], Chitimacha, Coushatta, Houma, Waccama [<i>sic</i>; Waccamaw], Melungeon, Tunica, Aroostook, Odawa, Poospatuck, Sioux, Haliwa, Mattaponi, Pamunkey [<i>sic</i>; Pamunkey].⁸⁰</p>
July 18, 1979	<p>Because the Mattaponi do not have a treaty with the federal government the 22 families living on the King William reservation are not under Bureau of Indian Affairs and are not eligible for Indian health services.</p> <p>"The federal government does have some trust responsibility," Chief Custalow ██████████ said, "but the tribe is under the supervision of the state."</p> <p>Chief Custalow, who was born an alien in 1916 and received this U.S. citizenship through a congressional act in 1924, said that he "would like to see Congress appropriate money for Indian people, not just the federally recognized Indians."</p> <p>He explained that the Mattaponi cannot get the federal funding for education except through utilizing Title IV [<i>sic</i>; VI] funds. The tribe is now using the funds and Chief Custalow has testified before Congress on the problems facing American Indians.</p> <p>[...] Chief Custalow said that the Mattoapni [<i>sic</i>; Mattaponi] and other nonfederally recognized Indian tribes can apply for federal recognition. To receive recognition from the federal government the tribe must be able to prove that it was one of the aborigine tribes and has been recognized as a tribe by the state or church.</p> <p>He added that the Mattaponi would probably not have trouble obtaining recognition if they chose to apply since they have been recognized by the Virginia government since the signing of the treaty.</p> <p>A copy of the treaty is on display at the educational facility on the reservation. The Mattaponi also encourage visitors to tour the reservation and the trading post gift shop in West Point.⁸¹</p>

⁷⁹ ██████████, Interview: ██████████, Mattaponi Reservation Speech and Interview edited by Helen Rountree, 1983, National Anthropological Archive, Washington, D.C.: Smithsonian Institution, Original edition, Helen Rountree, PDF Page 3.

⁸⁰ Mele, B. C., "Invisible" No Longer, Eastern Tribes Set Organization, Goals," *Wassaja* (San Francisco, Ca), January 1, 1973.

⁸¹ Harrell, B., "Va. Indians open festival," *The Smithfield Times* (Smithfield, Va), July 18, 1979.

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Probate Fee and Tax Exemption

The Mattaponi Tribal Council also sought to ensure the Tribe's exempt status regarding a bond requirement related to the administration of estates. Helen Rountree recounts an incident after the passing of Chief O.T. Custalow in which the Mattaponi Tribal Council contested a state law requiring that the executor of the estate pay a bond fee. The Attorney General agreed with the tribal government and the executor was not required to pay the fee (1969 ca.). Additionally, the Attorney General advised King William County Clerk and Mattaponi Trustee, B.C. Garrett that the Tribe's exemption included probate tax (January 30, 1970).

Table C4-19. *External Relations, 1960-1979: Bond & Probate Tax Exemption.*

Date	Excerpt
1969 ca.	<p>[...] However, they are constantly on their guard against anything that might set a precedent for their having to pay taxes. For example:</p> <p>At the death of the late Chief, O.T. Custalow [Otha Thomas Custalow; b.1898 – d.1969]; his estate was declared to have a value in excess of \$1000. According to a 1950 State law, any estate with a value of \$1000 or more must be administered by a bonded person, which means the person has to pay a fee to become bonded. The Indians saw this as a tax, and they protested to the State Attorney General. The ruling was that Mrs. Custalow, the executrix, did not have to pay the fee.⁸² [...]</p>
January 30, 1970	<p>HONORABLE B. C. GARRETT, JR., Clerk Circuit Court of King William County</p> <p>This is in reply to your letter of January 16, 1970, requesting my opinion concerning the estate of the late [REDACTED]. The relevant portion of your letter is as follows:</p> <p>"I am writing to ask your opinion if the estate of the late [REDACTED], of the Mattaponi Indian Reservation in this County is subject to State and County probate tax. I realized that nothing on the Reservation is subject to tax. His estate is valued at approximately \$150,000.00, consisting primary [sic] of money in various banks and some real estate in this County outside of the Reservation."</p> <p>[...] While in the larger sense [REDACTED] was a domiciliary [sic] of Virginia by virtue of the bestowal of citizenship upon his tribe by the Commonwealth, nevertheless, the reservation of the Mattaponi has historically been treated in effect as a separate domicile for the purposes of taxation. As stated in the opinion of the Attorney General referred to above, "the fact that the Commonwealth has bestowed citizenship upon them (the Mattaponi) does not divest them of the rights reserved to them under the early acts of the General Assembly". Therefore, it is my opinion that in order to scrupulously observe the protocol of our Indian policy, only the value of that portion of [REDACTED] estate consisting of real estate should be subjected to the probate tax, State and county, unless facts exist which would bring the bank deposits squarely within the "business situs" doctrine stated above.⁸³</p>

⁸² Class Fieldtrip to Mattaponi Reservation Notes, 14 March 1970, Helen C. Rountree Fieldnotes, 1969-1973, Helen C. Rountree Papers, National Anthropological Archives, Smithsonian Institution, National Anthropological Archives, Washington, D.C. Box 2, PDF Page 21.

⁸³ *Opinions of the Attorney General and Report to the Governor of Virginia from July 1, 1969 to June 30, 1970*, Richmond, Virginia: Commonwealth of Virginia Department of Purchases and Supplies, 1970, PDF Pages 299-300.

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License Exemption

The question of whether Mattaponi and Pamunkey tribal members needed to obtain a license to hunt on or off the Mattaponi Indian Reservation reemerged in the 1960s. John Paul Causey, Commonwealth Attorney for King William County, affirmed the Tribe's exempt status on the reservation, but appealed to the Attorney General regarding license requirements off the reservation (October 7, 1960). Two years later, Chiefs ██████████ and Chief Tecumseh Deerfoot Cook of Pamunkey appeared before the House of Delegates in support of a bill that exempted tribal members from Virginia's hunting license requirement (February 8, 1962; February 27, 1962). Such efforts safeguarded tribal members' livelihood practices and preserved an important cultural touchstone for the Mattaponi Indian Tribe.

Table C4-20. External Relations, 1960-1979: Hunting License Exemption.

Date	Excerpt
October 7, 1960	<p>Honorable John Paul Causey Commonwealth's Attorney for King William County</p> <p>This is to acknowledge receipt of your letter of September 17, 1960, in which you state:</p> <p>"The question has been raised with me as to whether Indians resident on a tribal reservation are required to have hunting licenses to hunt outside of the limits of such reservation. As you know, there are tribal reservations for both the Pamunkey and Mattaponi tribes in King William County. I have always informally taken the position that Indians resident upon either of these reservations are not required to have licenses to hunt within the confines of the reservation. The question has now arisen as to whether a license is required for such Indians to hunt outside of the limits of the reservation, and I shall appreciate your opinion upon this question.⁸⁴ [...]</p>
February 8, 1962	<p>Two Indian chiefs asked a House Committee yesterday to let their tribesmen hunt and fish without licenses.</p> <p>Chief O. T. Custalow ██████████ of the Mattaponis and Chief Tecumseh Deerfoot Cook of the Pamunkeys appeared wearing headdress to drum up support of proposed legislation to exempt their tribes from licensing.</p> <p>"After all," said Cook, "We think we have a right to hunt and fish the land that was ours."⁸⁵</p>
February 27, 1962	<p>Chief of Virginia's two Indian tribes appear at the House of Delegates in Richmond for passage of a bill allowing Indians with identification cards to hunt in the state without having to buy hunting licenses. From left: Little Chief Blue Wing Custalow ██████████ ██████████ and his father, Chief O. T. Custalow ██████████ ██████████ of the Mattaponi tribe; Chief Tecumseh Deerfoot Cook of the Pamunkeys and the bill's sponsor, Del. R. R. Gwathmey of Hanover County.⁸⁶</p>

Ceremonial Representation

Tribal leaders attended ceremonial events throughout this period and represented the Tribe in public engagements. This included honorary events, including the naming of the naval ship USS Mattaponi (February 11, 1970) and the presentation of an American flag by the Children of the American Revolution

⁸⁴ *Opinions of the Attorney General and Report to the Governor of Virginia from July 1, 1960 to June 30, 1961, Richmond, Virginia: Commonwealth of Virginia Department of Purchases and Supplies, 1961, PDF Page 155.*

⁸⁵ Staff, "Virginia Assembly Briefs," *The News Journal* (Radford, VA), February 8, 1962. See also: Staff, "Indians Drum For Game Rights," *Northern Virginia Sun* (Fairfax, VA), February 8, 1962. See also: Staff, "Listening Post," *The Times Recorder* (Zanesville, OH), February 9, 1962; Staff, "Happier Hunting Grounds?" *The Knoxville News-Sentinel* (Knoxville, TN), February 27, 1962.

⁸⁶ Staff, "Happier Hunting Grounds?" *The Knoxville News-Sentinel* (Knoxville, TN), February 27, 1962.

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Society to Assistant Chief Custalow (July 10, 1974). The tribal government also attended intertribal events, including the Eastern Indian Conference and Haliwa Powwow (April 14, 1972). Chief Curtis Custalow, along with his wife Gertrude, performed the peace pipe ceremony at events throughout the 1970s and into the 1980s (July 18, 1979).

Table C4-21. External Relations, 1960-1979: Ceremonial Representation.

Date	Excerpt
February 11, 1970	<p>[...] The Mattaponi Indians, one of Virginia's two remaining tribes, were presented a plaque from their naval namesake, the USS Mattaponi, in recent ceremonies on the Indian reservation here.</p> <p>The walnut plaque, with a ceramic medallion depicting the naval vessel, was presented to Chief Curtis Lee Custalow [REDACTED] by Cmdr. Raymond Shinwell of Norfolk. It was presented on behalf of Capt. Charles E. Hathaway, commanding officer of the USS Mattaponi.</p> <p>The plaque is inscribed, "To the Mattaponi, AO-41." It is to be placed in the chiefs artifacts room.⁸⁷</p>
April 14, 1972	<p>[...] Various guests from neighboring areas are expected to be on hand including Chief Oliver Adkins of the Chickahominy Tribe near Providence Forge, Va.; Chief Curtis Custalow [REDACTED] of Mattaponi Indian Reservation, West Point, Va.; and Mayor Earlie Maynor of Pembroke.⁸⁸</p>
October 1972	<p>The planning committee for the conference includes John Stevens, Chairman, who is a Passamaquoddy and Commissioner of Indian Affairs for the state of Maine; Chief Curtis Custalow [REDACTED] a Mattaponi and chairman of his tribe in Virginia, and Tall Oak, a Narragansett Indian from Rhode Island.⁸⁹</p>
April 19, 1973	<p>[...] Saturday's Pow-Wow program, in addition to the appearance of Gov. Holshouser, will feature a number of Indian dignitaries. Chief Curtis L. Custalow [REDACTED] of the Mattaponi Indian tribe in Virginia will be the principal speaker. Also on the program will be W. J. Strickland, chairman of the Steering Committee of the Eastern Coalition of Native Americans, and Earlie Maynor, Mayor of Pembroke who is ex-ecutive director of the N.C. Commission on Indian Affairs. [...]⁹⁰</p>
July 10, 1974	<p>The Lt. Pascow Herbert Society, Children of the American Revolution, will present an American flag to Chief Jacob V. Custalow [REDACTED] of the Mattaponi Indian Reservation Sunday. [...]⁹¹</p>
July 18, 1979	<p>Claremont Mayor W.B. Sheally, chairmen of the Pork, Peanut and Pine Festival this year, lights a peace pipe for Mattaponi Chief Curtis L. Custalow [REDACTED] during opening ceremonies at the annual event Saturday. The chief, Sheally and Dale Fuss, co-chairman of the event, smoked the pipe to officially kick off the festival, then Custalow taught youngsters traditional Indian dances.⁹²</p>

⁸⁷ Staff, "Tribe, Crew Form Bond Of Friendship," *Newport News Daily Press* (Newport News, VA), February 11, 1970.

⁸⁸ Staff, "Haliwar [sic] Indian Tribes Meet Today," *Durham Morning Herald* (Durham, NC), April 14, 1972.

⁸⁹ Staff, "Eastern Indian Conference," *Native American Rights Fund* 1, no. 5 (October 1972): 9 [PDF 10].

⁹⁰ Staff, "Gov. Holshouser To Attend Haliwa Indian Pow-Wow Program Saturday," *Rocky Mount Telegram* (Rocky Mount, NC), April 19, 1973.

⁹¹ Staff, "Chief Custalow to Receive Flag," *Newport News Daily Press* (Newport News, Va), July 10, 1974. This article misidentifies Jacob V. Custalow as Chief. He served as Assistant Chief from 1977-1982.

⁹² Staff, "Peaceful beginning," *Smithfield Times* (Smithfield, Va), July 18, 1979.

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Annual Tax Tribute

Every year the Mattaponi Indian Tribe, often alongside the Pamunkey Indian Tribe, presents an annual tribute to the Governor of Virginia in lieu of taxes. This practice dates to colonial era treaties which established the tribes' obligation to "pay the accustomed Tribute of Twenty Beaver Skins to the Governour, and also their Quit-Rent aforesaid."⁹³ The tribute required hunting activities to secure game and often included participation of tribal members in the tribute ceremony at the Governor's Mansion. Recent oral history interviews of tribal citizens document annual attendance at the tax tribute ceremony, including presentations between 1960 and 1979.⁹⁴

Table C4-22. External Relations, 1960-1979: Annual Tax Tribute in Interviews.

Interviewee	Date	Excerpt
[REDACTED]	1963 ca.	We went to the capitol with my grandfather to pay our taxes. And I remember first time I seen pictures and like I said, my memory is four, but I'm sure before then. [...] I danced and held a tribute, yeah. And usually, we leave from down here and sometimes my grandfather [REDACTED] [REDACTED] would come to our house in Oregon Hill and pick us up and take us when we went. ⁹⁵
[REDACTED]	1967 ca.	I've always, always went to a treaty celebration ever since I was probably five years old and was a part of that. ⁹⁶
[REDACTED]	1967 ca.	[REDACTED]: Did you ever attend the Governor's?] Mm-hm. Every year of my life. Yep, ever since I was a kid. I still go. The only one I missed was COVID. [...] It's pretty cool, actually. One thing, you're going to see a lot of your family you haven't seen in a long time. It's nice to see, people get together and honor the reservation for the treaty that was made. And also, our people are in—the new governors come in and, they're working together. [...] We'd go with Grandpop [REDACTED] and [REDACTED] [REDACTED] and all of them. All the chiefs were there and everybody's in their regalia. It was cool. ⁹⁷

The annual tax tribute was also widely covered in media sources throughout the period, including an interview in which Chief Custalow describes the importance of the tribute tradition to the Tribe (November 9, 1969).

⁹³ Vaughan, Alden T., *Early American Indian Documents: Treaties and Laws, 1607-1789 4* (Maryland: University Publications of America, 1983), 82-87 [PDF 57-59].

⁹⁴ Mattaponi citizens who discuss going to the annual tribute every year in interviews include [REDACTED] and [REDACTED].
⁹⁵ [REDACTED] "Interview: [REDACTED]," By [REDACTED] and [REDACTED], Mattaponi Indian Tribe, July 24, 2023, PDF Page 3-4.

⁹⁶ [REDACTED] "Interview: [REDACTED]," By [REDACTED] and [REDACTED], Mattaponi Indian Tribe, July 26, 2023, PDF Page 4.

⁹⁷ [REDACTED], "Interview: [REDACTED]," By [REDACTED] and [REDACTED], Mattaponi Indian Tribe, August 31, 2023, PDF Page 7-8.

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Table C4-23. External Relations, 1960-1979: Annual Tax Tribute in Other Sources.

Date	Excerpt
November 22, 1962	<p>[...] First it was the Mattaponi Indians, led by Chief Hos-Ki-No-Wanah [<i>sic</i>; Hos-Ki-Wa-Na-Ah], or as he is better known, O. T. Custalow [REDACTED]. They had a wild turkey and four rockfish.</p> <p>"I'm sorry we couldn't bring a deer," Chief Custalow said. "We shot one but he was so shot up I was ashamed to bring him."</p> <p>[...] Chief Custalow made his presentation in front of the governor's mansion as Mrs. Harrison looked on. After a few moments of shyness, the chief's 8-year-old son, Little Chief Blue Wing [REDACTED] went through a brief Indian dance.⁹⁸</p>
November 25, 1964	<p>Custalow [REDACTED] chief of the Mattaponi tribe, Tuesday presented a turkey to the governor of Virginia in accordance with a pact between the Indians and Capt. John Smith.⁹⁹</p>
November 26, 1965	<p>An unhappy Indian chief paid his Tribe's customary tribute to the Governor of Virginia- a wild turkey and three rock fish.</p> <p>O. T. Custalow [REDACTED] accompanied by two of his 13 children, and wearing the tribal costumes and headdress met with Gov. Albertis S. Harrison briefly and then cornered newsmen to report that things weren't going well on the reservation.¹⁰⁰</p>
November 24, 1966	<p>The Mattaponi Indians forked over their annual Thanksgiving tribute yesterday to Gov. Mills E. Godwin Jr.</p> <p>It amounted to seven rockfish and a sizable turkey.</p> <p>Under agreement reached more than a century ago, Virginia Indians escape the outstretched hand of the state tax assessor by shooting a bit of game for the governor once a year.¹⁰¹</p>
November 24, 1966	<p>The chief of the Mattaponis strode up to the Capitol yesterday to pay his tribe's taxes- a wild turkey and 10 fresh rockfish, slung on a pole and lugged by his squaw.</p> <p>But there was no grass growing on Chief O. T. Castalow [REDACTED]; [REDACTED] After presenting the taxes to Gov. Mills E. Godwin- whom he disdainfully addresses as "boy"- the chief danced with the governor's 13-year-old daughter and lined up a television interview to promote trade back on the reservation.</p> <p>The chief is a Baptist minister. He paid the taxes for the Mattaponis one day after the Pamunkey tribe paid it's toll - a 180-pound buck deer.</p>

⁹⁸ Johnson, Bill, "Tradition Kept," *Newport News Daily Press* (Newport News, VA), November 22, 1962. See also: Staff, "Harrison Gets Offering of Wild," *The Register* (Danville, VA), November 22, 1962. See also: Staff, "A Thanksgiving Deer," *Richmond Times Dispatch* (Richmond, VA), November 22, 1962.

⁹⁹ Staff, "Upholds Pact," *Alabama Journal* (Montgomery, AL), November 25, 1964.

¹⁰⁰ Staff, "Indian Chief Pays Tribe's Tribute To Va. Governor," *Newport News Daily Press* (Newport, VA), November 26, 1965.

¹⁰¹ Staff, "Indians Pay Tribute," *The Albuquerque Tribune* (Albuquerque, NM), November 24, 1966. See also: Staff, "Virginia Indians Bring Tribute," *Des Moines Tribune* (Des Moines, IA), November 24, 1966; Staff, "Virginia Indians Pay Tax 'Debt' To Governor," *The Sacramento Bee* (Sacramento, CA), November 24, 1966; Staff, "Good Bracket," *Spokane Daily Chronicle* (Spokane, WA), November 24, 1966; Staff, "Virginia Indians Fork Over Game To Escape Taxes," *Tallahassee Democrat* (Tallahassee, FL), November 24, 1966; Staff, "Tribe Forks Over Annual Tribute," *The Minneapolis Star* (Minneapolis, MN), November 24, 1966; Staff, "Today's Ho Hum," *Springfield Leader and Press* (Springfield, MO), November 24, 1966.

¹⁰¹ Staff, "Names & Faces in the News," *The Boston Globe* (Boston, MA), November 24, 1966.

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Date	Excerpt
	Both Indian tribes give such gifts as tribute to the governor in lieu of taxes. The arrangement was made years ago. ¹⁰²
November 22, 1968	<p>Some things get to be a habit, even paying taxes.</p> <p>The chiefs of two Indian tribes met with Gov. Mills E. Godwin Jr., Thursday to pay their taxes- an 18-pound turkey, 13 rockfish and a 140-pound deer.</p> <p>"It looks like your bounty is pretty good this year," the governor told the chiefs of the shrinking Mattaponi and Pamunkey Indian tribes which still live on state-maintained reservations in King William County.</p> <p>Three centuries ago the Indians were required to pay 20 beaver skins to the King of England. The law obviously is no longer in effect, but the Indians are tradition minded.</p> <p>Virginia governors normally donate the annual thanksgiving gifts to the needy or to state institutions.</p> <p>The Mattaponi and Pamunkey are fiercely competitive and usually show up on separate days, Thursday, they were both in town at the same time.</p> <p>Godwin accepted the turkey and the fish from Chief O. T. Custalow [REDACTED], head of the Mattaponi. After a few words, Godwin stepped around the capitol to the mansion and accepted the four-point buck from Chief Tecumseh Deerfoot Cook of the Pamunkey.¹⁰³</p>
October 23, 1969	He [REDACTED] became a familiar figure in Richmond with his annual visits at the State Capitol to present the governor with Thanksgiving gifts. ¹⁰⁴
November 9, 1969	[...] His elevation to chief following the unexpected death of the 71-year-old Chief O. T. Custalow [REDACTED] caught him without the traditional Indian dress worn for ceremonial occasions and the tribe's annual Thanksgiving tribute to the governor is approaching.

¹⁰² Staff, "Turkey Names & Faces In the News, 10 Fish Meet Tax Bill," *Journal Herald* (Dayton, OH), November 24, 1966. See Also: Staff, "Chief Remembers Thanksgiving Day," *Sandusky Register* (Sandusky, OH), November 24, 1966; Staff, "Tribe Pays Tribute to Governor Godwin," *The Selma Times-Journal* (Selma, AL), November 24, 1966; Staff, "Tribe Pays Tax -1 Turkey, 10 Fish," *The Charlotte Observer* (Charlotte, NC), November 24, 1966; Staff, "Tribe Tax: A Turkey, Ten Fish," *The Miami Herald* (Miami, FL), November 24, 1966; Brumfield, Bob, "The Weather," *The Cincinnati Enquirer* (Cincinnati, OH), November 25, 1966.

¹⁰³ Staff, "Indians Pay The Tax," *The Bonham Favorite* (Bonham, TX), November 22, 1968. See Also: Staff, "Indians Bring in Their Tax," *Courier-Post* (Camden, NJ), November 22, 1968; Staff, "Of Many Matters," *The Post & Times-Star* (Cincinnati, OH), November 22, 1968; Staff, "Chiefs Pay Taxes; Old English Law," *Dixon Evening Telegraph* (Dixon, IL), November 22, 1968. Staff, "Indians Pay Annual Tax," *The Daily News Journal* (Murfreesboro, TN), November 22, 1968; Staff, "Traditional Tax Paid by Indians," *The Daily Telegram Eau Claire* (WI), November 22, 1968; Staff, "Fish, Game Pay Taxes," *The Holland Evening Sentinel* (Holland, MI), November 22, 1968; Staff, "Taxes Paid By Indians," *Kingsport Times* (Kingsport, TN), November 22, 1968; Staff, "VA Indians Traditional Tax Payers," *The Latrobe Bulletin* (Latrobe, PA), November 22, 1968; Staff, "Indians Pay Bountiful Tax," *The Longview Daily News* (Longview, TX), November 22, 1968; Staff, "Indians Pay Annual Taxes in Virginia," *Princeton Daily Clarion* (Princeton, IN), November 22, 1968; Staff, "Indians Pay Annual Taxes," *Statesville Record & Landmark* (Statesville, NC), November 22, 1968; Staff, "Tax paying habitual," *The Tampa Times* (Tampa, FL), November 22, 1968; Staff, "Indians Pay Taxes with Fowl, Fish," *The Wichita Beacon* (Wichita, KS), November 22, 1968; Staff, "Indians Still Bring Bounty To Pay Taxes," *Greenville Advocate* (Greenville, OH), November 22, 1968; Staff, "Indians Pay Off Taxes In Bounty," *The News-Herald Franklin* (Franklin, PA), November 22, 1968; Staff, "Indians Pay With Bounty," *The Brownsville Herald* (Brownsville, TX), November 22, 1968; Staff, "For Surtax- Partridge In A Pear Tree?" *The Daily Herald* (Chicago, IL), November 22, 1968; Staff, "King George Not Around Any More But The Tax Habit Lingers On," *Lubbock Avalanche-Journal* (Lubbock, TX), November 22, 1968; McHale, E., "State Indians Pay Taxes With Turkey, Fish, Deer," *Northern Virginia Sun* (Fairfax, VA), November 22, 1968; Staff, "Indians Pay 'Turkey Tax' To Governor," *The Greenville News* (Greenville, SC), November 22, 1968.

¹⁰⁴ Staff, "Chief O.T. Custalow," *Rappahannock Record* (Kilmarnock, VA), October 23, 1969.

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Date	Excerpt
	<p>Chief Custalow never got around to replacing his Indian regalia which was destroyed in a fire several years ago.</p> <p>Paying the annual tribute to the governor is a tradition dating back more than 300 years- to 1646.</p> <p>When the reservation was established in Virginia's Colonial period, the chief says, the tribe was required to pay the governor of the colony 40 beaver pelts annually.</p> <p>Although the annual tribute is no longer compulsory, the tribe has continued the tradition, with the chief and other representatives of the tribe making the trip during the Thanksgiving season.</p> <p>Today, instead of the 40 beaver pelts, the chief presents the governor a tribute of game - perhaps a deer or a couple of wild turkeys.</p> <p>"We're no longer compelled to pay the tribute," Chief Custalow says, "but it's an old tradition we love to continue. I feel it's an honor to take the tribute and present it to the governor of our state."</p> <p>The annual tribute is only one of the traditions the new chief plans to continue in following in the steps of his father-in-law, the late O. T. Custalow, whom he succeeded as chief.</p> <p>Chief O. T. Custalow, who died last month, stressed throughout his 25-year administration the importance of the Indian heritage and established a reservation museum which is operated by his widow.</p> <p>The new chief, looking at his predecessor's work, says, "We have a heritage and a tradition that I want to maintain. Keeping up our traditions is important." [...]</p> <p>"Tradition is important in keeping the reservation alive.</p> <p>"Last year I put on a head dress and Indian costume and went with my grandfather to take the tribute to the governor. [...]"¹⁰⁵</p>
December 22, 1969	<p>Mattaponi Indian Chief Custalow [REDACTED] has just paid his tribe's annual tax bill- seven striped bass and a freshly killed wild turkey- to Gov. Godwin in Virginia, with a present of a freshly killed deer and other game. This is a substitute for the tax of 40 beaver pelts levied on the tribe in 1646.</p> <p>The Indians have kept their agreement better than most whites have complied with their dealings with Indians all over the country. With the price of food what it is, fish and game may be worth more than money. It's a point to remember. ¹⁰⁶</p>

¹⁰⁵ Phillips, Gene, "New Chief Will Continue Tradition of Mattaponi Indians," *Newport News Daily Press* (Newport News, VA), November 9, 1969. See also: Staff, "Mattaponi Chief Named," *Newport News Daily Press* (Newport News, VA), November 1, 1969; Staff, "Thanks All 'Round," *The Post & Times-Star* (Cincinnati, OH), November 27, 1969; Staff, "Chief Pays Annual Tax," *The Hanford Sentinel* (Hanford, CA), November 27, 1969. See also: Staff, "Indian Puts His Heart Into Taxes," *Springfield Daily News* (Springfield, MO), November 27, 1969; Staff, "Indian Gives Fish, Dance in Tax Ritual," *The Idaho Statesman* (Boise, ID), November 27, 1969; Staff, "Indian Does Taxation Dance," *The Pampa Daily News* (Pampa, TX), November 27, 1969; Staff, "Chief Doesn't Tax Heart in Traditional Trot," *The Muncie Star* (Muncie, IN), November 27, 1969; Staff, "Pays Tax," *Times-News* (Twins Falls, ID), November 27, 1969; Staff, "Traditional Tax Paid by Indian," *Weirton Daily Times* (Weirton, WV), November 28, 1969; Staff, "Indian Chief Pays Taxes in Virginia," *The Cumberland News* (Cumberland, MD), November 29, 1969; Henderson, Mike, "Thanksgiving," *The Pensacola Journal* (Pensacola, FL), November 27, 1969; Staff, "Indians Pay Edible Tax," *The Times* (Munster, IL), November 27, 1969; Staff, "Mattaponi Indian Chief Pays Annual Tax Bill Of Tribe," *Newport News Daily Press* (Newport News, VA), November 28, 1969; Staff, "Wampum Ways," *Aiken Standard* (Aiken, SC), December 22, 1969; Staff, "UPI- The Mattaponi Indians," *The Herald Citizen Tri-County Shopper* (Woodstock, IL), January 28, 1970; Staff, "Mattaponi Indian Chief Pays Annual Tax Bill Of Tribe," *Newport News Daily Press* (Newport News, VA), November 28, 1969.

¹⁰⁶ Staff, "Wampum Ways," *Aiken Standard* (Aiken, SC), December 22, 1969.

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Date	Excerpt
November 25, 1971	<p>Gov. Linwood Holton of Virginia went hunting yesterday and bagged a 14-pound wild turkey. A few hours later Chief "War Horse" Custalow [REDACTED] presented him wit ha [<i>sic</i>; with a] nine-point buck, in line with a century-old custom of the Mattaponi Indians to pay their annual tax bill with fish and game. The governor told the chief he was glad he had skipped the customary turkey this year.¹⁰⁷</p>
November 23, 1972	<p>The Mattaponi Indians presented Gov. Linwood Holton with six striped bass and a 22-pound turkey Wednesday, marking the 294th such tribute paid a Virginia governor since a 1677 treaty exempting the Mattaponi and Pamunkey tribes from state taxes.</p> <p>Chief Custalow [REDACTED] was joined at the State Capitol ceremony by his wife, Minnie Ha-Ha [REDACTED] [REDACTED], two grandchildren and Blue Wing [REDACTED] a tribal elder.</p> <p>[...] Chief Custalow said the Mattaponi tribe varies the type of wild game they present to the governor each year. Last year, the tribe presented Gov. Holton with a 200-pound point buck.</p> <p>Minnie Ha-Ha Custalow presented the governor with a small beadwork headband with the words "Gov. L. Holton" inscribed on it. Holton said he would take the headband home and "share it with my young ones."¹⁰⁸</p>
November 22, 1973	<p>Gov. Linwood Holton has a few traditional extras to be thankful for that other governors of other state may envy- gifts of wild game from Virginia's Indians.</p> <p>Chief Curtis L. Custalow [REDACTED] of the Mattaponi Indians presented a wild turkey and six large rockfish to the governor Wednesday in a ceremony at the State Capitol.</p> <p>Earlier this week Chief Tecumseh Deerfoot Cooke of the Pamunkey tribe presented the state his tribute of two Canadian geese, a raccoon and some rockfish.</p> <p>Custalow told Holton he would perform a brief war dance "just to prove the point that we have buried the hatchet and are working together."</p> <p>Custalow's wife [REDACTED] and several other members of his family, decked out in traditional Indian regalia, attended the presentation at the foot of the State Capitol steps. Custalow himself displayed a long beaded and feathered headdress.</p> <p>Holton called the presentation a "very grand tradition" and said he planned to have the rockfish for breakfast Thanksgiving Day and the turkey at a later date.</p>

¹⁰⁷ Staff, "A World of People," *The Cincinnati Post* (Cincinnati, OH), November 25, 1971. See also: Staff, "'One Arrow' Got Buck, But Governor Got Turkey," *Playground Daily News* (Fort Walton Beach, FL), November 25, 1971; Staff, "Bird Bagged, Gov. Gets Buck," *Northern Virginia Sun* (Fairfax, VA), November 25, 1971; Staff, "Gov. Holton Bags Wild Turkey," *Suffolk News-Herald* (Suffolk, VA), November 25, 1971; Staff, "Indians Present Virginia's Governor Thanksgiving Game," *The Register* (Danville, VA), November 25, 1971; Staff, "Buck-Passing At State Capitol," *Newport News Daily Press* (Newport News, VA), November 25, 1971.

¹⁰⁸ Staff, "Indians Give Gift To Holton," *Newport News Daily Press* (Newport News, Va), November 23, 1972. See Also: Staff, "Tax-exempt Virginia Indians Make Their Annual Tribute," *Kingsport News* (Kingsport, TN), November 24, 1972; Staff, "Paying Taxes," *Johnson City Press-Chronicle* (Johnson City, TN), November 24, 1972; Staff, "Mrs. Godwin Proud of Glass, Husband's Role in Education," *Suffolk News-Herald* (Suffolk, Va), October 7, 1973.

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Date	Excerpt
	[...] The ceremony has been part of Virginia's history since the mid 17th century. ¹⁰⁹
December 5, 1975	[...] Most people find the presentations both interesting and colorful. The ceremony helps us to recognize and give credit to the many contributions that Indians have made to our country. These presents are symbolic of a tribute required of the Pamunkey and Mattaponi tribes since the 1647 Treaty which ended the fighting between the English and the Pamunkey and the Mattaponi. ¹¹⁰
November 24, 1976	<p>Gov. Mills Godwin has had his troubles with the General Assembly, but now he's got just the thing to smooth over any situation.</p> <p>The Mattaponi Indians gave Godwin a peace pipe on Tuesday.</p> <p>The token of friendship was nonpartisan, and it was presented to the governor by Mattaponi Chief Curtis Custalow [REDACTED]. The hand-carved pipe came as a surprise as Godwin stood on the South Portico of the State Capitol to receive his annual tribute of wild game. this year the Mattaponi gave him a wild turkey and six largemouth bass.</p> <p>"But since we know you always contribute the game to charity, we wanted you to have the pipe as a personal gift," said Custalow, who was dressed for the occasion in buckskins and a ground sweeping feathered headdress.</p> <p>The ceremony is an annual Thanksgiving tradition dating back to a treaty signed in 1646 that calls for the reservation Indians to give the governor a gift of game in lieu of property taxes.¹¹¹</p>
December 2, 1976	<p>[...] These presents are symbolic of a tribute required of the Pamunkey and Mattaponi tribes since the 1647 Treaty which ended the fighting between the English and the Pamunkey and the Mattaponi.</p> <p>This is an annual ceremony determined by the Indians themselves, and of the utmost importance to them, both from a secular and a religious point of view.</p> <p>Sincerely, A. Gordon Brooks Executive Assistant.¹¹²</p>
November 23, 1977	The Pamunkeys' neighboring tribe, the Mattaponi, presented Godwin with a wild turkey and two rockfish last week. ¹¹³

¹⁰⁹ Staff, "Indians Give Traditional Gifts to Holton," *The Danville Register* (Danville, Va), November 22, 1973. See Also: Staff, "Nobody's perfect," *The San Francisco Examiner* (San Francisco, Ca), November 22, 1973; Staff, "About People," *Paterson News* (Paterson, NJ), November 23, 1973; Jackman, F., "Capitol Stuff," *The Odessa American* (Odessa, Texas), November 27, 1973. Staff, "Nobody's perfect," *The San Francisco Examiner* (San Francisco, Ca), November 22, 1973; Staff, "About People," *Paterson News* (Paterson, NJ), November 23, 1973; Jackman, F., "Capitol Stuff," *The Odessa American* (Odessa, Texas), November 27, 1973.

¹¹⁰ Letter from A. Brooks to R. Firth, 2 December 1976, Governor Godwin, Mills E., Executive Papers, 1974-1978, Accession 30193, State Government Records Collection, Library of Virginia, Richmond, Virginia, Box 14, Folder "Indians 1975," PDF Page 3. See Also: PDF Page 4 and 5.

¹¹¹ Staff, "Godwin gets peace pipe from Indians," *The Daily News Leader* (Staunton, Va), November 24, 1976. See also: Staff, "Indians Give Annual Gifts for Thanksgiving To Godwin," *Newport News Daily Press* (Newport News, Va), November 19, 1976.

¹¹² Letter from A. Brooks to R. Firth, 2 December 1976, Governor Godwin, Mills E., Executive Papers, 1974-1978, Accession 30193, State Government Records Collection, Library of Virginia, Richmond, Virginia, Box 14, Folder "Indians 1976," PDF Page 3.

¹¹³ Staff, "War Dance Buckskinned Indians Pay Tribute To Godwin," *The Danville Register* (Danville, Va), November 23, 1977.

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Date	Excerpt
February 2, 1978	<p>[...] The Mattaponi tribe is the last remnant of one of the thirty-two tribes once ruled by the great chief Powhatan." Chief Custalow ██████████¹¹⁴ said.</p> <p>In 1646 we made a peace treaty and agreed to pay the Commonwealth of Virginia twenty beaver skins a year as taxes. Today we still pay tribute to the Governor at Thanksgiving taking him either a fresh turkey or deer.¹¹⁵</p>
November 22, 1978	<p>With the hunting season only days old, the Mattaponi Indians had to do some fast work in the woods to come up with enough game to pay homage to Virginia's governor in time for Thanksgiving.</p> <p>Chief Little Eagle ██████████ leader of the Mattaponi, ordered a dozen tribesmen to scour their 125-acre reservation for light game to make the presentation to Gov. John N. Dalton, honoring a 322-year tradition. Since colonial times the Indians have been paying tribute instead of taxes.</p> <p>"We went all out, looking here and there," said Little Eagle, whose fellow tribesmen found a 12-pound wild turkey and two glistening rockfish, all tied to a stick.</p> <p>Thunder Cloud ██████████ Little Eagle's brother¹¹⁶, eyed the turkey during the State Capitol ceremony Tuesday and smiled.</p> <p>"I had my eye on that one. Well, not that one exactly, but I was stalking a group of them for days. I knew where they were, but I'm not saying where — that's a military secret," said Thunder Cloud.</p> <p>As Little Eagle, Thunder Cloud and other tribe members gathered at the foot of the Capitol stairs, Dalton praised the tradition and "smoked" an unlit peace pipe offered by his guests.</p> <p>"I wish you the best, and I hope this fine tradition will continue," he said.</p> <p>Thunder Cloud shook hands with Dalton beneath the gleaming white pillars of the Capitol and wished him "health and wisdom for many moons to come."¹¹⁷</p>
November 24, 1978	<p>Virginia's other Indian tribe, the Mattaponi, gave Dalton a wild turkey and two rockfish. Mattaponi Chief Webster Custalow ██████████ said they had needed no paleface help.¹¹⁸</p>
November 22, 1979	<p>Virginia Governor John Dalton thanks Mattaponi Indian Chief Little Eagle Webster Custalow ██████████ for the tribe's annual tax payment to the state - a fresh killed turkey. The Mattaponi and Pamunkey tribes pay taxes to the state each year at Thanksgiving time in the form of fresh killed game from their reservation - an agreement that was negotiated in the 17th century.¹¹⁹</p>

¹¹⁴ This article misidentifies Thundercloud ██████████ as Chief. He served as Assistant Chief of the Mattaponi Tribe from 1977-1982. Daniel Webster Custalow was chief of the Mattaponi Tribe from 1977-2003.

¹¹⁵ Delo, P., "Glens Plans Course on Indian History," *Rappahannock Record* (Kilmarnock, Va), February 2, 1978. See Also: Delo, P., "Real Indians help conduct unique RCC history course," *Southside Sentinel* (Urbanna, Va), February 2, 1978.

¹¹⁶ ██████████ was the nephew of ██████████

¹¹⁷ Staff, "Indians Pay Tribute; give Gov. Turkey, Fish," *Suffolk News-Herald* (Suffolk, Va), November 22, 1978. See also: Staff, "Paleface's deer," *The Anniston Star* (Anniston, AL), November 23, 1978; Staff, "On the Lighter Side," *The Taylor Daily Press* (Taylor, TX), November 23, 1978; Staff, "Who Fired That Shot?" *Evening Herald* (Rockhill, SC), November 23, 1978; Staff, "Digest Calendar," *The Advocate* (Newark, OH), November 23, 1978; Staff, "Meanwhile..." *Telegram-Tribune* (San Luis Obispo County, Ca), November 23, 1978; Staff, "Indians pay up with help," *The Kansas City Star* (Kansas City, MO), November 24, 1978.

¹¹⁸ Parrott, J., "Life Has Few Wrinkles for Soviet Emigre," *Los Angeles Times* (Los Angeles, CA), November 24, 1978.

¹¹⁹ Staff, "Paying Taxes," *The Columbia Record* (Columbia, SC), November 22, 1979.

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Conclusion

The evidence provided above demonstrates that the Mattaponi tribal government consistently represented “the entity in dealing with outsiders in matters of consequence” (83.11(c)). Participation in the annual tax tribute by community members, including the hunt for the game and attendance at the ceremony demonstrates the tribal government’s ability to “mobilize significant numbers of members and significant resources from its members for entity purposes” (83.11 (c)(1)(i)), that Mattaponi “membership consider issues acted upon or actions taken by entity leaders or governing bodies to be of importance” (83.11 (c)(1)(ii)), and that there is “widespread knowledge, communication, or involvement in political processes by many of the entity's members” (83.11 (c)(1)(iii)). The Mattaponi Tribal Council’s representation at ceremonial events alongside Pamunkey and Chickahominy leaders exemplifies the tribal government’s significant relationships with the governments of other federally recognized tribes (83.11(c)(1)(vi)). Efforts to protect tribal members tax and fee exemptions, particularly exemptions for reservation residents, demonstrate the tribal government’s continuous administration of “land set aside by a State for the petitioner” (83.11 (c)(1)(vii)). Advocacy for tribal rights and Indian status as well as the annual tribute required an outlay of tribal resources, which demonstrates the tribal government’s ability to “allocate entity resources such as land, residence rights, and the like” (83.11 (c)(2)(i)(A)). Finally, efforts to safeguard tribal members’ ability to hunt or fish without the requirement of a license demonstrates the Mattaponi Tribal Council’s organization and management of members’ “economic subsistence activities” (83.11 (c)(2)(i)(D)).

Evidentiary Applicability

Overall, the evidence presented above demonstrates that the Mattaponi Indian Tribe meets Criterion 83.11 (c)(1) and (c)(2) throughout the period from 1960 to 1979. Additionally, the evidence from meeting minutes and primary and secondary sources are sufficient to fulfill Criterion 83.11 (c)(2) at a high level and thus should be interpreted to meet Criterion 83.11 (b)(2)(v) for the same period.

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5. Criterion (c): 1980 to 1999

Introduction

Between 1980 and 1999, documentation demonstrates the Mattaponi Indian Tribe's fulfillment of 25 CFR 83.11 (c), political influence or authority. Evidence establishes that the Mattaponi Tribal Council held "political influence or authority over its members" (83.11(c)(1)), including the ability to "mobilize significant numbers of members and significant resources... for entity purposes" (83.11 (c)(1)(i)), through political action such as the protest of the proposed Newport News reservoir and defense of tribal members' tax-exempt status. Political participation by the Mattaponi tribal community is evident in regular attendance in regular town meetings and elections, demonstrating "widespread knowledge, communication, or involvement in political processes" (83.11(c)(1)(iii)). Likewise, the tribal government's mediation of internal disputes over issues such as resident conflicts exemplify "internal conflicts that show controversy over valued entity goals, properties, policies, processes, or decisions" (83.11 (c)(1)(v)). The inclusion of the Mattaponi Indian Tribe alongside the Pamunkey Indian Tribe in the state's formal 1983 recognition of the two shows the Tribe's significant relationship with federally recognized Indian tribes (83.11 (c)(1)(vi)). The evidence of organized institutions and livelihood strategies also show that the Mattaponi Indian Tribe continuously occupied and used the state Reservation initially conferred to it in the colonial period (83.11 (c)(1)(vii)). Lastly, archival documents including tribal meeting minutes and newspapers articles note the Tribe's leaders and elections, demonstrating the existence of a "continuous line of entity leaders and a means of selection of acquiescence by a significant number of the entity's members" (83.11 (c)(1)(viii)).

Evidence also demonstrates that the Mattaponi Indian Tribe fulfills the requirements under 25 CFR 83.11 (c)(2) throughout the 20th and 21st centuries. Specifically, evidence shows that the tribal government regularly allocated entity resources such as through the allotment of land to tribal members (83.11 (c)(2)(i)(A)). The tribal government also intervened in the activities of tribal citizens in accordance with tribal laws in ways that clearly demonstrate its role in the regular settlement of internal disputes (83.11 (c)(2)(i)(B)) and its strong influence over the behavior of its members (83.11 (c)(2)(i)(C)). Intervention and mediation of employment opportunities and distribution of grant funding illustrate the Mattaponi Tribal Council's ability to organize the economic subsistence activities of its members (83.11 (c)(2)(i)(D)). Such evidence, by meeting the requirements of 25 CFR 83.11 (c)(2), fulfills the crossover provision in 25 CFR 83.11 (b)(2)(v) and thus has "provided more than sufficient evidence to demonstrate distinct community" for the period from 1980 to 1999.

Tribal Leadership

Between 1980 and 1999, the Mattaponi Indian Tribe retained the political structure of a Mattaponi Tribal Council consisting of a Chief, Assistant Chief, and Council members. Webster Custalow remained chief during this period. Elections took place to elect Council members and assign offices, such as Secretary and Treasurer.¹ As in previous periods, tribal governmental leaders acted as leaders of the Mattaponi Indian Baptist Church. In the 1980s and 1990s, Curtis Custalow Sr. served as Reverend of the Tribe's church.²

¹ Tribal Meeting Minutes, 9 April 1987, [REDACTED] Collection, Folder 1, PDF Page 2; Town Meeting Minutes, 17 October 1987, [REDACTED] Collection, Folder 1, PDF Page 2-3.

² Vaughn, C., "Seniors Visit Mattaponi Indian Reservation," *Glo-Quips* (Gloucester, Va), November 20, 1980.

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Table C5-1. Tribal Leaders, 1980-1999. ³

Date	Title	Tribal Leaders
1977- 2003	Chief	Daniel Webster Custalow [REDACTED] ⁴
1977- 1982	Assistant Chief	Jacob Vincent Custalow Sr. [REDACTED] ⁵
1982 ca.- 2003	Assistant Chief	Carl Temple Custalow [REDACTED] ⁶
1970 ca. - 1990 ca.	Councilman	Alfred Lucian Allmond Sr. [REDACTED] ⁷
1987 ca. - 2000	Councilman	Lionel Wade Custalow; [REDACTED] ⁸
1962 ca. - 2013	Councilman	Bradley Leon Custalow I [REDACTED] ⁹
1997 - Present	Councilman	Bradley Leon Custalow II [REDACTED] ¹⁰
1987 ca.- 2003	Councilman	Mark Thomas Custalow [REDACTED] ¹¹
1969 ca. - 1996	Councilman	Ernest Alexander Langston Sr. [REDACTED] ¹²
1997 - 1998	Councilman	Curtis Lee Custalow Sr. [REDACTED] ¹³
1988 ca. - 2009	Councilman	Ralph Dewey Custalow [REDACTED] ¹⁴
1959 ca. - 1982	Councilman	William Garnett Custalow [REDACTED] ¹⁵
1983 ca. - Unknown	Secretary	Carl Temple Custalow [REDACTED] ¹⁶
1975 ca.- 2009	Treasurer	Ralph Dewey Custalow [REDACTED] ¹⁷
1980	Reverend	Curtis Lee Custalow Sr. [REDACTED] ¹⁸

³ [REDACTED] and [REDACTED] were both notated (by writers from outside the community such as journalists) as a Chief of the Mattaponi, however Jacob V. Custalow Sr. served as assistant chief during this period, and [REDACTED] did not serve as Chief or Assistant Chief.

⁴ Staff, "Thanksgiving Offerings," *Newport News Daily Press* (Newport News, Va), November 20, 1980; Staff, "Indians Present 'Taxes'," *Newport News Daily Press* (Newport News, Va), November 20, 1981; Staff, "Obituaries," *Southside Sentinel* (Urbanna, Va), September 2, 1982; Staff, "Fishing Limited for Striped Bass," *Rappahannock Record* (Kilmarnock, Va) January 6, 1983; Staff, "A look at the Pamunkey and Mattaponi," *The Indian Trader* (La Mesa, Ca), February, 1985; Staff, "Community Calendar," *Southside Sentinel* (Urbanna, Va), April 9, 1987; Staff, "Pocahontas and Powhatan Descendants," *Glo-Quips* (Gloucester, Va), December 7, 1988; Fertig, B., "Mattaponi chief honored," *Newport News Daily Press* (Newport News, Va), July 29, 1992; Staff, "Local Indian chiefs address VASWCD," *Southside Sentinel* (Urbanna, Va), February 24, 1994; Staff, "White Stone to celebrate Saturday; Shirley Little Dove to lead parade," *Rappahannock Record* (Kilmarnock, Va), September 14, 1995; Staff, "Lively Day plans under way," *Rappahannock Record* (Kilmarnock, Va), August 22, 1996; Chowning, L. S., "Proposed King William reservoir to serve Newport News is drenched with opposition," *Southside Sentinel* (Urbanna, Va), January 9, 1997; Staff, "Native-American day set at library," *Rappahannock Record* (Kilmarnock, Va), June 18, 1998; Custalow, C. L. E., "Mattaponi Tribe Leader: We fight to save our river," *Richmond Free Press* (Richmond, Va) July 15, 1999.

⁵ Staff, "Indians Present 'Taxes'," *Newport News Daily Press* (Newport News, Va), November 20, 1981; Staff, "Obituaries," *Southside Sentinel* (Urbanna, Va), September 2, 1982; Staff, "Taxes Paid in Fish And Fowl," *Suffolk News-Herald* (Suffolk, Va), November 20, 1980; Staff, "Mattaponi Indians to Present Part Of Local History," *Rappahannock Record* (Kilmarnock, Va), April 16, 1981; Staff, "Indian 'trail' fun to follow," *Smithfield Time* (Smithfield, Va), June 20, 1984.

⁶ Based on personal communication with Assistant [REDACTED] and [REDACTED], March 2024; Staff, "Tribe cites treaties in reservoir fight," *Suffolk News-Herald*, (Suffolk, Va), March 27, 1997; Staff, "Virginia agrees to tone down state historical markers," *The Indian Trader* (La Mesa, Ca), September, 1998; Whitehead, B., "Documentary focuses on conflict between city, Mattaponi," *Suffolk News-Herald* (Suffolk, Va), November 22, 1998; Shaiman, M., "Mattaponi Shad Fishery Threatened," *On Indian Land* (Seattle, WA), Summer, 1998; Staff, "VA Indians still fighting for U.S respect," *Richmond Free Press* (Richmond, Va), March 18, 1999.

⁷ Personal Communication with Tribal Council, 19 October 2024.

⁸ Tribal Meeting Minutes, 9 May 1997, Tribal Government Collection.

⁹ Tribal Meeting Minutes, 9 May 1997, Tribal Government Collection; Personal Communication with Assistant [REDACTED] [REDACTED] 19 October 2024.

¹⁰ Tribal Meeting Minutes, 9 May 1997, Tribal Government Collection.

¹¹ Tribal Meeting Minutes, 9 May 1997, Tribal Government Collection.

¹² Tribal Government Correspondence, 22 November 1996, Tribal Government Collection.

¹³ Tribal Meeting Minutes, 9 May 1997, Tribal Government Collection.

¹⁴ Tribal Meeting Minutes, 9 May 1997, Tribal Government Collection.

¹⁵ Tribal Meeting Minutes, 30 October 1969, [REDACTED] Collection.

¹⁶ Tribal Meeting Minutes, 16 September 1983, [REDACTED] Collection, Folder 1.

¹⁷ Personal Communication with Tribal Council, 19 October 2024.

¹⁸ Vaughn, C., "Seniors Visit Mattaponi Indian Reservation," *Glo-Quips* (Gloucester, Va), November 20, 1980.

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Tribal meeting minutes and newspaper articles from this period support evidence of a “continuous line of entity leaders” (83.11 (c)(1)(viii)) who protected tribal communal rights and administered political processes and laws (83.11 (c)(2)(i)). Election processes further demonstrate the existence of “widespread knowledge, communication, or involvement in political processes by many of the entity's members” (83.11 (c)(1)(iii)).

Resource Use and Allocation

Throughout the 1980s and 1990s, the tribal government consistently organized the allocation and use of tribal resources, including land and community assets. Such activities included the provision and management of reservation allotments and the mediation of conflicts over reservation and allotment property.

Reservation Allotments

The process of calling for a lot after being reinstated or presenting oneself to the Mattaponi Tribal Council requesting residency rights continued during this period. In a 1981 interview, former Chief [REDACTED] described allotment law and how it changed during this period:

[...] the lands on the Reservation are yet held in common by the Tribal government. [...] The tribal government has full control of all of this land on this Reservation. Now what happens is a Mattaponi qualified member can apply for a lot to build and occupy. This lot can be awarded to the individual, a Mattaponi individual that he might, or she might, build and occupy so long as they live, excuse me, on the Mattaponi Indian Reservation. The original law says that you have two years to build and occupy. In other words, once the lot is assigned to you, then you have two years to build and occupy. That has been changed a little bit. Modern day, there's a lot of people that does not have that kind of money. So, we have changed the amendment attempt to build and occupy because there is a strong possibility [inaudible] they may get the house pretty well up but not ready to occupy.

[...] Once you have established your home on that particular lot, you can live there as long as life last under the law.

[...] if you are not or do not reside on that particular lot, 2 years, the lot will automatically revert back to the Tribal government. The improvements on that lot will belong to the individual, but that individual will be given the period of time that he or she might do whatever is necessary for his or her best interest. If they want to sell it to someone, that's their prerogative, but if they do not do anything whatsoever, then there will be a public sale.

[...] You must maintain your status on the Reservation at least, at least six months out of the year to hold a lot. [...] If someone that has lived on the Reservation and had to leave maybe because they were out of work and found a good job and they wanted to leave and try to get ahead a little bit. [21:55] Ok, and stayed away for two years and said well my job is going to last six months more, and I am going to lose my home and lose my lot if I stay six months [Inaudible]. It's a strong possibility, and I would rule on it that if they would write or come and bring a letter, that the Tribal Chief and Council that it could be acted upon, and they could receive some sort of amended time. This way, they would still be able

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to hold that lot for an extra six months or a different amount of time. I think this is one the amendments [Inaudible] the law.¹⁹

The tribal government also administered laws related to spousal inheritance for female allotment holders. A newspaper noted Chief Webster Custalow’s description of the tribal law surrounding this practice:

The Mattaponis, according to Chief Webster Custalow [REDACTED] [REDACTED] have managed to work around that problem. The women who marry outside their race are permitted to live on the reservation with their husbands. The land, however, is titled only in the woman's name and reverts to the tribe upon her death.²⁰

Minutes from this period illustrate the Mattaponi Tribal Council’s assignment of allotments. This included oversight of the relinquishment of allotments for redistribution (April 9, 1987) and assignment of allotments (October 17, 1987). In 1998, allotment requests were delayed until boundary lines could be marked and recorded in meeting minutes for clarification (July 30, 1998). Lastly, the Mattaponi Tribal Council discussed issues pertaining to tribal members living on the reservation in violation of the allotment process (November 4, 1999).

Table C5-2. Resource Use and Allocation, 1980-1999: Reservation Allotments in Tribal Meeting Minutes.

Date	Excerpt
April 9, 1987	<p>[...] [REDACTED] called for a portion of the lot now belonging to [REDACTED] relinquishing a portion of the lot back to the Reservation. She specified that the portion of lot to be relinquished would begin 80 feet from the rear of the existing garage and extending to the community road leading to the community landing. Measurement will be taken and recoded at a later meeting. The motion was made by [REDACTED] that the lot be relinquished back to the reservation and seconded by [REDACTED] Motion carried.</p> <p>A motion was made by [REDACTED] that the above-mentioned lot belonging to [REDACTED] assigned to [REDACTED] The motion was seconded by [REDACTED] Motion carried²¹</p>
October 17, 1987	<p>[REDACTED] Presented a letter to relinquish his lot back to the reservation. A motion was made by [REDACTED] that the lot be relinquished back to the reservation. The motion was seconded by [REDACTED] Motion Carried-</p> <p>A letter from [REDACTED] requesting that she relinquish her lot back to the reservation. A motion was made by [REDACTED] to relinquish and seconded by [REDACTED] Motion carried.</p>

¹⁹ [REDACTED] Interview: [REDACTED] Mattaponi Reservation Speech and Interview edited by Helen Rountree, National Anthropological Archive, Washington, D.C.: Smithsonian Institution, Original edition, Helen Rountree, 1983, PDF Page 16-18. See also: [REDACTED], Interview: Chickahominy Fall Festival. Edited by Helen Rountree. National Anthropological Archive, Washington, D.C.: Smithsonian Institution. Original edition, Helen Rountree. 1981, PDF Page 3.

²⁰ Staff, “Virginia Indian Woman Seeking Changes,” *Talking Leaf* (Los Angeles, CA), March, 1985. For other sources related to women holding allotments on the reservation during this period, please see: Rountree, Helen C. Fieldnotes, April 1986-December 1986, Helen C. Rountree Papers, National Anthropological Archives, Smithsonian Institution, National Anthropological Archives, Washington, D.C. Box 3, PDF Page 2-3; “Young Indians Rediscovering Tradition”, 29 March 1987, Governor Baliles, Gerald L., Executive Papers, Accession 33707, State Government Records Collection, Library of Virginia, Richmond, Virginia. Box 198 Folder 10, PDF Page 56.

²¹ Tribal Meeting Minutes, 9 April 1987, [REDACTED] Collection, Folder 1, PDF Page 2.

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Date	Excerpt
	<p>██████████ did vote against this. ██████████ asked for a lot last known as ██████████. Be assigned to her. A motion was made by ██████████ and seconded by ██████████. Motion Carried.²²</p>
July 30, 1998	<p>[...] II. Letter to Chief and Council from ██████████; ██████████. A letter written to Chief and Council from Randolph Custalow asking for the lot that belong to deceased ██████████ to be granted to him. The Chief and Council decided that this matter to be tabled until boundaries have been established by the tribal minutes. All of ██████████ siblings have agreed to give or sell their portion of ownership of personal property excluding land. By Consensus of Councilmen.²³</p>
November 4, 1999	<p>IV. Letters from about reinstatement and lot granting 1. From ██████████. Not in standing, did not go about it correctly. What is the tribe going to do about. Table till next meeting, Nov. 11, 1999.²⁴</p>

In recent interviews tribal members described the process of reinstatement and calling for a lot. Others specifically described their family’s allotment holdings during the period.²⁵

Table C5-3. Resource Use and Allocation, 1980-1999: Reservation Allotments in Interviews.

Interviewee	Date	Excerpt
██████████	1990 ca.	<p>██████████: Can you describe any of the tribal government's involvement on allotments?]</p> <p>From what I can remember, you've always had to write a letter to chief and council, send it in. That letter would be taken to a meeting or entered into a meeting, and then you would either be granted a lot, put on a waiting list, or denied, and it just would depend on if they had any lots available and then I think you have two years before you're made to either build or give up that lot.²⁶</p>
██████████	1990 ca.	<p>██████████ And did your family have land allotted by the tribal government on the reservation?]</p> <p>Yes, my grandparents [██████████] a lot of my uncles ██████████ ██████████ ██████████ my two brothers ██████████ ██████████, technically, where my home place is right on the line.</p> <p>[...] I've never personally held a piece of land on the reservation. I went and applied for a piece of land. This was back when my grandfather ██████████</p>

²² Town Meeting Minutes, 17 October 1987, ██████████ Collection, Folder 1, PDF Page 2.

²³ Tribal Meeting Minutes, 30 July 1998, Tribal Government Collection, PDF Page 1.

²⁴ Tribal Meeting Minutes, 4 November 1999, Tribal Government Collection, PDF Page 1.

²⁵ ██████████, "Interview: ██████████," By ██████████ and ██████████, Mattaponi Indian Tribe, July 5, 2023, PDF Page 4-5; ██████████, "Interview: ██████████," By ██████████ and ██████████, Mattaponi Indian Tribe, September 12, 2023, PDF Page 6-7; ██████████, "Interview: ██████████" By ██████████ ██████████ Mattaponi Indian Tribe, August 22, 2023, PDF Page 3-4; ██████████, "Interview: ██████████," By ██████████ and ██████████, Mattaponi Indian Tribe, November 27, 2023, PDF Page 11.

²⁶ ██████████, "Interview: ██████████," By ██████████ and ██████████, Mattaponi Indian Tribe, July 5, 2023, PDF Page 4-5.

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Interviewee	Date	Excerpt
		██████████ was chief, but there wasn't enough land because, like I said, due to encroachment taking land [...] when I was younger, you would have to write a letter. [...] You either could either type it or you could handwrite it. And you submitted your letter to the chief, council asking for a lot if there's one available. And then, of course, if there was one available at the time, then they would let you know which lots were available. And the council would have to approve. They would vote, and they would approve if you could come on or not." ²⁷

Regulation of Allotted Lands

In addition to the tribal government's allocation of land in accordance with tribal laws, the Mattaponi Tribal Council oversaw the regulation of allotments and settled land disputes. Tribal member ██████████ described the regulation of allotments when she was growing up:

I don't know of any actual regulations as far as size of houses or fencing, but I do know it's more or less like it is on the Commonwealth. You have to have a certain amount of distance between your house and your well and your drainage. You also have to have a certain amount of distance between your well and your drainage and the other person's house. So, as far as fencing, I think it was, back in the good old days, it was more or less a handshake. Nobody split hairs over a few feet here and a few feet there because everybody, everybody were neighbors. Everybody was family.²⁸

The tribal government's regulation of allotments extended to the personal property and infrastructural elements related to the allotments. After a lot was relinquished back to the Tribe for redistribution, it was found that a deep well pump system had been removed. The Mattaponi Tribal Council ruled that the previous allotment holder be required to install a new well system (July 23, 1988).

Table C5-4. Resource Use and Allocation, 1980-1999: Regulation of Allotted Lands in Tribal Meeting Minutes.

Date	Excerpt
July 23, 1988	<p>1. Removal of reservation property from a Reservation lot last known as ██████████ ██████████ lot this property is a complete deep well pump unit consisting of pump motor electrical tank and all pipe valves and fittings this unit was taken illegal and tresper [sic] or tresspers [sic] must return this property and put it back in its rightful place with all parts in working order and mounted as it was before. [...]</p> <p>██████████ made a motion that ██████████ replaces the entire pump system removed from the lot belonging to ██████████</p> <p>The system is to be installed by ██████████ and will be checked to be sure it is in good operating condition.</p> <p>██████████ agree to see this is done. The unit it to be replaced with in 15 days from July 23rd 88.²⁹</p>

²⁷ ██████████, "Interview: ██████████," By ██████████ and ██████████, Mattaponi Indian Tribe, September 12, 2023, PDF Page 6-7.

²⁸ ██████████, "Interview: ██████████," By ██████████ and ██████████, Mattaponi Indian Tribe, July 5, 2023, PDF Page 4-5.

²⁹ Town Meeting Minutes, 23 July 1988, Todd Custalow Collection, Folder 1, PDF Page 1-4.

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Conclusion

The Mattaponi Tribal Council’s continued allotment of land on the Mattaponi Indian Reservation shows the tribal government’s ability to “allocate entity resources such as land, residence rights, and the like” (83.11 (c)(2)(i)(A)) during the period between 1980 and 1999. Further, oral history interviews from tribal members indicate that members consider the actions of the tribal government to be of import (83.11 (c)(1)(ii)) and that there was “widespread knowledge, communication, or involvement in political processes by many of the entity’s members” (83.11 (c)(1)(iii)). Meeting minutes outlining the missing well pump demonstrate “internal conflicts that show controversy over valued entity goals, properties, policies, processes, or decisions” (83.11 (c)(1)(v)) and the tribal government’s ability to “settle disputes,” (83.11 (c)(2)(i)(B)) through the exertion of “strong influence on the behavior of individual members” (83.11 (c)(2)(i)(C)). Finally, allotments of reservation lands further illustrate the Tribe’s continued occupation and use of “land set aside by the state for the petitioner” (83.11 (c)(1)(vii)).

Public Works and Social Services

Throughout the 1980s and 1990s, the tribal government continued to organize infrastructural improvements and social services for tribal members. This included the maintenance of tribal property like the community building and the hatchery, land acquisition efforts, application for grants, and allocation of resources.

Mattaponi Indian Baptist Church

In this period, the Mattaponi Tribal Council responded to a request by the Church to be granted the ability to expand its building. In 1998, leaders within the Mattaponi Indian Baptist Church appeared before the Mattaponi Tribal Council with plans for expanding the existing church building. Tribal leaders conferred, outlining rationales against the expansion (July 10, 1998). The Mattaponi Tribal Council ultimately refused to approve the plan, and it did not move forward.³⁰

Table C5-5. Public Works and Social Services, 1980-1999: Mattaponi Indian Baptist Church.

Date	Excerpt
July 10, 1998	<p>The Pastor and ██████████ have come before the Council to explain what plan they have for construction on the Church. ██████████ has spoken on the need of the Church which has consisted of room needed from classrooms for the pastor to go and have prayer.</p> <p>██████████ made the statement that we need the spirit in the Church, not to add on to the building. We need to bring people together instead of building onto the building that stands now. ██████████</p> <p>██████████ made the statement that it’s an Indian Church and it should be focused and filled with Indian People. ██████████ made the statement of being overrun by a growing number of members and whether or not the Church grounds are large enough for extra construction on the existing Church.”³¹</p>

Mattaponi Hatchery

From 1980 to 1999, the Mattaponi Tribal Council continued to manage the Tribe’s shad hatchery on the Mattaponi Indian. A newspaper from 1983 reported the significance of the hatchery to the livelihood of tribal members on the Mattaponi Indian Reservation:

³⁰ Personal Communication, ██████████, 6 October 2024.

³¹ Tribal Meeting Minutes, 10 July 1998, Tribal Government Collection, PDF Page 1.

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█ doesn't question the importance of the shad hatchery he operates on the Mattaponi Indian Reservation. He sees it as a necessity. "It's the only way we put fish back into the water," he said. "You have to put fish back into the water if you're going to take any out." The simple operation helps maintain the shad population in the Mattaponi River, he said. Custalow, 32, began operating the shad hatchery in February 1982 when his father, Will died. [...] The state pays each reservation \$1,300 a year to operate the hatcheries.³²

Tribal leaders regularly appointed tribal members to work at the hatchery (May 9, 1997, March 23, 1999), a practice that supplemented their income. The Mattaponi Tribal Council "applied for funding to expand the facility" in 1998.³³ This funding was ultimately awarded, and the hatchery was expanded in 2000.³⁴ The tribal government also oversaw the winterizing the hatchery to prepare for the new facility (March 23, 1999) and getting electricity to the building (September nd., 1999).

Table C5-6. Public Works and Social Services, 1980-1999: Mattaponi Hatchery Maintenance.

Date	Excerpt
May 9, 1997	IV. Hatchery – it was decided by the tribe to pay █ \$40 per day to run the hatchery from the time the first sponers [<i>sic</i>] were put into the jars until May 9, 1997 in which the hatchery will be shut down for the season by General Concession. ³⁵
March 23, 1999	Hatchery – New hatchery will not be ready for '99 season. So we will run the Old Hatchery again this year. █ made the suggestion that the person that runs the Hatchery should prepare the hatchery (winterizing etc.) for the following season. Tribe will ask a tribal member to run the hatchery. ³⁶
September nd., 1999	[...] V. Vepcom can go underground under the road in front of █ house to hook electricity up to the hatchery. The price will be \$631.00 The tribal council feel going under the road would be in best interest. ³⁷

Maintenance of Tribal Property

From 1980 to 1999, the Mattaponi Tribal Council continued to maintain tribal properties, including the building that formerly housed the Mattaponi Indian School, which was now used to host community events and tribal meetings, and the landing on the Mattaponi River. Tribal meeting minutes outline the tribal government's organization of improvements to the drainage pipe at the main landing, including contracting tribal members to do the labor and setting labor rates (December 13, 1985). This effort was aimed at protecting against erosion in the area.³⁸ Additionally, the Mattaponi Tribal Council maintained the community building, providing for the cost of building repairs, new siding, and roof repairs and organizing the labor required for such activities (December 13, 1985; July 23, 1988; May 9, 1997; September 1999).

³² Staff, "Hatchery Makes Mother Nature's Job Easier," *Newport News Daily Press* (Newport News, Virginia), April 17, 1983.

³³ Shaiman, Marsha, "Mattaponi Shad Fishery Threatened," *On Indian Land* (Seattle, Washington), 1998.

³⁴ Whitehead, Bobbie, "Newport News Gets Permit to Place Pipe in Mattaponi River," *Indian Country Today* (Digital), August 25 2004. <https://ictnews.org/archive/newport-news-gets-permit-to-place-pipe-in-mattaponi-river>; Personal Communication with █, 19 October 2024.

³⁵ Tribal Meeting Minutes, 9 May 1997, Tribal Government Collection, PDF Page 2.

³⁶ Tribal Meeting Minutes, 23 March 1999, Tribal Government Collection, PDF Page 1.

³⁷ Tribal Meeting Minutes, nd. September 1999, Tribal Government Collection, PDF Page 1.

³⁸ Personal Communication, █, 19 October 2024.

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Table C5-7. Public Works and Social Services, 1980-1999: Maintenance of Tribal Property in Tribal Meeting Minutes.

Date	Excerpt
December 13, 1985	<p>[...] Pipe at main landing: A motion was made by ██████████ ██████████ that ██████████ would install approx. 160 ft of 12' pipe drain at the main landing. The cost will be \$400.00. This charge also includes regrading after the trench settles with materials supplied. Labor will be furnished to lay the plastic pipe by the reservation. Four men were selected to lay and joint pipe after the hole was opened. Second by ██████████ Motion carried.</p> <p>A motion was made that the four men installing the pipe would be paid \$6.00/hr to lay and join the pipe. Motion was made by Dewey Custalow and 2nd by Curtis Custalow [Curtis Lee Custalow Sr.; b.1916 – d.2001]. Motion carried.</p> <p>A motion was made by ██████████ that ██████████ ██████████ and ██████████ would do maintenance on the Community building until the tribe deemed no one was needed or someone else was needed to do this maintenance. Motion was 2nd by ██████████ – Motion carried.</p> <p>A motion was made by ██████████ that the hourly labor rate for the maintenance would be \$10.00/hr plus any materials used. Motion was 2nd by ██████████. Motion carried.³⁹</p>
July 23, 1988	<p>2 decide about having vinel [sic] or aluminum installation on the old part of the Tribal Community Building. Elect some members to find someone to do the job and get estimates also should be gotten [sic] trough Installed [...]</p> <p>██████████ made a motion that the tribe get estimates on putting aluminum siding on the community building. This will include both siding and gutters. The motion was seconded by ██████████; ██████████ Motion carried.”⁴⁰</p>
May 9, 1997	<p>Community Building Repair – ██████████ is the contractor is willing to repair the roof for \$2,000 which includes sandblasting and sealing the roof also removing the chimney. Bob Smith has agreed to pay \$1,000 of the cost if the tribe will pay the balance of \$1,000.</p> <p>Motion made by ██████████ that the tribe contract ██████████ to repair the roof on the community building as stated above and the tribe will pay the balance of \$1,000. Seconded by ██████████ All in favor. [...]”⁴¹</p>
September nd., 1999	<p>VI. The tribal community building needs some plumbing work. Everyone has agreed to get someone in to fix the plumbing.⁴²</p>

Land Acquisition

During the period from 1980 to 1999, as throughout much of the twentieth century, the tribal government sought to expand reservation lands. The Mattaponi Tribal Council were mainly concerned with how to keep young people living on the reservation by creating employment opportunities. A newspaper article detailed these efforts:

³⁹ Tribal Meeting Minutes, 13 December 1985, ██████████ Collection, Folder 1, PDF Page 2.

⁴⁰ Town Meeting Minutes, 23 July 1988, ██████████ Collection, Folder 1, PDF Page 1 & 3.

⁴¹ Tribal Meeting Minutes, 9 May 1997. Tribal Government Collection, PDF Page 2.

⁴² Tribal Meeting Minutes, nd. September, 1999, Tribal Government Collection, PDF Page 1.

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Here, land rights are restricted. There is little chance to expand which causes those who must work outside of the area to have to travel as far as 75 miles to Newport News or west to Richmond for employment. [...] Chief Custalow ██████████ ██████████ stated the situation when he related that if the Indians would be given more job opportunities on their own lands, more prosperity would come and they again could regain their own schools and tribal customs.⁴³

Land acquisition efforts continued throughout this period and were a major argument against the proposed Newport News Reservoir in the late 1990s:

The Mattaponi have wanted to expand their reservation since they only have 150 acres with 62 members living on the reservation, Custalow ██████████ said.

“We have a tribal membership of 500 people, and we have a lot of members who would like to move back but can’t,” he said. “One of our projects now is land acquisition. If this reservoir goes in, there will be massive building. This will land-lock us.”⁴⁴

Tribal meeting minutes outline the Mattaponi Tribal Council’s efforts to acquire additional reservation acreage through fundraising and negotiating with external parties (May 9, 1996; July 2, 1999). The Tribe was successful in these efforts and received 27 acres from the Chesapeake Corporation in 1981.⁴⁵ In addition, the Tribe began pursuing the land known as Sandy Point (October 1, 1999), which sits directly adjacent to the Mattaponi Indian Reservation on its north side. This lot was bought by conservancies (November 4, 1999) and ultimately ended up in the hands of the Virginia Department of Forestry.⁴⁶

Table C5-8. Public Works and Social Services, 1980-1999: Land Acquisition in Tribal Meeting Minutes.

Date	Excerpt
May 9, 1996	I. Plan with ██████████ What he came up with – we can still modify & change. ██████████ will donate \$50,000 towards purchasing land – he wants to help in negotiating with Chesapeake. ⁴⁷
July 2, 1999	[...] Land – The land behind the reservation is up for sale. We the tribe need to try to acquire the land. ⁴⁸
October 1, 1999	[...] II. Sandy Point Land is for sale. The tribe needs to put in a bid on the land. III. Land Claim – our lawyers are now looking into Land Claim. They will put together some information and see if we can put land claim to surrounding land next to the Reservation. ⁴⁹
November 4, 1999	III. Sandy Point land has been bought by the conservancies group, which is good news for the tribe. The tribe has two years to raise money to buy the land from the conservancies. ⁵⁰

⁴³ Staff, “A look at the Pamunkey and Mattaponi,” *The Indian Trader* (La Mesa, Ca), February, 1985.

⁴⁴ Whitehead, B., “Documentary focuses on conflict between city, Mattaponi,” *Suffolk News-Herald* (Suffolk, Va), November 22, 1998.

⁴⁵ Deed: Chesapeake Corporation - Deed of Gift, February 27, 1981, King William County Deed Book 143, King William County Court House, King William, Virginia.

⁴⁶ Sandy Point is currently the subject of a bill in the Virginia House of Delegates, Virginia House Bill No. 1434, that would return the land to the Mattaponi Indian Tribe.

⁴⁷ Tribal Meeting Minutes, 9 May 1996, Tribal Government Collection, PDF Page 1.

⁴⁸ Tribal Meeting Minutes, 2 July 1999, Tribal Government Collection, PDF Page 1.

⁴⁹ Tribal Meeting Minutes, 1 October 1999, Tribal Government Collection, PDF Page 1.

⁵⁰ Tribal Meeting Minutes, 4 November 1999, Tribal Government Collection, PDF Page 1.

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Provision of Social Services

In addition to funds to upgrade the hatchery, tribal meeting minutes detail the allocation of grant and tribal funds in this period. Under the 1982 Job Training Partnership Act (JTPA), the Mattaponi, Pamunkey, Monacan (MPM) consortium received funding for job training and coordinated the rental of the community building for program use with the Mattaponi Tribal Council (September 16, 1983).⁵¹ Tribal leaders continued to pursue grant funding during this period to aid tribal members with housing needs. A letter prepared by Councilman [REDACTED] and reviewed by Council was sent to the Haliwa-Saponi housing authority for the purpose of securing the funds for tribal housing (November 20, 1998).⁵² Additionally, tribal leaders organized and presided over community events like the annual powwow that was resumed in 1996.⁵³ Powwows served to bring community members together and helped to solidify community connection as well as the Tribe’s connection with the larger native community in Virginia. They also acted as an important fundraising activity for the Tribe. Councilman [REDACTED] reported on the powwow budget in a 1999 tribal meeting, demonstrating the outlay of tribal resources involved (July 2, 1999). The Mattaponi Tribal Council also worked to aid tribal citizens in registering to vote in non-tribal elections (October 1, 1999), an approach that could help the tribal government better advocate for the Tribe with local elected officials.

Table C5-9. Public Works and Social Services, 1980-1999: Provision of Tribal Services.

Date	Excerpt
September 16, 1983	This meeting was held to discuss rental of the Community Building for the Job Training Partnership Act (JTPA). There was a lengthy discussion concerning insurance being obtained for the building. It was agreed by consention [sic] that the Tribe will seek \$9,600 per year rent from the JTPA. If this figure is not agreeable to the Mattaponi, Pamunkey, Monacan JTPA Consortium, the Reservation is agreeable to rent the building for as low as \$600 per month without calling a special meeting. [...] ⁵⁴
November 20, 1998	1. Letter by [REDACTED] to an housing authority letting them know our laws. All Councilmen had a chance to read over it and make some changes. The letter is intended to help get some funding for housing on the Reservation. [REDACTED] has asked for an extension on his lot, to give him ample time to get th [sic] letter of our laws on lot granting to the house authority. ⁵⁵
July 2, 1999	Pow-Wow Report. [REDACTED] makes presentation. He has given the tribe a copy of the budget report. ⁵⁶
October 1, 1999	II. We the Council would like to get as many tribal members to register to vote in the county. ⁵⁷

Another service tribal leaders provided during this time was letters of recommendation and confirmation of Mattaponi descent. Such letters enabled tribal members, regardless of whether they lived on or off the Mattaponi Indian Reservation, to access scholarships and other benefits reserved for Native Americans.

⁵¹ The JTPA replaced the Comprehensive Employment and Training Act of 1973 that originally funded the MPM (Guttman, Robert, “Job Training Partnership Act: New Help for the Unemployed,” *Monthly Labor Review*, March 1983: 3-10).

⁵² The Haliwa-Saponi were running their own HUD programs and approached the Tribe to aid them in setting up a similar program (Personal Communication, [REDACTED], October 10, 2024).

⁵³ “First Annual Powwow,” [REDACTED] Collection, Box 3, Folder 9. The inaugural powwow was held off of the Mattaponi Indian Reservation in 1995 (Personal Communication, [REDACTED], October 22, 2024).

⁵⁴ Tribal Meeting Minutes, 16 September 1983, [REDACTED] Collection, Folder 1, PDF Page 1.

⁵⁵ Tribal Meeting Minutes, 20 November 1998, Tribal Government Collection, PDF Page 1.

⁵⁶ Tribal Meeting Minutes, 2 July 1999, Tribal Government Collection, PDF Page 1.

⁵⁷ Tribal Meeting Minutes, 1 October 1999, Tribal Government Collection, PDF Page 1.

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Table C5-10. Public Works and Social Services, 1980-1999: Membership Letters.

Interviewee	Date	Excerpt
[REDACTED]	1987 ca.	My first chief that I can truly remember was [REDACTED] as we called him. He was chief for quite some time. He actually gave me my very first tribal membership. That was before cards. It was just a letter. And put me on the roll so I could receive a grant to go to college. [...] Myself, when I graduated from high school through the reservation and the organization, MPM, which is Mattaponi Pamunkey Monacan, was given a grant for tuition, books, and school supplies. And that's what I was saying; [REDACTED] actually wrote my letter so I could receive that grant. [...] They paid my tuition for that, too, but I said if it wasn't for the reservation, if it wasn't for [REDACTED], I probably wouldn't have gone to college at all 'cause the money just was not there, even for community college. ⁵⁸
[REDACTED] ⁵⁹	1983 ca.	[...] And I was trying to see if I could get any and every scholarship I could possibly get to go to school. And so, I don't know how many of these that were given, but I have a letter from Cousin [REDACTED] that validated my tribal membership. ⁶⁰

Conclusion

Evidence of the tribal government's ability to "allocate entity resources such as land, residence rights, and the like" (83.11 (c)(2)(i)(A)) and the continued use of "land set aside by a State for the petitioner" (83.11 (c)(1)(vii)) is exemplified through the continued maintenance of institutions on the reservation including the community building, the Mattaponi Indian Baptist Church, and the shad hatchery. The organization of supplies and labor for these projects, community events, and social services is indicative of the Mattaponi Tribal Council's ability to "mobilize significant numbers of members and significant resources from its members for entity purposes" (83.11 (c)(1)(i)), and "strong influence on the behavior of individual members" (83.11 (c)(2)(i)(C)). Specifically, the employment of tribal members to run the hatchery is an example of the Mattaponi Tribal Council's organization of "economic subsistence activities" (83.11 (c)(2)(i)(D)) on the Mattaponi Indian Reservation.

Maintaining Social Order

During the 1980s and 1990s, the Mattaponi Tribal Council continued to administer tribal laws. Tribal leaders continued to enforce the tribal laws which included the enforcement of sanctions, issuing tribal cards, and participating in elections.

Tribal Laws and Regulations

The Mattaponi Tribal Council's administration of tribal laws separate from those of the Commonwealth, widely recognized by the non-Indian community,⁶¹ included the continuation of the regulations of previous periods along with the addition of new requirements, particularly around firearms. Anthropologist Helen Rountree, who conducted fieldwork with the Tribe during this period, noted the existence of tribal laws,

⁵⁸ [REDACTED], "Interview: [REDACTED]," By [REDACTED] and [REDACTED], Mattaponi Indian Tribe, July 5, 2023, PDF Page 7-11.

⁵⁹ [REDACTED] has Mattaponi lineage but is enrolled with the Eastern Chickahominy Tribe.

⁶⁰ [REDACTED], "Interview: [REDACTED]," By [REDACTED] and [REDACTED], Mattaponi Indian Tribe, November 27, 2023, PDF Page 10.

⁶¹ Staff, "Mattaponi Indians to Present Part Of Local History," *Rappahannock Record* (Kilmarnock, Va), April 16, 1981; "Virginia Indians Yesterday, Today and Tomorrow" Pamphlet, 1986, Governor Baliles, Gerald L., Executive Papers, Accession 33702, State Government Records Collection, Library of Virginia, Richmond, Virginia. Box 125, Folder 8, PDF Page 21-22.

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writing that [REDACTED], the daughter of a former tribal secretary, had recorded a copy of the tribal laws.⁶² [REDACTED] efforts resulted in the preservation of laws and minutes dating from the 1910s to the 1970s.⁶³ Rountree’s notes demonstrate that the laws recorded in earlier periods continued to be in effect during her research.

Table C5-11. Maintaining Social Order, 1980-1999: Tribal Laws and Regulations in Other Sources.

April 4, 1986	[REDACTED] Just before [REDACTED] went out of office, when the tribal bylaws were still in his possession, she bought a big ledger [...] In the front of it, she copied the tribel [sic] bylaws (and now the Chief and council are not the only ones to have access to a written copy.) ⁶⁴
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Additionally, former [REDACTED], speaking in 1986, discussed the development of new laws during this period, particularly weapons regulations, and the Mattaponi Tribal Council’s role in coordinating with county law enforcement (1986).

Table C5-12. Maintaining Social Order, 1980-1999: Tribal Laws and Regulations in Interviews.

Interviewee	Date	Excerpt
[REDACTED]	1986	We do have regulations on the Reservation, and that was one regulation, and that was on 22 rifles. At that time, we really didn’t have anything larger than a 22 rifles, as far as rifles are concerned. Shot guns, you know, there was no regulation on that, you can always shot gun it, you can fire it, you know, but a 22 rifle, no. [...] Our laws are formed – our laws, you know, align with the county laws. If not, then [we better do?] something about it. [...] Just recently, we were ahead of the county in a lot of things that [inaudible] government were regulating. [...] We have the right as far as the law enforcement, we have the right to call in assistance from the county, sheriff department, or state police if something happen were to arise on the Reservation that we can’t handle, we have that right. ⁶⁵

Enforcement of Tribal Laws

Sanctions for breaking tribal laws continued during this period with the most severe being expulsion. Former [REDACTED], speaking to Helen Rountree in 1983, explained:

They can be expelled if they are in violation of the law. This does not mean this is the first time now. The reason to be expelled or expulsion comes about because we don’t have a place for incarceration. We can’t punish individual on our Reservation such as putting them

⁶² Visit to Mattaponi Reservation Notes, 4 April 1986, Helen C. Rountree, Fieldnotes, April 1986-December 1986, Helen C. Rountree Papers, National Anthropological Archives, Smithsonian Institution, National Anthropological Archives, Washington, D.C. Box 3, PDF Page 5.

⁶³ Law Ledger, 1914-1977, [REDACTED] Private Collection.

⁶⁴ Visit to Mattaponi Reservation Notes, 4 April 1986, Helen C. Rountree, Fieldnotes, April 1986-December 1986, Helen C. Rountree Papers, National Anthropological Archives, Smithsonian Institution, National Anthropological Archives, Washington, D.C. Box 3, PDF Page 5.

⁶⁵ [REDACTED], Interview: [REDACTED], edited by Helen Rountree, National Anthropological Archive, Washington, D.C.: Smithsonian Institution, Original edition, Helen Rountree, 1986, PDF Page 8.

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into prison or in jail for a long period of time, so the worst thing that can happen to them is to lose their homeland.⁶⁶

Tribal leaders would often try to solve disputes without the use of severe sanctions. Tribal member [REDACTED] remembers the Mattaponi Tribal Council presiding over disputes during this period:

They would also kind of sort of preside over any kind of disputes also between this one or that one. And usually it was, you know, something that was over before it was started. Because it was a good slap on the back and everybody was friends again and everything was handled before it got even too bad because it was always out in the open. They were always present. Even if you didn't see them, you knew that they were... Uncle [REDACTED], Chief [REDACTED] you knew he was there.⁶⁷

Tribal meeting minutes document reservation residents appealing for aid from the Mattaponi Tribal Council in settling disputes between outsiders visiting other residents and causing disturbances. The Mattaponi Tribal Council met and ruled that residents were to be responsible for their visitors, and implied that if the matter in question continued, the tribal government would enforce sanctions against that resident (July 30, 1998).

Table C5-13. Maintaining Social Order, 1980-1999: Enforcement of Tribal Laws.

Date	Excerpt
July 30, 1998	III. Letter to Chief and Council from [REDACTED] asking what can be done about individuals visiting her brother [REDACTED] harassing her while they are visiting. The decision has been made that each reinstated tribal member is responsible for the action of any person visiting them on the Reservation. If harassment continues, matters will be dealt with by Chief and Council. Motioned made by Councilman [REDACTED] Seconded by [REDACTED] ⁶⁸

Conclusion

Evidence from a variety of sources confirms the tribal government continued to exercise authority over the Mattaponi Indian Reservation between 1980 and 1999. Appeals by tribal members to the Mattaponi Tribal Council to intervene in disputes demonstrates that there was “widespread knowledge, communication, or involvement in political processes by many of the entity's members” (83.11 (c)(1)(iii)). Such instances, as well as the continuation of established tribal law and the creation of new regulations demonstrate that the tribal government exerted “strong influence on the behavior of individual members, such as the “establishment or maintenance of norms or the enforcement of sanctions to direct or control behavior” (83.11 (c)(2)(i)(C)) to “settle disputes” (83.11 (c)(2)(i)(B)).

Political Participation

Throughout the 1980s and 1990s, community members engaged in political processes organized by the Mattaponi Tribal Council. For example, a group of Mattaponi tribal members marched at Jamestown to

⁶⁶ [REDACTED], Interview: [REDACTED] Mattaponi Reservation Speech and Interview edited by Helen Rountree, National Anthropological Archive, Washington, D.C.: Smithsonian Institution, Original edition, Helen Rountree, 1983, PDF Page 17.

⁶⁷ [REDACTED], "Interview: [REDACTED]," By [REDACTED] and [REDACTED], Mattaponi Indian Tribe, July 5, 2023, PDF Page 7.

⁶⁸ Tribal Meeting Minutes, 30 July 1998, Tribal Government Collection, PDF Page 1-2.

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protest the proposed reservoir in 1999.⁶⁹ Tribal members' participation in political activities demonstrates that they viewed these events to be significant, and that moving through organized Mattaponi political structures was considered an effective and appropriate way to affect change.

Meeting Attendance

The Mattaponi Indian Tribe held regular meetings of voting residents of the reservation and roll call was consistently taken and noted in the meeting minutes throughout this period. These records demonstrate tribal members' participation in meetings. Meetings included approximately 8 to 13 voting citizens, representing the majority of reservation households.

Table C5-14. Political Participation, 1980-1999: Town Meetings.⁷⁰

Date	Type of Meeting	Number of Participants
September 16, 1983	Town Meeting	8
December 13, 1985	Town Meeting	8
March 20, 1987	Town Meeting	8
April 9, 1987	Town Meeting	8
October 17, 1987†	Town Meeting	11
February 13, 1988	Town Meeting	10
February 27, 1988	Town Meeting	10
July 23, 1988	Town Meeting	13
May 9, 1996	Town Meeting	9
May 9, 1997	Town Meeting	7
June 6, 1997	Town Meeting	8
June 20, 1997	Town Meeting	6
June 27, 1997	Town Meeting	9
July 22, 1997	Town Meeting	6
December 19, 1997	Town Meeting	8
February 13, 1998	Town Meeting	8
May 1, 1998	Town Meeting	Unknown
May 9, 1998	Tribal Meeting	4
May 28, 1998	Tribal Meeting	6
June 26, 1998	Town Meeting	8
July 10, 1998	Town Meeting	10
July 30, 1998	Tribal Meeting	7
August 13, 1998	Town Meeting	8
November 20, 1998	Tribal Meeting	6
November 30, 1998	Town Meeting	8
December 1998	Tribal Meeting	9
1998	Tribal Meeting	9
January 15, 1999	Town Meeting	9
January 20, 1999	Town Meeting	7
March 23, 1999	Tribal Meeting	8
July 2, 1999	Tribal Meeting	7
October 1, 1999	Tribal Meeting	4
November 4, 1999	Tribal Meeting	8

⁶⁹ Wilson, John, "Mattaponi March on Jamestown to Protest Proposed Reservoir," *Rappahannock Record* (Kilmarnock, Virginia), May 20, 1999.

⁷⁰ Meeting dates in this table from 16 September 1983 to 23 July 1988, are a part of [REDACTED] Collection, Folder 1. All other minutes are part of the Tribal Government Collection.

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Date	Type of Meeting	Number of Participants
November 13, 1999	Tribal Meeting	11

†Signifies meetings at which the community was asked to vote on a particular issue including formal elections.

Elections

As in previous periods, elections were conducted during town meetings to fill council positions and supportive offices, such as Secretary. The process consisted of a motion for the nomination that would be seconded and voted on by those present. Webster Custalow remained Chief between 1980 and 1999. An election for two council positions is documented in 1987 (April 9, 1987). Later that year, an election was held for the Secretary position (October 17, 1987).

Table C5-15. Political Participation, 1980-1999: Elections.

Date	Excerpt
April 9, 1987	5. A motion was made by ██████████ to elect ██████████ and ██████████ as Counselman [sic] for a reservation. The motion was seconded by ██████████. Motion was carried. ⁷¹
October 17, 1987	A motion was made by ██████████ for ██████████ to be scribe for town meetings- Second by ██████████. Motion Carried. [...]. ⁷²

Membership

The tribal government also regulated membership within the tribe based on descendency criteria. In a recent interview, councilman ██████████ described the enrollment process between 1980 and 1990 as:

My father ██████████ was the one who did tribal cards in the 90s and he kept a book of the applications, and he would do the same. He would get them he would present them to council, council would review them to ensure the eligibility criteria was met and that people [...] knew who people were meaning they were from the tribe, and he would do the cards and mail them. We did charge for cards then so we would deposit the fees into the bank but other than that. Uncle ██████████ the Chief he would do tribal cards before that as the chief in the 80s and also provide letters to people if they needed to prove their heritage or their descendency.⁷³

Descendency was a prerequisite for reinstatement and request for an allotment on the Mattaponi Indian Reservation.⁷⁴ For tribal members living off of the reservation, membership letters could be used as a hunting or fishing license exemption or to help obtain benefits such as scholarships. During this time, anthropologist Helen Rountree noted that:

Gertrude [Gertrude Elizabeth Custalow; b.1922 – d.2012] is keeping an unofficial—but the only—copy of anything like a tribal roll for the tribe [...] she wrote down as much tribal genealogy as she and her siblings and cousins could remember. She is acutely aware that in future decades, people may claim tribal membership whose immediate ancestors have

⁷¹ Tribal Meeting Minutes, 9 April 1987, ██████████ Collection, Folder 1, PDF Page 2.

⁷² Town Meeting Minutes, 17 October 1987, ██████████ Collection, Folder 1, PDF Page 2-3.

⁷³ ██████████, "Interview: ██████████ Part Two," By ██████████ and ██████████, Mattaponi Indian Tribe, August 17, 2023, PDF Page 8-9.

⁷⁴ Personal Communication, Tribal Council, 12 October 2024.

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lived away for so long that they are forgotten by residents on the reservation. Such people should not be denied their tribal rights.⁷⁵

While the validity of Rountree’s assertion regarding the tribal roll is questionable,⁷⁶ the Tribal Council clearly applied customary and written law regarding membership to the enrollment process. Tribal meeting minutes document the process of enrollment. A letter of reinstatement would be presented in a town meeting, reviewed, and voted on by residents and the Tribal Council (October 17, 1987; December 19, 1997). The tribal government also made decisions on the issuance of residence cards to non-Mattaponi spouses (January 20, 1999). While these cards did not confer tribal membership or status, they affirmed reservation residence for non-Native family members living on the Mattaponi Indian Reservation.⁷⁷

Table C5-16. Political Participation, 1980-1999: Membership.

Date	Excerpt
October 17, 1987	A letter was presented by ██████████ to be accepted as an active member of the reservation and tribe. A motion was mad [sic; made] by ██████████ and seconded by Ernest Langston, Jr. Motion Carried. ⁷⁸
December 19, 1997	II. Tribal Cards – Presentation by ██████████ All names present were of Mattaponi descent and were accepted by tribe.” ⁷⁹
January 20, 1999	Topic: Resident Cards – these cards are for women and spouses of Mattaponi. ██████████ presented the Council with some wording to go on the Residence Card to be issued to spouses and other people living on the Mattaponi Reservation. ⁸⁰

Conclusion

Attendance in town meetings by community members, participation in election processes, and submission of documentation for enrollment indicates “widespread knowledge, communication, or involvement in political processes by many of the entity's members” (83.11 (c)(1)(iii)), and that there was a “continuous line of entity leaders” (83.11 (c)(1)(viii)) exerting strong influence over individual members (83.11 (c)(2)(i)(C)). Participation in these activities also indicate the tribal government’s ability to “mobilize significant numbers of members and significate resources from its members for entity purposes” (83.11 (c)(1)(i)) and that “many of the membership consider issues acted upon or actions taken by entity leaders or governing bodies to be of importance” (83.11 (c)(1)(ii)).

External Relations

Throughout the 1980s and 90s, the Mattaponi Tribal Council regularly interacted with local, state, federal, and other tribal authorities to represent the interests of the Mattaponi Indian Tribe. Significant efforts in which tribal leadership represented tribal interests were largely connected to tribal status. This included

⁷⁵ Visit to Mattaponi Reservation Notes, 4 April 1986, Helen C. Rountree, Fieldnotes, April 1986-December 1986, Helen C. Rountree Papers, National Anthropological Archives, Smithsonian Institution, National Anthropological Archives, Washington, D.C. Box 3, PDF Page 5.

⁷⁶ Rountree alludes to the fact that she was not provided access to other original documentation, specifically tribal law books, and that ██████████ copy was carried over from those documents (Visit to Mattaponi Reservation Notes, 4 April 1986, Helen C. Rountree, Fieldnotes, April 1986-December 1986, Helen C. Rountree Papers, National Anthropological Archives, Smithsonian Institution, National Anthropological Archives, Washington, D.C. Box 3, PDF Page 5). It is likely that the Tribal Council retained information on the tribal roll and determinations of lineal descent within its internal documentation for the period.

⁷⁷ Personal Communication, Tribal Council, 19 October 2024.

⁷⁸ Town Meeting Minutes, 17 October 1987, ██████████ Collection, Folder 1, PDF Page 2-3.

⁷⁹ Tribal Meeting Minutes, 19 December 1997, Tribal Government Collection, PDF Page 2.

⁸⁰ Tribal Meeting Minutes, 20 January 1999, Tribal Government Collection, PDF Page 1.

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securing the state’s assertion of the Tribe’s recognition and continuing treaty status, protestation of development that posed a threat to tribal livelihood practices, and tax and license exemption. The tribal government also continued to represent the tribe in ceremonial events and fulfill its treaty obligations through the presentation of the annual tax tribute to the Governor of Virginia.

Protection of Indian Status

During this period, the Mattaponi Tribal Council participated in the protection and preservation of tribal status. The Commonwealth of Virginia asserted the Mattaponi Indian Tribe’s existing status as a state-recognized tribe. Tribal leadership worked with the tribal community to protest the Newport News Reservoir which would have affected the Mattaponi river and tribal fishing traditions. Finally, tribal leadership again sought to uphold tribal members’ exemption from tax and license requirements.

State Recognition

In 1983, the General Assembly affirmed state recognition for six tribes in Virginia, including confirming the existing recognition of the Mattaponi Indian Tribe. The Commonwealth clearly recognized the ongoing treaty relationship between it and the Mattaponi and Pamunkey Indian Tribes, established through the 1646,⁸¹ 1658⁸², and 1677⁸³ agreements, but legislators included them in the formal recognition act to limit confusion (December 1982). Many newspapers at this time asserted that state recognition could entitle the Tribe’s to more federal benefits and may constitute a first step towards federal recognition (March 18, 1999; November 11, 1999). The Pamunkey Indian Tribe would go on to be federal recognized under 25 CFR 83.7 in 2015, while the Chickahominy, Eastern Chickahominy, Upper Mattaponi, Rappahannock, and Nansemond tribes would gain federal recognition through legislation that was initiated shortly after this state-level recognition but only passed in 2017.

Table C5-17. External Relations, 1980-1999: State Recognition.

Date	Excerpt
December, 1982	<p>A Joint Subcommittee Report Studying the Relationship Between Native Indian Tribes and the Commonwealth found:</p> <p>“With regard to the foregoing reference to contemporary Indian groups in Virginia, that status of the Mattaponi and Pamunkey tribes is most settled. These two tribes long have retained a recognized status not only in the popular mind but in a legal relationship with the state due to the fact that they have remained on reservations. This relationship may be traced back to the treaty of Middle Plantation which was concluded in 1677 between the Virginia colonial government on behalf of Charles II of Great Britain and several tribes of the Powhatan Confederacy, including the Mattaponi and Pamunkey. The treaty included provisions for tribal reservations and the right of internal tribal government. In modern times the obligations of the Commonwealth have been minimal, primarily to protect the civil rights of tribal members and to act as guardian for the Indian land. These two tribes have not appeared before the Joint Subcommittee, no doubt relying on their treaty status, but the Joint Subcommittee believes that their recognition should be affirmed by this study to avoid any future confusion or misunderstanding.”⁸⁴</p>

⁸¹ Vaughan, A.T., *Early American Indian Documents: Treaties and Laws, 1607-1789 4* (Maryland: University Publications of America, 1983), 59 [PDF 45]; Helen C. Rountree, *Pocahontas’s People: The Powhatan Indians of Virginia Through Four Centuries*, (Oklahoma: University of Oklahoma Press, 1990), 67-70 [PDF 49-51].

⁸² Several bills were passed in 1658 that confirmed the Mattaponi Indian Tribe’s relationship with the colonial government. For example, see: William Waller Hening, *The Statutes at Large; A Collection of all the Laws of Virginia, from the First Session of Legislature, in the Year 1619 1* (Richmond, 1809), 467-8 [PDF 494-5].

⁸³ Vaughan, *Early American 4*, 82-87 [PDF 57-59].

⁸⁴ Joint Subcommittee. *Report of the Subcommittee Studying Relationships between the Commonwealth and Native Indian Tribes to the Governor and the General Assembly of Virginia*, Richmond, Virginia, 1982.

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Date	Excerpt
December 16, 1982	<p>Members of six Virginia Indian tribes stand to gain more federal benefits if the 1983 General Assembly grants the tribes formal state recognition.</p> <p>[...] The six tribes are the Chickahominy, the Eastern Chickahominy, the Mattaponi, the Upper Mattaponi, the Rappahannock, and the Pamunkey.⁸⁵</p>
February 17, 1983	<p>The Virginia House of Delegates last week approved a resolution formally recognizing six Virginia Indian tribes; the Chickahominy; Chickahominy, Eastern Division; Mattaponi; Upper Mattaponi; Rappahannock; and Pamunkey. Official recognition of the tribes may entitle them to federal assistance in various areas.⁸⁶</p>
March 18, 1999	<p>[...] A majority of state legislators agreed to the call for federal acknowledgement. Last month, they passed a resolution requesting Congress to federally recognize the eight tribes- the Chickahominy, Eastern Chickahominy, Mattaponi, Upper Mattaponi, Nansemond, Pamunkey, Rappahannock and Monacan Nation.</p> <p>[...] Most tribe members say that's the furthest thing from their minds.</p> <p>Indian representatives to the General Assembly pointed out that they lack the federally reserved land necessary to open a casino. But land or no land many Indians said, they don't want gambling for the same reasons legislators fear it: crime and addiction.</p> <p>It would also empower nonindigenous outsiders to run the casino, since only a handful of people live on the reservations, one tribe leader said.</p> <p>"What we'd be doing is letting someone else come in and capitalize on us again, just like in the 1600s," said Carl "Lone Eagle" Custalow [REDACTED], assistant chief of the Mattaponi tribe.⁸⁷</p>
November 11, 1999	<p>[...] Those efforts led to the formal recognition by the state government in the 1980s of eight Virginia tribes. Before that, only the Mattaponi and Pamunkey tribes had official Recognition.⁸⁸</p>

Newport News Reservoir Opposition

In defense of its longstanding treaty rights, the Mattaponi Tribal Council launched a campaign against the City of Newport News's plan to flood a portion of King William County in 1997. The city sought to create a reservoir that would serve the greater eastern Virginia population. The Tribe first argued that the reservoir would be in violation of their colonial-era agreements with the state, including the Treaty of 1646, which established the rights of signatory tribes to live and hunt "without any interruption from the English,"⁸⁹ and the 1677 Treaty of Middle Plantation.⁹⁰ One of the rights established by the Treaty of Middle Plantation was a three-mile buffer around the reservation where colonial settlement was prohibited. Mattaponi tribal officials and their representatives were in regular communication with all three levels of government throughout an organized campaign to stop a reservoir project that would severely impact their land and way of life.

Internally, tribal meeting minutes record the Mattaponi Tribal Council's interactions with the State Attorney General and the receipt of a grant to fight the project (June 6, 1997).⁹¹ The tribal government continued to

⁸⁵ Staff, "Tribes Could Gain Added Federal Aid," *Newport News Daily Press* (Newport News, Va), December 16, 1982.

⁸⁶ Morgan, D. H., "Report from the House," *The Southside Sentinel* (Urbanna, Va), February 17, 1983.

⁸⁷ Staff, "VA Indians still fighting for U.S respect," *Richmond Free Press* (Richmond, Va), March 18, 1999.

⁸⁸ Staff, "American Indians say 'No'," *Richmond Free Press* (Richmond, Va), November 11, 1999.

⁸⁹ Vaughan, *Early American* 4, 68 [PDF 50].

⁹⁰ Vaughan, *Early American* 4, 82-87 [PDF 57-59].

⁹¹ Tribal Meeting Minutes, 6 June 1997, Tribal Government Collection, PDF Page 2.

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oppose the reservoir, seeking to make enough of an impression that that the project would not be proposed again in the future (July 2, 1999; Sept. 1999). The Mattaponi Tribal Council also grappled with support for the reservoir project by its neighbor tribe, the Upper Mattaponi Tribe, which was in discussions with the reservoir developers at the time (November 30, 1998).

Table C5-18. External Relations, 1980-1999: Reservoir Opposition Efforts in Tribal Meeting Minutes.

Date	Excerpt
June 6, 1997	Letter from Attorney General – Attorney General sent the responsibilities back to the tribe and -Trustees of the tribe and attorney of the tribe -Tribe has received a \$29,000 grant to fight the reservoir ⁹²
July 2, 1999	Reservoir – keep up heat on reservoir so that our victory over the Newport News will stick and be permanent. ⁹³
September 1999	IV. Letter from tribal attorneys concerning our option on fighting the Reservoir. Since we lost the first court case against Newport News and State Water Control board. Everyone has agreed to go on the advice of our Attorneys to go ahead with this case but rather we take small steps instead of jumping into something too big all at once. ⁹⁴
May 1, 1998	A draft has been presented to the tribal council – it is a memorandum of agreement among the US Army Corps of Engineers, the VA Department of Historic Resources, and the Advisory Council on Historic [sic; Resources]. We feel we need to review all information within the draft, hold a meeting one week from today and discuss the issue at hand. ⁹⁵
November 30, 1998	V. Upper Mattaponi Tribe plans to strike a deal with Newport News for \$60,000 to have the Upper Mattaponi Tribe support. We the Mattaponi tribe feel we should be ready and prepared to counteract their decision. ⁹⁶

The legal battle was well documented in the press. Local newspapers took up the question of treaty rights as a matter of interest and covered the arguments for both sides through the 1998 decision of the Newport News Circuit Court that Mattaponi Indian Tribe did not have standing to sue the State Water Control Board. These contemporaneous accounts make clear that water and fishing rights were at the core of the Tribe's opposition and thus the action was another way that the tribal government sought to protect and preserve the traditional livelihood pursuits of its members.

Table C5-19. External Relations, 1980-1999: Newport News Reservoir Violation of Treaty Rights.

Date	Excerpt
March 27, 1997	Virginia's Mattaponi Indians, the descendants of natives who greeted the first English settlers in North America, have raised a pair of 17th century treaties in a fight against a proposed reservoir. In a letter to state Attorney General James S. Gilmore III, the tribe said the reservoir in King William County is an intrusion into a three-mile buffer zone around its 150-acre reservation, which borders the Mattaponi River that would fill the reservoir. According to the letter, the Articles of Peace between England's King Charles II and "several Indian Kings and Queens" established the buffer in 1677. The tribe also cited a 1646 Treaty of Peace that it said obligates the state to serve the tribe's interests as its trustee.

⁹² Tribal Meeting Minutes, 6 June 1997, Tribal Government Collection, PDF Page 2.

⁹³ Tribal Meeting Minutes, 2 July 1999, Tribal Government Collection, PDF Page 1.

⁹⁴ Tribal Meeting Minutes, September 1999, Tribal Government Collection, PDF Page 1.

⁹⁵ Tribal Meeting Minutes, 1 May 1998, Tribal Government Collection, PDF Page 2.

⁹⁶ Tribal Meeting Minutes, 30 November 1998, Tribal Government Collection, PDF Page 1.

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Date	Excerpt
	<p>The letter was sent last month. It asked the attorney general "to investigate the development of the proposed (reservoir) and its probable impacts on the Tribe and take all appropriate actions as required by law."</p> <p>"We feel like our treaty rights have been violated for hundreds of years," Mattaponi Assistant Chief Carl T. Custalow ██████████ said Wednesday. "I really think it's time we know what rights we are entitled to."</p> <p>[...] Newport News is seeking to build the 1,500-acre reservoir. The water would serve Newport News, Hampton, Williamsburg and the counties of James City, York and New Kent. The reservoir would get up to 75 million gallons a day from the Mattaponi River.</p> <p>The tribe contends that taking water from the river is an infringement of its riparian rights and could limit treaty rights to forage for fish and game on the river if the withdrawal harms wildlife populations.</p> <p>John Dossett, a Washington lawyer representing the tribe, said the state has an obligation to protect the Indians subsistence and water rights under its role as trustee. [...] ⁹⁷</p>
April 3, 1997	<p>A letter to Attorney General James S. Gilmore notes a 1646 Treaty of Peace, which states that the state is obligated to serve the tribe's interests as its trustee, and a 1677 Articles of Peace between King Charles II of England and "several Indian Kings and Queens" which established a three-mile buffer zone around the 150-acre Mattaponi reservation. ⁹⁸</p>
June 12, 1997	<p>State says treaties don't apply to reservoir</p> <p>The Virginia Attorney General's office has declined to intercede in behalf of the Mattaponi Indians over a controversial 1,526-acre reservoir proposed in King William County near the 150-acre Indian reservation.</p> <p>Newport News Waterworks has proposed the reservoir in order to provide drinking water for the lower Peninsula area for the next 40 years. Planned for Cohoke Mill Creek, it could draw 75 million gallons of water a day from the Mattaponi River, which the Indian tribe fears would harm the river and its own ability to forage and fish.</p> <p>State and federal agencies are reviewing a host of environmental issues in connection with the potential impact of a reservoir.</p> <p>The tribe had cited two 17th-century treaties that indicated the state is required to assure protection of the reservation. A 1646 treaty indicates that the state must act to protect the tribe if its use of land is threatened; a 1677 Articles of Peace establishes a three-mile buffer zone around the reservation.</p> <p>Even if the tribe's riparian rights are threatened, according to the opinion from the Deputy Attorney General, state involvement could raise a conflict-of-interest issue, since that office represents agencies such as the Department of Environmental Quality, which is involved in the review process. ⁹⁹</p>
January 16, 1998	<p>The Mattapon [sic; Mattaponi] claim the project violates the treaties by encroaching on a 3-mile buffer zone around their 150-acre reservation on the river. The state attorney general's office dismissed that claim in an opinion issued in June. ¹⁰⁰</p>
February 19, 1998	<p>Mattaponi battle reservoir plans</p>

⁹⁷ Staff, "Tribe cites treaties in reservoir fight," *Suffolk News-Herald* (Suffolk, Va), March 27, 1997.

⁹⁸ Staff, "For the Record," *Rappahannock Record*, (Kilmarnock, Va), April 3, 1997.

⁹⁹ Staff, "For the Record," *Rappahannock Record*, (Kilmarnock, Va), June 12, 1997.

¹⁰⁰ Staff, "Water Board Ok's Plan to Dam," *The Farmville Herald* (Farmville, Va), January 16, 1998.

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	<p>The Mattaponi Indian tribe again is citing a 17th-century treaty in its attempt to pull the plug on a 1,526-acre reservoir proposed in King William County.</p> <p>The tribe claims that the reservoir would affect tribal land rights, water resources and cultural values. Its suit, filed in Newport News Circuit Court on Friday, notes the flooding of Cohoke Mill Creek, wetlands and archaeological sites in the area and calls the reservoir plan "a denial of the very existence of the Tribe and its culture."</p> <p>The tribe earlier had noted the 1677 Articles of Peace in an unsuccessful attempt to have the Virginia Attorney General's office intervene to stop the reservoir. [...] ¹⁰¹</p>
August 13, 1998	<p>Opponents of the proposed King William Reservoir were dealt a setback on Friday when Newport News Circuit Court Judge Robert Curran ruled that King and Queen County, the Mattaponi Indian Tribe, and environmental groups may not sue the State Water Control Board. ¹⁰²</p>
November 22, 1998	<p>The proximity to the reservation, which by colonial treaty should have a three-mile buffer zone, isn't the only concern of the Mattaponi.</p> <p>[...] Custalow ██████████ said he fears the encroachment of the reservoir will ultimately prevent the Mattaponi, a member of the former Powhatan Confederacy just as its sister tribe the Nansemond Indians of Suffolk, from preserving their culture and supporting themselves economically. ¹⁰³</p>
1998	<p>[...] Despite the concerns of the Mattaponi Tribe, government agencies, and conservation organizations, officials from both King William County and the town of Newport News claim the waterworks project will not harm the Tribe or the environment. The Newport News mayor reports that the town is working with the Mattaponi Tribe to preserve artifacts removed from the project area and a King William County administrator claims the project will not harm the environment or the Tribe. ¹⁰⁴</p>
1998	<p>Mattaponi Tribe Denied Standing to Sue State Over Waterworks Project</p> <p>On August 7, 1998, Judge Robert Curran of the Newport News Circuit Court told the Mattaponi Tribe of Virginia that they had no standing to sue the State Water Control Board, which has approved a waterworks project that encroaches on Mattaponi territory, Jeff Nelson, an attorney for the Tribe said, "We are disappointed in the outcome, and we are also disappointed that the judge did not provide any reasoning for his decision."</p> <p>The Tribe filed this suit in state court and has also filed an administrative complaint with the federal Environmental Protection Agency under Civil Rights Act Title VI to stop construction of project which could destroy their shad fishery on the Mattaponi River.</p> <p>[...] Attorney for the Mattaponi, Jeffery Nelson, pointed out that the Treaty of 1677 created the Mattaponi Reservation. This Treaty guaranteed the Mattaponi all the lands their towns stood on plus all the land within a three mile radius of each town. All the towns but one are gone, and the one which remains contain only 153 acres and not the treated three mile radius. The surrounding three miles were occupied by "non Indians", he stated. Mr. Nelson also explained that the legal practices of estoppel and adverse possession (means by which individuals and governments can steal the lands of others) did not apply to Native Americans. If New port News condemns the land for the reservoir, Mr. Nelson promised</p>

¹⁰¹ Wilson, J., "For the Record," *Rappahannock Record* (Kilmarnock, Va), February 19, 1998.

¹⁰² Staff, "Judge hands reservoir opponents legal setback," *Southside Sentinel* (Urbanna, Va), August 13, 1998.

¹⁰³ Whitehead, B., "Documentary focuses on conflict between city, Mattaponi," *Suffolk News-Herald* (Suffolk, Va), November 22, 1998.

¹⁰⁴ Shaiman, M., "Mattaponi Shad Fishery Threatened," *On Indian Land* (Seattle, WA), Summer, 1998.

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	that the Mattaponi would take the City of Newport News to court to recover lands with a three mile radius of their remaining 153 acres. ¹⁰⁵

Though the violation of treaty rights was deemed insufficient grounds for a suit by the Commonwealth, the Tribe also argued that the reservoir would not only damage the fish population that tribal members depended on for a living, but it would land-lock the reservation and make the future acquisition of additional land impossible. In addition, the reservoir would destroy traditional cultural properties of sacred significance to the Tribe. The effects of the reservoir on the Mattaponi River and therefore on the Mattaponi Indian Tribe's way of life and economic needs were considered significant by the United States Army Corps of Engineers, which ultimately denied the city a permit to create the reservoir in 1999 (May 20, 1999). Chief Custalow expressed the Tribe's gratitude and relief at the Corps of Engineers preliminary decision in a letter to the *Richmond Free Press* (July 15, 1999), but tribal citizens like Chief Custalow's son, Dr. Linwood W. Custalow, continued to pressure public officials through outreach and lobby the public for support through action such as letter-writing campaigns (September 9, 1999).

Table C5-20. External Relations, 1980-1999: Mediating Livelihood Strategies.

Date	Excerpt
May 20, 1999	The native Americans have argued that the 1,500- acre reservoir near their 150- acre reservation - and plans to fill it with up to 75 million gallons of water a day from the Mattaponi River- threatens their way of life. The tribe earlier had argued, unsuccessfully, that the reservoir is prohibited by the terms of a 17th-century peace treaty. [...] Newport News is awaiting a permit decision by the U. S. Army Corps of Engineers, which hopes to rule on the issue by the end of June. The Corps has conducted cultural and environmental studies, and is considering how the city would compensate for the destruction of 400 acres of federally protected wetland. Newport News must rebuild two acres of wetlands for every acre affected by the project. ¹⁰⁶
July 15, 1999	After a very long fight, however, we have finally been heard. In early June, Col. Allan B. Carroll of the U.S. Army Corps of Engineers issued a courageous, preliminary decision to deny a Federal permit for the City of Newport News' proposed reservoir. [...] The Mattaponi Tribe applauds the Army Corps for recognizing that we must live in harmony with Mother Earth. We pray that this preliminary decision will become final. ¹⁰⁷
September 9, 1999	Dr Lin Custalow [REDACTED] otolaryngologist, of Newport News and the Mattaponi tribe spoke before a group of citizens at the Mathews Memorial Library on Tuesday, September 1. His topic was the proposed takeover of Mattaponi land by the Newport News Waterworks to build a reservoir. Dr. Custalow said their people have received injustice and are seeking assistance from the public in a letter writing campaign to the representatives. Custalow is the son of Chief Webster Custalow [REDACTED] ¹⁰⁸
September 27, 1999	And by reluctantly raising the possibility the reservoir could threaten a place they consider holy, [...]

¹⁰⁵ Staff, "Mattaponi Continue to Oppose Reservoir," *On Indian Land* (Seattle, WA), 1998/1999.

¹⁰⁶ Wilson, J., "Mattaponi march on Jamestown to protest proposed reservoir," *Rappahannock Record* (Kilmarnock, Va), May 20, 1999.

¹⁰⁷ Custalow, C. L. E., "Mattaponi Tribe Leader: We fight to save our river," *Richmond Free Press* (Richmond, Va), July 15, 1999.

¹⁰⁸ Staff, "Dr. Lin Custalow," *Glo-Quips* (Gloucester, Va), March 23, 1999.

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	<p>The Corps had agreed with the tribe in May not to disclose what it would learn about the tribe’s culture and way of life as it studied the effect of the reservoir on the 60-member Mattaponi tribe.</p> <p>The Mattaponi [...] had gone to lengths to keep knowledge of the sacred site private. The tribe had even convinced the authors of a federally ordered “traditional cultural properties study” to leave out references to the site in the report they filed for the Corps as it studied the reservoir’s effects.</p> <p>[...] Mattaponi tribe members receive Christian baptism in the waters of the Mattaponi River, which they say will be sacrificed by Newport News’ plan to build a reservoir in King William.¹⁰⁹</p>

The political and legal battle over the reservoir continued after the Army Corps decision. The later phases of the proposed development are discussed in the subsequent section of this petition, which addresses the Mattaponi Indian Tribe’s political authority between 2000 and 2019.

Tax Exemption

Another significant effort to defend tribal land and rights was the continuation of a land dispute with the Chesapeake Corporation and the subsequent defense of the Tribe’s tax-exempt status. In the late 1970s, tribal leaders discovered that the Chesapeake Corporation, which owned land adjacent to the Mattaponi Indian Reservation, had gradually encroached on the boundary line of the Mattaponi Indian Reservation, increasing the company’s land holdings. In an interview, former Chief ██████████ described the conflict:

Chesapeake had come back 2, 3, 4 times and surveyed different lines along, finally, about 1979 or 80, somewhere along, and I'm not positive about the exact year, but somewhere in the year you had two years ago that they came back and they established a line on the reservation, this side of the swamp that goes around the reservations known as Indian Town swamp, A lot of people on the reservation were very much disturbed about this. There was some talk about it and the chief and some of the council talked with the executive people of the Chesapeake cooperation. I talked with some of the executive people with the surveyors and it was agreed upon that they would make a gift. This is the way it's worded in the contract: A gift to the tribe of 27 acres to be made a part of the reservation. [...] The Chesapeake Corporation, they own land around the reservation. They came in about two or three years ago, and so they surveyed something like 27 acres of land away from the reservation. About a year and a half later, they negotiated, or call themselves negotiating with the tribe or some of the personnel of the tribe. And they made a donation of 27 acres of land to the Tribe.¹¹⁰

After a dispute between tribal leaders and the paper company, Chesapeake agreed to “gift” the tribe 27 acres of land in 1981 (February 27, 1981). In a letter from 1988, Chief Webster Custalow states that about half of the deeded 27 acres was originally part of the reservation. The letter goes on to state that after the land was deeded back to the reservation, the county began to charge the Tribe personal property taxes for the 27 acres (October 6, 1988). The tribal government appealed to the county attorney citing that as the 27

¹⁰⁹ Latane III, L., “Sacred Indian site threatened by reservoir,” *Suffolk News-Herald* (Suffolk, Va), September 27, 1999. See also: Chowning, L. S., “Proposed King William reservoir to serve Newport News is drenched with opposition,” *Southside Sentinel* (Urbanna, Va), January 9, 1997.

¹¹⁰ ██████████, Interview: Chickahominy Fall Festival. edited by Helen Rountree. National Anthropological Archive, Washington, D.C.: Smithsonian Institution. Original edition, Helen Rountree. 1981, PDF Page 2 & 5.

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acres was now a part of the Mattaponi Indian Reservation the Tribe should not be taxed on it. In 1989, the King William County Commissioner of Revenue refunded the taxes the Tribe had paid for the 27 acres that had been “gifted” back to the tribe (May 19, 1989). This example demonstrates the Mattaponi Tribal Council’s mediation of tribal interests with reservation neighbors and with local authorities in its efforts to preserve and enhance tribal properties and tax-exempt status.

Table C5-21. External Relations, 1980-1999: Chesapeake Corporation Deed of Gift.

Date	Excerpt
February 27, 1981	<p>This deed of gift, made this 27th day of February, 1981, between THE CHESAPEAKE CORPORATION OF VIRGINIA, party of the first part, and the MATTAPONI INDIAN TRIBE, of King William County, Virginia 23086, party of the second part:</p> <p>WITNESSETH:</p> <p>That the said party of the first part, for and in consideration of its concern for the welfare of the party of the second part and its members, and other good and valuable consideration, doth grant with General Warranty unto the party of the second part as a part of the Mattaponi Indian Reservation, the following property, to-wit:</p> <p>All that certain tract or parcel of land in West Point District, King William County, Virginia, containing 27.00 acres, and more particularly shown and described on plat of survey by R. B. Cartwright, certified Land Surveyor, dated February 10, 1981, a copy of which plat of survey is attached hereto to be recorded herewith. Being a portion of the lands of the party of the first part known as its “Sandy Point” Tract [...] ¹¹¹</p>
June 25, 1981	<p>This is to certify that the undersigned Chief, Assistant Chief, and Tribal Councilmen do hereby agree to accept the gift of twenty-seven (27) acres of land given by the Chesapeake [sic] Corporation of Virginia to the Mattaponi Indian Tribe to become a permanent part of the said Mattaponi Indian Reservation, this deed of gift being made the 27th day of February, 1981 between the Chesapeake [sic] Corporation of Virginia, parties of the first part and the Mattaponi Indian Tribe of King William County, Virginia, parties of the second part.</p> <div style="background-color: black; width: 200px; height: 100px; margin: 10px 0;"></div> <div style="background-color: black; width: 150px; height: 15px; margin: 10px 0;"></div> <p style="text-align: right;">112</p>
October 6, 1988	<p>The Honorable L. McCauley Chenault Attorney for the County of King William King William, Virginia 23086</p> <p>Dear Mr. Chenault:</p> <p>On behalf of the Mattaponi Indian Reservation I am requesting your assistance in a matter that involves the Reservation and a gift of land dated February 27, 1981 from the Chesapeake Corporation of Virginia to the Mattaponi Indian Reservation. The fact that we are being taxed through the Commissioner [sic] of Revenue (personal property tax) is</p>

¹¹¹ Deed: Chesapeake Corporation - Deed of Gift, February 27, 1981, King William County Deed Book 143, King William County Court House, King William, Virginia.

¹¹² Chesapeake Corporation Deed of Gift, Certified Letter. 25 June 1981, [REDACTED], Folder 5, PDF Page 2.

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	<p>the reason we are concerned. Please review the enclosed documents regarding the gift, deed, maps etc. [...]</p> <p>In 1977 there was a land dispute between the Chesapeake Corporation and the Mattaponi Indian Tribe. This came as a result of Chesapeake surveying over their line onto reservation property. After discussions with them regarding the error, they moved the lines back to the proper places and offered to give a small parcel of land from their Sandy Point tract to the reservation. Upon checking the map and deed, it is clear to me that Chesapeake gave us what they term 27 acres, however approximately one half of that was within our original boundary line. Be that as it may, this is background information and not the issue that we are seeking assistance with.</p> <p>We are seeking a tax exempt status for this property since it is now part of the original reservation. This property became legally part of the reservation in 1981 and we have paid local real estate tax on it since that time. ¹¹³</p>
May 19, 1989	<p>Dear Chief Custalow:</p> <p>Enclosed you will find check [...]. This payment represents taxes paid by the Mattaponi Indian Tribe for Real Estate Taxes for the years 1985-1988. I have also enclosed a copy of the abatements received from the Commissioner of Revenue's Office. [...]</p> <p>Jean S. Gatewood Treasurer ¹¹⁴</p>

License Exemption

In the early 1980s, Mattaponi and Pamunkey tribal leaders protested the attempt by the Virginia Marine Resources Commission (VMRC) to prohibit shad fishing during a portion of the summer. The Mattaponi Tribal Council successfully argued that this regulation was a violation of the Mattaponi and Pamunkey's treaty rights and were ultimately given an exemption from the prohibition (December 2, 1982; January 6, 1983). The Tribe continued to protest new restrictions as they occurred, invoking its treaty rights (May 27, 1993) The prohibition of shad fishing continued into the late 1990s.¹¹⁵

Table C5-22. External Relations, 1980-1999: Riverine Resources Protection.

Date	Excerpt
December 2, 1982	<p>After hearing complaints from the Mattaponi and Pamunkey Indians, who said such action would violate treaties, and from other fishermen, the VMRC staff recommended last Tuesday that the matter be set aside for further study.</p> <p>[...] Both he and Custalow ██████████ said the tribes have treaties that go back to the 17th and 18th centuries giving them the privilege to fish anywhere in the tidal waters of Virginia.</p> <p>The treaties "don't place limitations on us at all," Custalow said. "If this proposal becomes law, it would simply violate the treaties."¹¹⁶</p>

¹¹³ Letter from ██████████ to L. Chenault, 6 October 1988, ██████████ Collection, Folder 5, PDF Page 1 and 4.

¹¹⁴ Letter from Jean Gatewood to ██████████, 19 May 1989, ██████████ Collection, Folder 5, PDF Page 3.

¹¹⁵ Chowning, Larry S., "VMRC Votes to Continue Shad Moratorium," *Southside Sentinel* (Urbanna, Virginia), January 14, 1999.

¹¹⁶ Staff, "Striped bass proposals due further study," *Southside Sentinel* (Urbanna, Va), December 2, 1982.

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December 19, 1982	<p>The commis-sion will decide proposed regula-tions that once called for prohibiting gill nets in the spring on spawning areas of four Virginia tributaries, which included the Pamunkey and Mattaponi rivers.</p> <p>[...] In addition, representatives of the tribes said the regulations were aimed in the wrong direction. Rock- fish, they vehemently argued, do not congregate in the Pamunkey and Mattaponi rivers as scientists had first contended.</p> <p>[...] "The Indians depend largely on the river even today," said Webster Custalow ██████████ ██████████ chief of the Mattaponi and an avid shad fisherman for most of his 70 years. "They call this a spawning ground for rock, but it's a rare thing to even catch a rock from this reservation."</p> <p>[...] Custalow, who has spent all of his life on the 125-acre reservation, said less than a dozen Mattaponi Indians still fish for shad in the spring.</p>
January 6, 1983	<p>Action was taken by the Virginia Marine Resources Commission on December 21 to close portions of the James, Pamunkey, Mattaponi and Rappahannock Rivers to the taking of striped bass (rockfish) annually from April 10 to May 21. However, provisions of the regulation will allow the Mattaponi and Pamunkey Indians to continue gill net fishing during the restricted period.</p> <p>Initially, the regulation prohibited gill net fishing, but it was pointed out last month by Chief Webster Custalow ██████████ ██████████ of the Mattaponi Indians and Chief Tecumseh Deerfoot Cook of the Pamunkey Indians that tribal members operate a "small subsistence and commercial drift net fishery" for shad. They said that their livelihood would be jeopardized if the gill nets were outlawed.</p> <p>Custalow and Cook said their tribe members only fish by gill net and do not catch striped bass; they are only interested in the shad fish which will be running at the time the closure is intended.¹¹⁷</p>
May 27, 1993	<p>When the ban on shad fishing goes into effect next year, the Mattaponi Indians hope that a 300-year-old treaty will exempt them from it.</p> <p>The Mattaponi signed the treaty in 1677, which made them subjects of the British crown but also granted them hunting and fishing rights. The treaty was used in the 1950's to win exemption from sport-fishing regulations, and it was cited in 1989 when the tribe was exempted from regulations on the harvesting of striped bass.</p> <p>[...] The Virginia Marine Resources Commission is planning a ban on shad fishing next year in the Chesapeake Bay and its tributaries, including the Mattaponi. The season this year, which ended in April, was cut by two-thirds to 45 days. The steps are being taken because of huge declines in shad catches, from three million pounds regularly harvested annually during the 1980's to 51,000 pounds in 1991.¹¹⁸</p>

Ceremonial Representation

From 1980-1999 the Mattaponi Tribal Council regularly represented the Mattaponi Indian Tribe at ceremonial events with outside entities. Tribal meeting minutes document internal processes for the selection of tribal representatives at external meetings such as the 1987 United Indians of American conference held in Williamsburg (March 20, 1987), and the 1998 National Council on American Indians (NCAI; 1998). The tribal government also made decisions on the use of the Mattaponi name by outside

¹¹⁷ Staff, "Fishing Limited for Striped Bass," *Rappahannock Record* (Kilmarnock, Va), January 6, 1983.

¹¹⁸ Staff, "For the Record," *Rappahannock Record* (Urbanna, Va), May 27, 1993.

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entities, such as when the Cumberland Hospital requested permission to use the Mattaponi name on a building addition (February 13, 1998).

Table C5-23. External Relations, 1980-1999: Ceremonial Representation Documented in Tribal Meeting Minutes.

Date	Excerpt
March 20, 1987	A meeting was held to decide who would represent the Mattaponi tribe at the United Indians of American Conference on the Virginia's Indians – Yesterday, Today and Tomorrow” to be held in Williamsburg, VA on April the 3 rd and 4 th . ██████████ made a motion that ██████████ and ██████████ attend as the spokesman. All members of the tribe are welcome to attend. The motion was seconded by ██████████. Motion was carried. ¹¹⁹
1998	I. National Council on American Indians The tribe has joined this organization with hope that we may make some new contact or have information sent our way by being members. It's cost for membership is \$50. Mark Custalow [Mark Thomas Custalow; b.1962] is made a delegate. ¹²⁰
February 13, 1998	The tribe agreed to allow Cumberland Hospital to use Mattaponi name on the new addition being built. ¹²¹

Other instances of Mattaponi leadership's representation of the Tribe include hosting a visit to the Mattaponi reservation by Governor Baliles and joining in a Thanksgiving dinner at the Chickahominy Tribal Center alongside the Pamunkey and Chickahominy Indian tribes (November 27, 1987), opening the annual meeting of Virginia's Association of Soil and Water Conservation Districts (February 24, 1994), and intertribal ceremonies (February 23, 1997). Each of these examples demonstrate Mattaponi tribal leaders acting as a representative of the Tribe in mediating relationships with external leaders and organizations.

Table C5-24. External Relations, 1980-1999: Ceremonial Representation at External Events.

Date	Excerpt
November 27, 1987	Baliles, Indians share dinner Gov. Gerald Baliles' somber business suit and mode of transportation, a helicopter, were right out of the 20th century, but the Thanksgiving Day feast he shared with Virginia's Indian leaders hearkened to another era. The governor, greeted at the Chickahominy Tribal Center in Charles City Thursday by the Chickahominy Redman Dancers performing in traditional Indian garb, sat down to a huge buffet of venison, ham, turkey, vegetables and pumpkin pie prepared by women of Virginia's three native Tribes. About 80 people, many in Indian dress, gathered for the first such Thanksgiving with a Virginia governor in modern times. "I am here today as an expression of Virginia's profound pride in the history of our Commonwealth's native American tribes," said Baliles. He was accompanied by state Secretary of Human Resources Eva Teig and Hopewell Del. C. Hardaway Marks, chairman of the Virginia Council on Indians. They arrived by helicopter after earlier stops at the Mattaponi and Pamunkey reservations.

¹¹⁹ Town Meeting Minutes, 20 March 1987, ██████████ Collection, Folder 1, PDF Page 1.

¹²⁰ Tribal Meeting Minutes, 1998, Tribal Government Collection, PDF Page 1.

¹²¹ Tribal Meeting Minutes, 13 February 1998, Tribal Government Collection, PDF Page 2.

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Date	Excerpt
	Baliles gave each tribal chief a certificate of recognition, and they responded with gifts of pottery, bead necklaces and other tokens of friendship made by the three tribes. ¹²²
February 24, 1994	<p>The 55th annual Virginia Association of Soil and Water Conservation Districts (VASWCD) meeting was held at the Richmond Omni Hotel on December 5-7. [...]</p> <p>The annual meeting began with a service of reverence on Sunday evening led by Native American Chief Webster Custalow [REDACTED] from the Mattaponi Reservation in King and Queen County¹²³. He was accompanied by his daughter¹²⁴, Minne HaHa [REDACTED] and the present chief, Curtis Custalow [REDACTED]¹²⁵</p> <p>The theme for the inspiration service was "Tribute to Harmony with the Land." Chief Webster Custalow and Chief Curtis Custalow spoke on how vital it is for us to protect and conserve our natural resources.¹²⁶</p>
February 23, 1997	<p>[...] Perry will join Chief Barry Bass of the Nansemond Indians and chiefs of seven other state-recognized tribes: Chief A. Leonard Atkins of the Chickahominy Tribe; Eastern Chickahominy Tribe Chief Marvin Bradley; Chief Webster Custalow [REDACTED] [REDACTED] of the Mattaponi Tribe; Bennett Branham, chief of the Monacan Tribe; the Pamunkey Chief Bill Miles; Chief Captain Nelson of the United Rappahannock Tribe; [Upper] Mattaponi Tribal Chief Edmond Adams.</p> <p>The seven tribal chiefs designated Perry as a liaison to the historic resources department to reenter the Chesapeake's and they will be reburied at First Landing State Park in Virginia Beach, April 26, the same date in 1607 that Captain John Smith and others landed on the shores at Cape Henry.¹²⁷</p>

Annual Tax Tribute

Every year the Mattaponi and Pamunkey tribes present an annual tribute to the Governor of Virginia in lieu of taxes. This practice dates back to the treaties of 1646 and 1677 which established that the tribes were to "then and there pay the accustomed Tribute of Twenty Beaver Skins to the Governour, and also their Quit-Rent aforesaid."¹²⁸ The event affirms the government-to-government relationship between the Mattaponi Indian Tribe and the Commonwealth of Virginia, which, as the colonial government of Virginia acted as the governing proxy of the British crown, acts as the governing proxy of the federal government. Recent oral history interviews document regular tribal member participation in this event.¹²⁹ Tribal member [REDACTED] described the significance of the event and the preparation that it involved:

Every year, going to tribal tribute, to carry our tribute, which is the oldest treaty that has never been broken in this country as well. Treaty of Middle Plantation, 1677. So yes, we always attended that, and always would go out and I always enjoyed watching Grandpop [REDACTED] and the old Chief Cook [Chief of the

¹²² Staff, "Virginia News," *Suffolk News Herald* (Suffolk, Va), November 27, 1987.

¹²³ The Mattaponi Reservation is bordered by King William and King and Queen counties.

¹²⁴ [REDACTED] is the niece of Chief [REDACTED].

¹²⁵ This article misidentifies Curtis Custalow as the present chief of Mattaponi. Chief Curtis served from 1969-1977. Chief Webster Custalow would have been serving during the time of this article.

¹²⁶ Staff, "Local Indian chiefs address VASWCD," *Southside Sentinel* (Urbanna, VA), February 24, 1994.

¹²⁷ Coleman, B., "Chief Arranges Reburial of Indians' Bones," *Suffolk News-Herald* (Suffolk, VA), February 23, 1997.

¹²⁸ Vaughan, A.T., *Early American Indian Documents: Treaties and Laws, 1607-1789 4* (Maryland: University Publications of America, 1983), 82-87 [PDF 57-59].

¹²⁹ Mattaponi citizens who discuss going to the annual tribute every year in interviews include [REDACTED] and [REDACTED].

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Pamunkey Indian Tribe...] they were the two oldest there always and anyway, but they're the ones always dancing. [Laughter] So, we had really good times. I used to make a lot of the—and my mom [REDACTED] as well—she would always gift the governors with a pine needle basket and I would make things and gift—with other tribal members here, would all make things to gift as a tribute as well as bring the traditional deer, turkey. And a couple of years, I was able to trap enough beaver skins to carry that twenty beaver pelts that we—that was in that original treaty as well.¹³⁰

As in previous periods, the event was regularly commemorated in the local press, demonstrating its continuity through this period.

Table C5-25. External Relations, 1980-1999: Annual Tax Tribute.

Date	Excerpt
November 20, 1980	Gov. John Dalton, right, gets a laugh out of Chief Little Eagle, left, also known as Webster Custalow [REDACTED] as the Mattaponi Indians paid their annual taxes—one large turkey and eight fish. This is the 322nd year the tribe has made its tax "offering" to Virginia in return for its reservation in King William County. ¹³¹
November 20, 1980	<p>Wouldn't you like to pay your taxes in the form of fish or fowl? If you were a Mattaponi Indian, you could.</p> <p>Tribe representatives Wednesday paid their taxes to Gov. John Dalton: one large turkey and eight fish.</p> <p>The gifts, presented by Chiefs Thundercloud [REDACTED] and Little Eagle [REDACTED] hung from a crude wooden post, as other tribe members performed a traditional dance.</p> <p>"I went hunting three afternoons last week and I didn't see a turkey," Dalton said.</p> <p>"Well, you've got one now," responded Chief Little Eagle, also known as Webster Custalow.</p> <p>The Indians said this is the 322nd year the tribe has made its tax "offering" to Virginia's chief executive in return for their 125-acre reservation, located in King William County, near West Point.¹³²</p>
November 20, 1981	<p>The Mattaponi Indians' turkey hunt didn't pan out this year, so Gov. John Dalton received a 10-point buck instead when the Indians came to pay their symbolic property taxes Thursday. Tribal chief "Little Eagle" Webster Custalow [REDACTED] 69, led the party of seven costumed Mattaponi to the capitol steps, where they plopped the deer on the pavement and danced for television and newspaper photographers.</p> <p>[...] The Mattaponi of Virginia, who are exempt from personal and real property taxes on their 77-person reservation have been paying their taxes and tribute with game since the 17th century.</p> <p>Beaver pelts were the original form of payment.</p> <p>Custalow and his assistant chief, "Thundercloud" Jacob Custalow [REDACTED] 56, and a hunting party from the 125-acre Mattaponi reservation in King William County killed the deer Wednesday with 12-gage, double-barrel shotgun.</p>

¹³⁰ [REDACTED], "Interview: [REDACTED]," By [REDACTED] and [REDACTED], Mattaponi Indian Tribe, September 12, 2023, PDF Page 14.

¹³¹ Staff, "Thanksgiving Offerings," *Newport News Daily Press* (Newport News, Va), November 20, 1980.

¹³² Staff, "Taxes Paid in Fish And Fowl," *Suffolk News-Herald* (Suffolk, Va), November 20, 1980.

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Date	Excerpt
	Sometimes the Indians bring fish for the governor but not this year. ¹³³
September 2, 1982	Active in documenting records of the Mattaponi tribe, he [REDACTED] [REDACTED] also participated frequently in various ceremonial activities, including the reservation's annual Thanksgiving presentations of wild fowl or fish to the governor. ¹³⁴
June 20, 1984	Generations of Mattaponi and Pamunkey tribal chiefs have also paid a traditional Thanksgiving tribute to the Virginia governor at the state capital, in lieu of taxes. For this purpose, a day of hunting is set aside, and whatever is caught- usually venison, turkey or duck- is rendered by the Pamunkey and Mattaponi chief [REDACTED] ¹³⁵
December 5, 1984	The Mattaponi paid their quitrent of three arrows along with the tribute this year! Don't I remember that quitrent became obsolete in 1776 or so? The Governor was no end surprised. ¹³⁶
November 17, 1987	On November 17, 1987, when the Mattaponi and Pamunkey tribes jointly paid their annual tribute to the Governor of Virginia by presenting two deer to Governor Baliles in Richmond. This ceremonial practice is traced back to the treaty relationship established between the Commonwealth and the two tribes in the seventeenth century. The tribes by treaty are guaranteed their reservation and protected by the state, and the reservation are free from state taxation. The tribe in turn have traditionally made a symbolic payment in lieu of taxes, each tribe in the past making a presentation on separate occasions. In 1987, for the first time as far as can be determined, the tribes joined together for the ceremonial offering. ¹³⁷
November 25, 1987	Curtis Custalow [REDACTED] chief of the Mattaponi Indian Reservation, explained to Middlesex County kindergarten children last Friday that the mounted deer above was one his tribe presented to the Governor of Virginia on Thanksgiving several years ago. The governor had the head mounted and sent back to the tribe for their education building. ¹³⁸
December 23, 1988	<p>Mrs. Gertrude Custalow Mattaponi Indian Reservation West Point, Virginia 23281</p> <p>Dear Mrs. Custalow:</p> <p>It was a pleasure to see you and your husband again at the annual Payment of Taxes ceremony. The event is one I always look forward to, but I particularly enjoyed all the festive dancing this year.</p> <p>I want to thank you again for the beautiful head dresses you made. The President's new Chief of Staff was very impressed with my gift, and he promised to hang it proudly in the White House. I am equally proud to have an authentic Powhatan head dress. It will always remind me of the rich traditions kept alive in the Mattaponi tribe and of your generosity.</p>

¹³³ Staff, "Indians Present 'Taxes,'" *Newport News Daily Press* (Newport News, Va), November 20, 1981.

¹³⁴ Staff, "Obituaries," *Southside Sentinel* (Urbanna, Va), September 2, 1982.

¹³⁵ Staff, "Indian 'trail' fun to follow," *Smithfield Times* (Smithfield, Va), June 20, 1984.

¹³⁶ Letter from H. Rountree to C. Feest, 5 December 1984, Helen C. Rountree, Correspondence, 1982-1984 (1), Helen C. Rountree Papers, National Anthropological Archives, Smithsonian Institution. National Anthropological Archives, Washington, D.C. Box 1, PDF Page 32.

¹³⁷ Report of the Virginia Council on Indians, 1986-1987, Governor Baliles, Gerald L. Executive Papers, Accession 33707, State Government Records Collection, Library of Virginia, Richmond, Virginia. Box 125, Folder 8, PDF Page 14.

¹³⁸ Staff, "Gift to the Governor," *Southside Sentinel* (Urbanna, Va), November 25, 1987.

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Date	Excerpt
	<p>With kindest regards, I am</p> <p>Sincerely, Jerry Baliles</p> <p>Gerald L. Baliles ¹³⁹</p>
February 17, 1989	<p>The Mattaponi and Pamunkey Indians still bring game to the Governor in a presentation on the South Portico of the State Capitol.¹⁴⁰</p>
December 5, 1989	<p>The story of the taking of the wild turkey would remain untold on this cold December day as chiefs of the Mattaponi and Pamunkey Indian tribes gathered to present their annual tribute of wild game to the white chief, Gov. Gerald Baliles.</p> <p>[...] The tradition dates to 1705, when a treaty between the Indians and the Virginia government set forth payment of wild game in exchange for government protection of the Indians' reserved land.</p> <p>[...] Dozens of tribe members dressed in colorful Indian garb joined Chief Webster Custalow [REDACTED] of the Mattaponi Tribe and Chief William Miles of the Pamunkey Tribe in delivering the turkeys to Baliles.¹⁴¹</p>
March 27, 1997	<p>The tribe honors the treaties each year by delivering an annual tribute of beaver pelts, venison or other game to the governor in a ceremony that has become an autumn tradition in Richmond.¹⁴²</p>
November 24, 1999	<p>Today, the day before Thanksgiving, representatives of Virginia's eight indigenous Indian tribes will gather on the front steps of Virginia's Capitol. The event is not a demonstration, but a continuation of a tradition begun by members of the Mattaponi tribe in 1646.</p> <p>Every fall since 1646, the Indians have paid tribute to the governor of Virginia with gifts of deer, birds or fish.</p> <p>"The tribute has been presented to every governor since I was a little boy when my father, then my brothers, were chiefs before me," said Mattaponi Chief Webster Custalow [REDACTED] who celebrated his 88th birthday this week. "I remember one year when there were no fish or turkeys or geese and I went out and shot 12 quail for Daddy to take to the governor. The governor really liked them.</p> <p>"Game got scarce there for a while, and some children grew up never seeing a wild deer. This year we could probably take him 12 deer."</p> <p>Deer, turkey, fish ... Custalow's grandson, Todd [REDACTED] listed the possibilities.</p> <p>"It is a tribute of the game that sustains the reservation."</p> <p>Although representatives of most Virginia tribes participate in the event, the treaty that set the tradition in motion was made first with the Mattaponi, and later in 1677 with the Pamunkey Indians. They are the only two Virginia tribes that still live on reservations.</p> <p>Many of the other tribes-Monacan, Rappahannock, Upper Mattaponi, Nansmond, Chickahominy and Eastern Chickahominy- live in communities but not on formally designated reservations.</p>

¹³⁹ Letter from Governor Baliles to [REDACTED], 23 December 1988, [REDACTED] Collection.

¹⁴⁰ Letter from H. Dendy to J. Charlet, 17 February 1989, Governor Baliles, Gerald L. Executive Papers, Accession 33707, State Government Records Collection, Library of Virginia, Richmond, Virginia. Box 172, Folder 5, PDF Page 3.

¹⁴¹ Staff, "Indians pay annual tax tribute in wild turkeys," *Suffolk News-Herald* (Suffolk, Va), December 5, 1989.

¹⁴² Staff, "Tribe cites treaties in reservoir fight," *Suffolk News-Herald* (Suffolk, Va), March 27, 1997.

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Date	Excerpt
	While some of the old traditions, like paying tribute to the governor, continue, the lives of Virginia's Indians- on and off the reservations - are improving, they say. ¹⁴³

Conclusion

The evidence above shows that the Mattaponi tribal government consistently represented “the entity in dealing with outsiders in matters of consequence” (83.11(c)), including representation to local, state, and federal entities with regard to the tax status of tribal lands and the Tribe’s treaty status, as well as to protect the hunting and fishing rights of individual tribal members. Participation in the annual tax tribute by community members, including the hunt for the game and attendance at the ceremony demonstrates the tribal government’s ability to “mobilize significant numbers of members and significant resources from its members for entity purposes” (83.11 (c)(1)(i)), that Mattaponi “membership consider issues acted upon or actions taken by entity leaders or governing bodies to be of importance” (83.11 (c)(1)(ii)), and that there is “widespread knowledge, communication, or involvement in political processes by many of the entity's members” (83.11 (c)(1)(iii)). The Mattaponi Tribal Council’s representation of the Tribe at ceremonial and intertribal events and meetings exemplifies its significant relationship with the government of other federally recognized tribes (83.11(c)(1)(vi)). Efforts to protect and expand reservation lands demonstrate the tribal government’s continuous administration of “land set aside by a State for the petitioner” (83.11 (c)(1)(vii)). Advocacy for tribal status and events such as the annual tribute required significant tribal resources, which demonstrates the tribal government’s ability to “allocate entity resources such as land, residence rights, and the like” (83.11 (c)(2)(i)(A)). Finally, efforts to safeguard tribal members’ ability to hunt or fish demonstrates the Mattaponi Tribal Council’s organization and management of members’ “economic subsistence activities” (83.11 (c)(2)(i)(D)).

Evidentiary Applicability

Overall, the evidence presented above demonstrates that the Mattaponi Indian Tribe meets Criterion 83.11 (c)(1) and (c)(2) throughout the period from 1980 to 1999. Additionally, the evidence from meeting minutes and primary and secondary sources are sufficient to fulfill Criterion 83.11 (c)(2) at a high level and thus should be interpreted to meet Criterion 83.11 (b)(2)(v) for the same period.

¹⁴³ Jenkins, M. R., “Indians head to Capitol for Thanksgiving tribute,” *Suffolk News-Herald* (Suffolk, Va), November 24, 1999.

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1. Criterion (c): 2000 to 2019

Introduction

Documentation for the period from 2000 to 2019 demonstrates the Mattaponi Indian Tribe's fulfillment of criterion 25 CFR 83.11 (c). This includes the demonstration that the Mattaponi Tribal Council acted as an "autonomous entity" that held "political influence or authority over its members" (83.11(c)(1)). Specifically, the tribal government was regularly able to "mobilize significant numbers of members and significant resources... for entity purposes" (83.11 (c)(1)(i)) including participation in tribal elections and key tribal events such as the annual tax tribute, which affirms the Tribe's treaty relationship with the Commonwealth. Additionally, such participation is indicative of the important members place on the "issues acted upon or actions taken by entity leaders" (83.11(c)(1)(ii)) and the existence of "widespread knowledge, communication, or involvement in political processes" (83.11(c)(1)(iii)). Likewise, as in previous periods, the tribal government acted to mediate internal disputes over issues such as the allotments and disturbances demonstrates the existence "internal conflicts that show controversy over valued entity goals, properties, policies, processes, or decisions" (83.11 (c)(1)(v)). The ongoing coordination of political and ceremonial activities with the Pamunkey Indian Tribe and other Virginia tribes demonstrates the Mattaponi tribal government's ongoing relationship with the governments of other federally recognized Indian Tribes (83.11 (c)(1)(vi)). During this period, the tribal government's allocation of land allotments and management of the Mattaponi Indian Reservation demonstrates the Tribe's continuous occupation and use of the state-reservation initially conferred to it in the colonial period (83.11 (c)(1)(vii)). Finally, tribal minute books and other records show the existence of a "continuous line of entity leaders and a means of selection of acquiescence by a significant number of the entity's members" (83.11 (c)(1)(viii)).

Moreover, for the period from 2000 to 2019, as in all periods prior, the Mattaponi Indian Tribe clearly fulfills the requirements under 25 CFR 83.11 (c)(2). Specifically, evidence demonstrates that the tribal government regularly allocated entity resources (83.11 (c)(2)(i)(A)) through the allotment of reservation lands for tribal members and the utilization of tribal resources to cover the costs of their advocacy for tribal citizens with regard to the benefits related to tribal status (such as exemption from certain taxes and license requirements) and to maintain common property such as the Community Building. (83.11 (c)(2)(i)(A)). During this period, the tribal government played an active role in the governance of the behavior of tribal members, intervening in the activities of tribal citizens and enforcing sanctions in ways that clearly demonstrate its role in the regular settlement of internal disputes (83.11 (c)(2)(i)(B)), its strong influence over member behavior (83.11 (c)(2)(i)(C)), and its ability to organize members' economic subsistence activities (83.11 (c)(2)(i)(D)). Such evidence, by meeting the requirements of 25 CFR 83.11 (c)(2), fulfills the crossover provision in 25 CFR 83.11 (b)(2)(v) and thus has "provided more than sufficient evidence to demonstrate distinct community" for the period from 2000 to 2019.

Tribal Leadership

In the period of 2000 to 2019, the Mattaponi Indian Tribe demonstrated a consistent political leadership structure and political participation through elections to fill vacancies on the Tribal Council. Webster Custalow passed away in 2003, at which time his son, Assistant Chief Carl Custalow was elected chief and Mark T. Custalow was elected as Assistant Chief. In 2013, Mark T. Custalow was elected Chief and Leon Custalow Sr. was elected as Assistant Chief. Leadership roles within the church continued to overlap with the leadership of the tribal government, and Councilman Clayton Custalow served as reverend of the Mattaponi Indian Baptist Church while Councilman Ralph Custalow served as a deacon.

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Table C6-1. Tribal Leaders, 2000-2019.

Period of Service	Title	Tribal Leaders
1977 – 2003	Chief	Daniel Webster Custalow [REDACTED] ¹
2003 – 2012	Chief	Carl Temple Custalow [REDACTED] ²
2013 – Present	Chief	Mark Thomas Custalow [REDACTED] ³
2000 – 2003	Assistant Chief	Carl Temple Custalow [REDACTED] ⁴
2003 – 2012	Assistant Chief	Mark Thomas Custalow [REDACTED] ⁵
1987 ca. – 2003	Councilman	Mark Thomas Custalow [REDACTED] ⁶
1987 ca. – 2000	Councilman, Secretary	Lionel Wade Custalow [REDACTED] ⁷
1962 ca. – 2013	Councilman	Bradley Leon Custalow I [REDACTED] ⁸
1997 ca. – Present	Councilman	Bradley Leon Custalow II [REDACTED] ⁹
2008 ca. – Present	Councilman	Brandon Garnett Thundercloud Custalow [REDACTED] ¹⁰
2010 – 2023	Councilman	Richard Wayde McGowan [REDACTED] ¹¹
2010 ca. – 2015	Councilman	Clayton William Custalow [REDACTED] ¹²
2016 ca. – Present	Councilman	Jack Anthony Custalow [REDACTED] ¹³
2013 ca. - Unknown	Councilman	George W. Custalow ¹⁴
2014 ca. – Present	Councilman	Otho Nelson Custalow [REDACTED] ¹⁵

¹ [REDACTED], “Interview: [REDACTED] Part Two,” by [REDACTED] and [REDACTED], Mattaponi Indian Tribe, August 17, 2023, PDF Page 2.

² Staff, “Governor presented with deer,” *Smithfield Times* (Smithfield, Va), December 3, 2003; Whitehead, B., “Newport News begins new negotiations for reservoir,” *Indian Country Today*, Digital, March 1, 2004; Whitehead, B., “Mattaponi crafter continues tradition and enjoys hard work,” *Indian Country Today*, Digital, March 9, 2005; Whitehead, B., “Federal judge finds issues with King William County, VA. reservoir permits,” *Indian Country Today*, Digital, April 14, 2009; Helderman, R. S., “Tribes’ offering honors 1677 treaty,” *The Arizona Republic* (Phoenix, AZ), November 26, 2010; Gallivan, M., et al., (2011), “Collaborative Archaeology and Strategic Essentialism: Native Empowerment in Tidewater Virginia,” *Historical Archaeology* 45(1): pp. 10-23; Staff, “Recognizing Virginias ‘first people’,” *Richmond Free Press* (Richmond, Va), November 15, 2012.

³ Crutchfield, F., “Werowocomoco,” *Richmond Free Press* (Richmond, Va), July 11, 2013; Schilling, V., “Pamunkey and Mattaponi Wrestle with Fishing Rights in Virginia,” *Indian Country Today*, Digital, April 26, 2014; Brown, B., “Virginia Tribes Pay Taxes,” *Press Enterprise* (Bloomsburg, PA), November 24, 2016; Williams, S., “Mattaponi powwow highlights culture,” *The Virginia Gazette* (Williamsburg, Va), June 14, 2017; Kickingwoman, K., “Tribe signs land trust agreement with Virginia,” *Indian Country Today*, Digital, August 28, 2019; Holter, E., “Mattaponi tribe awarded land trust grant,” *Newport News Daily Press* (Newport News, Va), August 31, 2019.

⁴ Hardin, P., “Seeking Sovereignty, Indians Face Barriers,” *Suffolk News-Herald* (Suffolk, Va), March 6, 2000; Staff, “2 tribes pull out in sovereignty bid,” *Richmond Free Press* (Richmond, Va), February 8, 2001; Staff, “Chief Daniel Webster Custalow,” *Newport News Daily Press* (Newport News, Va), March 23, 2003.

⁵ Tribal Meeting Minutes, 9 May 1997, Tribal Government Collection; Staff, “Mattaponi Indian Reservation 13th-Annual Powwow,” *Newport News Daily Press* (Newport News, Va), June 20, 2008; Gallivan, M., et al., (2011), “Collaborative Archaeology and Strategic Essentialism: Native Empowerment in Tidewater Virginia,” *Historical Archaeology* 45(1): pp. 10-23.

⁶ Tribal Meeting Minutes, 9 May 1997, Tribal Government Collection; Staff, “Mattaponi Indian Reservation 13th-Annual Powwow,” *Newport News Daily Press* (Newport News, Va), June 20, 2008; Gallivan, M., et al., (2011), “Collaborative Archaeology and Strategic Essentialism: Native Empowerment in Tidewater Virginia,” *Historical Archaeology* 45(1): pp. 10-23.

⁷ Tribal Meeting Minutes, 28 July 2000, Tribal Government Collection.

⁸ [REDACTED], “Interview: [REDACTED] Part Two,” by [REDACTED] and [REDACTED], Mattaponi Indian Tribe, August 17, 2023, PDF Page 2.

⁹ [REDACTED], “Interview: [REDACTED] Part Two,” by [REDACTED] and [REDACTED], Mattaponi Indian Tribe, August 17, 2023, PDF Page 2.

¹⁰ [REDACTED], “Interview: [REDACTED] Part Two,” by [REDACTED] and [REDACTED], Mattaponi Indian Tribe, August 17, 2023, PDF Page 1.

¹¹ [REDACTED] “Interview: [REDACTED] By [REDACTED] Mattaponi Indian Tribe, July 28, 2023, PDF Page 20.

¹² [REDACTED] “Interview: [REDACTED] By [REDACTED] Mattaponi Indian Tribe, July 28, 2023, PDF Page 20.

¹³ [REDACTED] “Interview: [REDACTED] By [REDACTED] Mattaponi Indian Tribe, July 28, 2023, PDF Page 12.

¹⁴ Personal Communication with Tribal Council, 19 October 2024.

¹⁵ [REDACTED], “Interview: [REDACTED],” By [REDACTED] and [REDACTED], Mattaponi Indian Tribe, June 9, 2023, PDF Page 17.

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Period of Service	Title	Tribal Leaders
2018 – Present	Councilman	Malcolm Tecumseh Custalow Sr. [REDACTED] ¹⁶
2018 – Present	Councilman	Michael Anthony Waldrop Jr. [REDACTED]
1997 ca. – 2009	Councilman, Treasurer	Ralph Dewey Custalow [REDACTED] ¹⁷
April 8, 2004	Reverend	Clayton William Custalow [REDACTED] ¹⁸
December 22, 2009	Church Deacon	Ralph Dewey Custalow [REDACTED] ¹⁹

Conclusion

The consistent structure of the Mattaponi tribal government demonstrates the existence of a “continuous line of entity leaders” (83.11 (c)(1)(viii)) who exercised of political authority under criterion 83.11 (c)(2)(i). Likewise, records of tribal elections and meetings, demonstrate political participation of members of the Mattaponi community who “consider issues acted upon or actions taken by entity leaders to be of importance” (83.11 (c)(1)(ii)) and have “widespread knowledge, communication, or involvement in political processes” (83.11 (c)(1)(iii)).

Resource Use and Allocation

Between 2000 and 2019, Mattaponi tribal leadership continued to govern the use and allocation of tribal resources. Reservation allotment and the maintenance of tribal property provides examples of how the tribal government also regulated shared tribal funds and worked to protect the community’s natural and cultural resources.

Reservation Allotments

Tribal Council meeting minutes from this period clearly illustrate the Mattaponi Tribal Council’s role in reviewing and approving reinstatement and allotment requests (March 20, 2014; March 19, 2015; December 21, 2017). Additionally, meeting minutes illustrate the types of information that underpin the tribal government’s decisions, such as allottees’ intentions to establish family rights and the status of any relevant estate settlements. In one case, an allottee was not able to purchase a house without a letter from Tribal Council establishing his right to build on the Reservation, demonstrating the authority the Mattaponi tribal government holds over the land (March 20, 2014).

Table C6-2. Resource Use and Allocation, 2000-2019: Reservation Allotments in Tribal Meeting Minutes.

Date	Excerpt
March 20, 2014	6. [REDACTED] read a letter concerning the lot granted to him. He needs to have it signed by the tribe council to give to the place he is purchasing the house from. [...] 8. [REDACTED] made a motion to table the letter of reinstatement from [REDACTED] until the council receive all documentation pertaining to this matter. ²⁰

¹⁶ [REDACTED], “Interview: [REDACTED],” By [REDACTED] and [REDACTED], Mattaponi Indian Tribe, December 13, 2023, PDF Page 2.

¹⁷ Staff, “Mattaponi Indian tribal official Ralph D. Custalow dies,” *Indian Country Today*, Digital, December 22, 2009.

¹⁸ Blackwell, L. M., “Couple says racism led to denial of church membership,” *Navajo Times* 43(15), 2.

¹⁹ Staff, “Mattaponi Indian tribal official Ralph D. Custalow dies,” *Indian Country Today*, Digital, December 22, 2009.

²⁰ Tribal Meeting Minutes, 20 March 2014, Tribal Government Collection, PDF Page 4.

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Date	Excerpt
March 19, 2015	8. [REDACTED] brought up the lot that [REDACTED] wants to call for. [REDACTED] will talk with [REDACTED] and will take care of her request at the next meeting. ²¹
December 21, 2017	8. [REDACTED] gave his letter calling for the lot formally belonging to [REDACTED] 9. [REDACTED]. made motion to grant the lot to [REDACTED] [REDACTED] 2 nd motion. Motion carried. ²²

Further evidence of the tribal government’s authority over land allotment comes from oral history interviews in which Mattaponi tribal members describe the process of engaging with The Mattaponi Tribal Council to receive an allotment. Excerpts from interviews show how tribal leaders must reinstate a tribal member as a resident, often through direct descendancy from a current Reservation resident, to be eligible to request a lot. Though family connections play a role in allotment, the interview data clearly indicate that the Mattaponi Tribal Council must make the final determination on which requests for lots are successful.

Table C6-3. Resource Use and Allocation, 2000-2019: Reservation Allotments in Interviews.

Interviewee	Date	Excerpt
[REDACTED]	2013 ca.	[...] In 2014, I called for my own allotment and was granted beside [my father, [REDACTED] So, my father gave up a portion of his allotment for me to be able to have a lot. Actually, it was 2013. I officially moved when my home and everything was ready in 2014. That’s a loaded question for me because both sides of my family are from here, so when you say family, you know my grandparents had allotments, great-grandparents, there’s different cousins of mine who live here, uncles, aunts, that have allotments that are granted them. ²³
[REDACTED]	2014 ca.	[REDACTED]: Did your family have land allotted by the tribal government on the reservation? [REDACTED] yes. [REDACTED]: And where was that allotment located? Across the field. [Laughter] And it’s still in his name. My mother’s still living, and so she has lifetime rights there. So, she is there until she passes. It’ll stay that way. And, yes, I got reinstated nine years ago, back to the reservation. I reinstated myself. [REDACTED] Can you talk a little bit about how the process works of allotment? Well, first of all, you get reinstated in the reservation, and then if there’s a lot available, you can call for the lot. And my predicament, my situation, my father, he had a lot, so it was granted to him from his father. He lived here until his death in 1982. And then my mother has lifetime rights here,

²¹ Tribal Meeting Minutes, 19 March 2015, Tribal Government Collection, PDF Page 26.

²² Tribal Meeting Minutes, 21 December 2017, Tribal Government Collection, PDF Page 58.

²³ [REDACTED], "Interview: [REDACTED] Part One," by [REDACTED], Mattaponi Indian Tribe, December 15, 2022, PDF Page 6.

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Interviewee	Date	Excerpt
		so she stays down here. And then I moved back nine years ago to stay with Mom and [REDACTED] was there for a while. ²⁴
[REDACTED]	2014 ca.	[...] Only letter I put in was when I called for the lot down there. And then I had to ask to be reinstated for us with a letter. And the next Council meeting they decided that it was going to reinstate me. I had to write another letter to be granted a lot. And I was granted a lot. So, it's been granted a lot. So, it's yours to upkeep, keep peace. That's what I've been trying to do. ²⁵
[REDACTED]	2018 ca.	[...] Yeah, when I first came back, it's when my daddy first got the house, which was at 1281. And I'm trying to think what year it was, I think it was [19]94, when [REDACTED] moved away. And it might have been a little before that, but when he finally, when he and my mama moved back here full time. So then of course I just came down on the weekends and then I started coming down more often and then I went ahead on and asked to be reinstated as a resident member because I knew that I was gonna build me a house where the old trailer was next door. So, I ended up tearing that trailer down and putting a little small house up there. So, that would have been 2012. 2012 is when I had—well, I didn't have the lot allotted to me until after my daddy passed. Because I was my father's son. It was my daddy's lot. So, my daddy got the lot assigned to him in the [19]90s. And then in 2018 when my daddy passed is when the lot was assigned to me. ²⁶

Regulation of Allotted Lands

In addition to granting allotments for tribal members, the Mattaponi Tribal Council continued to enforce regulations regarding allotment upkeep. For example, in an August 2000 tribal meeting, the Tribal Council audited Reservation allotments (August 18, 2000). Each lot was reviewed and plans were made to rectify any issues, including establishing rights of inheritance, resolving illegal occupation, and assessing and placing requirements for general upkeep. The Council also mediated allotment boundary disputes among Reservation residents and managed the purchase of personal property on allotments that had reverted to the Tribe (August 16, 2018).

Table C6-4. Resource Use and Allocation, 2000-2019: Regulation of Allotments in Tribal Meeting Minutes.

Date	Excerpt
August 18, 2000	IV. Tribal Lots that are in question – The Council will discuss each Lot and start making decisions. 1 st Lot – [REDACTED] Lots – everything is O.K. and accepted 2 nd Lot – [REDACTED] Needs to present tribe with documentation of the Estates. Settlement before the lot can be settled. The tribe will write a letter for [REDACTED] to clarify.

²⁴ [REDACTED], "Interview: [REDACTED]." By [REDACTED] and [REDACTED], Mattaponi Indian Tribe, July 24, 2023, PDF Page 4.

²⁵ [REDACTED], "Interview: [REDACTED]." By [REDACTED] and [REDACTED], Mattaponi Indian Tribe, June 9, 2023, PDF Page 18.

²⁶ [REDACTED], "Interview: [REDACTED]." By [REDACTED], Mattaponi Indian Tribe, July 28, 2023, PDF Page 16.

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Date	Excerpt
	<p>3rd [REDACTED] Lot – this is illegally occupied. The tribe need to draft her a letter asking her what can she do to help bring this situation to a close.</p> <p>4th Lot – [REDACTED] Everything is fine – and accepted.</p> <p>5th – [REDACTED] – for now everything is O.K. When her son [REDACTED] move to his lot she needs to occupy the dwelling.</p> <p>6th Lot – [REDACTED] Everything is O.K. Everyone accepts.</p> <p>7th Lot – [REDACTED] – Everything is O.K. everyone accepts.</p> <p>Draft Letter 8th Lot – [REDACTED] Lot – Now that [REDACTED] has deceased the family needs to settle the property and let the tribe know the intentions before the 2 years are up.</p> <p>[...]</p> <p>9th Lot – [REDACTED] – the tribe will review letter about the museum is there or someone else.</p> <p>10th Lot – [REDACTED] Lot – He needs to write a letter to the tribe clarifying his intention whether he is having his rights to his wife and family.</p> <p>11th [REDACTED] – everything is ok. Everything accepted.</p> <p>[REDACTED] – needs to clean up lot. Lot is in good standing.</p> <p>[REDACTED] – Council has agreed to draft and letter stating that her lot is a tribal lot & asking for a response of intention.</p> <p>[REDACTED] Lot is O.K.</p> <p>[REDACTED] – Lot is O.K. Need to keep clean.</p> <p>[REDACTED] – Lot is O.K.</p> <p>Lot known as [REDACTED] Council has agreed to draft a letter stating that he is occupying lot illegally and needs to take proper procedure to obtain reinstatement & the said lot</p> <p>[REDACTED] – Lot is O.K.</p> <p>[REDACTED] is presently illegally occupying the lot that was allotted to [REDACTED].</p> <p>[REDACTED] – Lot is okay.</p> <p>[REDACTED] – Council agree to draft Cindy Langton a letter stating that she needs to clean up her lot.</p> <p>[REDACTED] – Lot is ok.</p> <p>Lot known as [REDACTED] Lot – Council has agreed to draft a letter to the family stating that the lot has gone back to the tribe. Also to determine personal property.</p> <p>[REDACTED] – lot is okay.</p>

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Date	Excerpt
	<p>██████████ – lot is okay. Live here on ██████████ right</p> <p>██████████ – Council has agreed to draft a letter state that her lot is a tribal lot. Ask for response of intentions.</p> <p>██████████ – lot is okay.²⁷</p>
August 16, 2018	<p>[...] 2. ██████████ asked everyone for boundaries on lots that are in dispute. ██████████ brought up getting the boundaries for ██████████ lot straight.</p> <p>3. ██████████ asked ██████████ to see the law splitting lots.</p> <p>4. ██████████ brought up sending a letter to ██████████ ██████████ about moving the unoccupied trailer on his lot. ██████████ will get a letter out to him.</p> <p>[...] 7. ██████████ gave an update on purchasing ██████████ former house. ██████████ ██████████ told ██████████ he needed time to move everything off the lot.²⁸</p>

Oral histories shed additional light on the practice of purchasing the improvements on lots that descendants of a deceased tribal member were unable to maintain. ██████████, the son of ██████████ enrolled with the Chickahominy Indian Tribe – Eastern Division, described the inheritance of his father’s property and subsequent purchase by the Tribe:

That house then came to my older brother and I, and neither of us were at a life stage or position to where we could live in the house the required 6 months of the year, and so we ended up selling that back to the tribe, and they sold it through lottery to my cousins, ██████████ ██████████ and ██████████.²⁹

Such efforts speak to the ways in which the Mattaponi Tribal Council allocated tribal resources for the purpose of land and allotment management.

Regulation of Reservation Properties and Resources

In addition to the regulation of allotments, the Mattaponi Tribal Council regularly oversaw the allocation of reservation properties and resources for individual or group purposes. This included granting permission to use the river landing (March 19, 2015), which provides access to the river and its resources, like shad, that are cultural and economic mainstays for the Mattaponi. At the same meeting the tribal government also agreed to monitor legislation that would have required the Tribe to adopt a building code (March 19, 2015).³⁰ Additionally, the Mattaponi Tribal Council managed access to reservation lands for hunting (January 31, 2017). Tribal leaders also organized and funded the maintenance of tribal properties and allocated resources in support of major community events, notably the Mattaponi powwow, which built on

²⁷ Tribal Meeting Minutes, 18 August 2000, Tribal Government Collection, PDF Page 2.

²⁸ Tribal Meeting Minutes, 16 August 2018, Tribal Government Collection, PDF Page 71.

²⁹ ██████████, “Interview: ██████████,” by ██████████ and ██████████, Mattaponi Indian Tribe, November 27, 2023, PDF Page 11.

³⁰ Personal Communication, ██████████, October 11, 2024.

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traditions of intertribal fish fries and powwows in the early 20th century.³¹ Beginning in the late 1990s, tribal leaders delegated tasks for the event, such as cutting grass and preparing tribal grounds, and compensated tribal members for their contributions to preparation (July 5, 2001). The event served as a fundraising event for the Tribe, and tribal meeting minutes document the entry of powwow funds into tribal accounts to fund other governmental activities beneficial to the Tribe and the Mattaponi Indian Reservation.³²

Table C6-5. Resource Use and Allocation, 2000-2019: Regulation of Reservation Property in Tribal Meeting Minutes.

Date	Excerpt
August 4, 2000	Pow-Wow Funds – Pow-Wow funds are turned over to the tribe. ³³
July 5, 2001	1) Powwow ██████████ presented an itemized list of expenses and money made from powwow. See attached list back of page. ██████████ asked the Tribe to pay for cutting the powwow parking grounds and to be reimbursed for the drinks he purchased for the parking staff. ██████████ made a motion to reimburse ██████████ for post he purchased ██████████ and to reimburse ██████████ for cutting the grass for the powwow parking grounds. ³⁴
March 20, 2014	5. ██████████ present two letters from ██████████ and ██████████ to use the boat landing during shad season. [...] ██████████ 2 nd the motion. Motion carried. ³⁵
August 21, 2014	8) ██████████ wants permission from the tribe to have a naming service for their granddaughter on 10/18/14. Tribe agreed. [...] 10) ██████████ brought up about ██████████ using the riverbank for him and kids. ³⁶
March 19, 2015	██████████ brought up a letter from ██████████ asking for permission to use the boat landing during shad season. [...] ██████████ gave an update on the bldg. permit legislation. Mark will give another update on whether it passed or not.

³¹ Staff, "Indian Tribes Hold Picnic," *The News Leader* (Richmond, Virginia), July 31 1922; Staff, "Annual Fish Fry of Chickahominy Tribe," *The Daily Star* (Fredericksburg, Virginia), July 18 1923; Staff, "Indians Plan Annual Pow Wow Wednesday," *Newport News Daily Press* (Newport News, Virginia), May 5 1929; Jones, Jimmy, "'Conoway, Honohy,'" *Richmond Times Dispatch* (Richmond, Virginia), May 22 1937; Staff, "Indians to Powwow at Windsor Shades," *Richmond Times Dispatch* (Richmond, Virginia), May 20 1938. The Mattaponi also hosted fish fries with the tribal trustees (Staff, "Indians Host at Fish Fry," *The Tidewater Review* (West Point, Virginia), June 2, 1955).

³² The annual event has continued, and in 2017 was attended by the Governor of Virginia, Terry McAuliffe. See: Williams, S., "Mattaponi powwow highlights culture," *The Virginia Gazette* (Williamsburg, Va), June 14, 2017.

³³ Tribal Meeting Minutes, 4 August 2000, Tribal Government Collection, PDF Page 1.

³⁴ Tribal Meeting Minutes, 5 July 2001, Tribal Government Collection, PDF Page 3.

³⁵ Tribal Meeting Minutes, 20 March 2014, Tribal Government Collection, PDF Page 4.

³⁶ Tribal Meeting Minutes, 21 August 2014, Tribal Government Collection, PDF Page 17.

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Date	Excerpt
	[REDACTED] received a letter from [REDACTED] about [REDACTED] and Alvin using the river landing during shad season ³⁷
January 31, 2017	6. [REDACTED] brought up about a hunt club hunting on Reservation land. [REDACTED] will check into it. ³⁸

Conclusion

Governance over reservation lands and allotments and the purchase and resale of improvements on allotments indicate that the tribal government was able to “mobilize significant numbers of members and significant resources from its members for entity purposes” (83.11 (c)(1)(i)) and “allocate entity resources such as land, residence rights, and the like” (83.11 (c)(2)(i)(A)). The mediation of boundary disputes is indicative of the Mattaponi Tribal Council’s ability to “settle disputes between members” (83.11 (c)(2)(i)(B)) and “exert strong influence on the behavior of individual members” (83.11 (c)(2)(i)(C)). Moreover, such instances indicate the existence of “internal conflicts that show controversy over valued entity goals, properties, policies, processes, or decisions” (83.11 (c)(1)(v)). Approval of requests to utilize the landing or to hunt on the Reservation and the engagement of tribal members in paid labor related to community events or property maintenance speak to the Mattaponi Tribal Council’s ability to influence “economic subsistence activities” (83.11 (c)(2)(i)(D)). Finally, allotment and the regulation of reservation resources are indicative of the Tribe’s continual and active use of “land set aside by a State” (83.11 (c)(1)(vii)).

Public Works and Social Services

Between 2000 and 2019, the Mattaponi Tribal Council worked to provide and oversee public works and social services, including but not limited to the maintenance of reservation property including important tribal institutions such as the hatchery and the Mattaponi Indian Baptist Church. The Mattaponi Tribal Council continued to be active in efforts to safeguard natural and cultural resource rights and to secure additional land to expand the reservation. Finally, the tribal government pursued fundraising activities to support a clinic that could provide health services to tribal members.

Mattaponi Hatchery

During this period, the tribal government oversaw the maintenance, funding, and use of the Mattaponi hatchery. In a 2004 article outlined Chief Carl Custalow’s description of the hatchery:

The tribe, he said, built a 2,000-square-foot, state-of-the-art shad hatchery and marine sciences center in 2000 to replenish the shad stock in the river. The Mattaponi's hatchery produces 4 - 6 million fry a year, which are tagged and released directly into the Mattaponi River, he said.³⁹

The success of the hatchery and its ability to replenish the shad population became a focal point in the Tribe’s argument against the Newport News Reservoir, a proposed development that the Tribe had fought against beginning in the 1990s because of its potential to deplete the aquatic populations that tribal members

³⁷ Tribal Meeting Minutes, 19 March 2015, Tribal Government Collection, 2014-2021 Meeting Minutes Notebook, PDF Page 26-27.

³⁸ Tribal Meeting Minutes, 31 January 2017, Tribal Government Collection, 2014-2021 Meeting Minutes Notebook, PDF Page 41-42.

³⁹ Whitehead, B., “Newport News gets permit to place pipe in Mattaponi River,” *Indian Country Today*, Digital, August 25, 2004.

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Land Acquisition

As in previous periods, the tribal government sought to acquire land and expand the communal resources of the Mattaponi Indian Tribe. Tribal meeting minutes during this time show efforts to purchase land and obtain donations of land from tribal members (January 23, 2014; March 20, 2014). The tribal government also sought to ensure that they could put these lands into trust, discussing the possibility of enlisting the Native American Rights Fund (NARF) to aid (March 19, 2015) and lobbying the General Assembly to pass a bill to support a trust classification for additional lands (January 31, 2017). The Mattaponi Tribal Council also deliberated on the dispensation of funds for an environmental survey that was required before the land could be put into trust (December 21, 2017). These efforts, along with the efforts of previous decades, illustrate the Mattaponi Tribal Council’s ability to allocate community resources in support of valued community objectives.

Table C6-8. Resource Use and Allocation, 2000-2019: Land Acquisition in Tribal Meeting Minutes.

Date	Excerpt
January 23, 2014	██████████ gave an update on the land being purchased from the estate of ██████████ ⁴⁸
March 20, 2014	Land in trust that ██████████ is going to donate. ██████████ gave an update. ██████████ gave an update on the land the Res purchased. ⁴⁹
March 19, 2015	██████████ asked about the land that ██████████ wants to donate to the Reservation ██████████ gave an update on the land the tribe purchased. ██████████ is drafting a letter to NARF to ask for help in getting the land settled. The tribe agreed. ⁵⁰
January 31, 2017	[...] S. ██████████] updated the tribe on getting the land in trust, the first phase the bill was passed in the general assembly. ⁵¹
December 21, 2017	██████████ gave an update on the Land in Trust, the Tribe will have to do a land assessment [environmental survey ⁵²]. Will cost the tribe ██████████ ⁵³

The Mattaponi Tribal Council’s efforts resulted in a hundred acres being signed into trust by Governor Northam on August 26, 2019 (August 28, 2019; August 31, 2019). Newspaper articles explain the agreement between the Commonwealth of Virginia’s Governor Ralph Northam and the Tribe and connect the reacquisition of the land to tribal priorities such as expanded housing and the preservation of natural resources and related cultural practices such as hunting, fishing, and trapping (August 28, 2019).

Table C6-9. Resource Use and Allocation, 2000-2019: Land Acquisition in Newspaper Articles.

Date	Excerpt
August 28, 2019	Over the course of the last decade, the Mattaponi Tribe of Virginia have been slowly acquiring land that had once been apart [sic; a part] of their reservation. On Monday,

⁴⁸ Tribal Meeting Minutes, 23 January 2014, Tribal Government Collection, PDF Page 2.

⁴⁹ Tribal Meeting Minutes, 20 March 2014, Tribal Government Collection, PDF Page 4.

⁵⁰ Tribal Meeting Minutes, 19 March 2015, Tribal Government Collection, PDF Page 26.

⁵¹ Tribal Meeting Minutes, 31 January 2017, Tribal Government Collection, PDF Page 41-42.

⁵² Personal Communication, ██████████, October 10, 2024.

⁵³ Tribal Meeting Minutes, 21 December 2017, Tribal Government Collection, PDF Page 58.

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Date	Excerpt
	<p>Gov. Ralph Northam signed a land trust agreement with the tribe that effectively doubled the land base of the reservation.</p> <p>[...] At the signing ceremony, Gov. Northam said the expansion of the Mattaponi reservation will help sustain and preserve the tribe's history and traditions.</p> <p>[...] The reacquired land may be used for new housing construction as well as for fishing, hunting and trapping. The Mattaponi Indian Reservation is located in King William County, Virginia. [...] ⁵⁴</p>
August 28, 2019	<p>Virginia Gov. Ralph Northam has signed a land trust agreement that transfers more than 100 acres of land to the Mattaponi Indian Reservation.</p> <p>The governor announced the deal Monday, saying it will almost double the size of the tribe's current reservation in King William County.</p> <p>The new land will be used to help preserve the tribe's cultural preservation efforts that include hunting, fishing and trapping. The reservation currently houses about 75 residents. ⁵⁵</p>
August 31, 2019	<p>The Mattaponi Indian Tribe will gain more than 100 acres of additional land in King William County, doubling the size of the reservation, when a land trust agreement signed with Gov. Ralph Northam finalizes.</p> <p>[...] The additional land will increase the Mattaponi's cultural preservation and allow the tribe to hunt, fish, trap and increase the number of houses on the reservation.</p> <p>"Expanding the Mattaponi Indian Reservation through this land trust agreement will help pre-serve the sustainability of the Tribe and its unique his-tory and culture," Northam said. "I look forward to con-tinuing to strengthen our relationship with the Mattaponi."</p> <p>The Mattaponi people and myself worked hard in getting this land put into trust for future generations to enjoy," Mattaponi Chief Mark Custalow ██████████ said. "We appreciate the governor's support in making this truly a monumental day in the history of our people."</p> <p>The first land grant with the Mattaponi was signed by King Charles of England in 1658. Throughout the tribe's history with the Commonwealth, it has purchased and re-acquired more than 100 acres of private land. After signing the trust, the Mattaponi will have permanent rights to the possession and control of the land. [...] ⁵⁶</p>

Health Services

During the period from 2000 to 2019, the Mattaponi Tribal Council sought to expand the medical services available to tribal members on the Reservation and the larger Native community, by entering into a partnership with the non-profit Healing Eagle Health Clinic.⁵⁷ Then ██████████, administrated the clinic's operating funds and offered the tribal community building to house the clinic

⁵⁴ Kickingwoman, K., "Tribe signs land trust agreement with Virginia," *Indian Country Today*, Digital, August 28, 2019.

⁵⁵ Staff, "Virginia deal expands Mattaponi reservation," *The News-Press* (Fort Myers, FL), August 28, 2019. See Also: Staff, "Tribe's Chance to Convalesce," *Newport News Daily Press* (Newport News, Va), August 29, 2019.

⁵⁶ Holter, E., "Mattaponi tribe awarded land trust grant," *Newport News Daily Press* (Newport News, Va), August 31, 2019.

⁵⁷ Personal Communication, ██████████, October 10, 2024.

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(October 7, 2004; October 21, 2004). Fundraising efforts included a concert to raise money for maintenance to the building (October 7, 2004), and a raffle (October 21, 2004).

Table C6-10. Public Works and Social Services, 2000-2019: Health Services.

Date	Excerpt
October 7, 2004	<p>On Sunday, October 10, from 3 to 5 p.m., there will be a gospel concert at Tappahannock Memorial United Methodist Church to raise funds to support the Healing Eagle Clinic on the Mattaponi Indian Reservation.</p> <p>[...] The proceeds will be used by the Healing Eagle Clinic to repair termite damage to their facility on the reservation, which also serves as the community center for the tribe. [...]</p> <p>██████████ with the sanction of the tribal chief, is in charge of the clinic, as a volunteer. He and ██████████ are the administrators of clinic operating funds. ██████████ sees Native American patients on two Saturdays each month, usually 50 or more each day. His patients come from about eight different tribes.⁵⁸</p>
October 21, 2004	<p>[...] The prizes for the raffle are works of art donated by the artists. These prizes include a framed watercolor of daffodils by Beverly Rainey; two pottery bowls made by hand from clay dug from the banks of the river on the Mattaponi reservation by "██████████ ██████████ and ██████████ ██████████ [...]</p> <p>In 1999 a Free Health Clinic was started on the Mattaponi Reservation on the initiative of ██████████ ██████████, a pulmonary doctor, and the chief of the Mattaponi Indian Tribe, ██████████ ██████████</p> <p>[...] The Mattaponi Tribe is the host tribe of the clinic and their community building is the only site available for the clinic use on the reservation. It is an old building badly in need of repair and also used for all tribal functions. [...]⁵⁹</p>

Conclusion

The Mattaponi Tribal Council’s efforts to maintain the hatchery and other tribal property, protect valued cultural and natural resource rights, acquire land, and provide health services to the native community demonstrate the tribal government’s ability to “mobilize significant numbers of members and significant resources from its members for entity purposes,” (83.11 (c)(1)(i)), “allocate entity resources such as land, residence rights, and the like” (83.11 (c)(2)(i)(A)), occupy “land set aside by a State for the petitioner” (83.11 (c)(1)(vii)), and influence “economic subsistence activities” (83.11 (c)(2)(i)(D)).

Maintaining Social Order

During this period, the Mattaponi tribal government exerted significant influence over the everyday lives and behavior of tribal members and Reservation residents. The Mattaponi Tribal Council reiterated standing tribal laws to tribal members on and off the reservation and continued to enforce tribal laws on the Mattaponi Indian Reservation.

⁵⁸ Staff, “Gospel concert proceeds will benefit Healing Eagle,” *Rappahannock Record* (Kilmarnock, VA), October 7, 2004.
⁵⁹ Staff, “Raffle to Benefit Healing Eagle Clinic,” *Glo-Quips* (Gloucester, Virginia), October 21, 2004.

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Tribal Laws

The Mattaponi Tribal Council administered tribal laws during the period from 2000 to 2019. Laws were reiterated and distributed to tribal members in response to disturbances on the reservation. One instance during this period concerned a dispute over conduct of a non-resident tribal member⁶⁰ on the Mattaponi Indian Reservation and evolved to include the local county government and the tribal trustees, as well as the tribal government. The tribal government utilized formal mechanisms such as registered letters to communicate, reiterating rules of conduct and expectations on the reservation and that non-residents tribal members did not have a voice in the governance of the reservation (September 7, 2000). A letter was also sent to reservation residents reiterating expectations for conduct on the reservation (September 26, 2000). The Tribal Council also initiated efforts to develop a formal tribal constitution (September 26, 2000) and weighed in on individual rights to discharge firearms on the reservation (March 19, 2015).

Table C6-11. Maintaining Social Order, 2000-2019: Tribal Laws.

Date	Excerpt
September 7, 2000	<p>[...]</p> <p>The tribe needs to send ██████████ a registered letter stating what the tribe expects of him.</p> <p>Also send a copy to the Commonwealth Attorney. This letter needs to state:</p> <ol style="list-style-type: none"> 1. Once you have moved off the Reservation and onto the Commonwealth you have no voice in matters pertaining to the way tribe govern itself and matters pertaining the Mattaponi Reservation. 2. When non-Residents are visiting the Reservation they are to act in a decent and respectful manner towards the residents of the reservation, the land and the river. 3. You're welcome to visit the Reservation anytime, just as all other family members who don't live on the reservation, but you must come in good faith or there will be zero tolerance for bad behavior. 4. We must understand that we are different from the Commonwealth and we do things different. When you move off the Reservation into Commonwealth, you have forfeited all rights on Reservation. 5. If you have any confrontation with anyone as non-Resident while visiting, you should notify the person you are visiting so the person can notify Chief and Council. 6. Remember you are a guest here if situation do arise, it is not your responsibility to become involved or handle the matter. All matters will be handled by Chief and Council. 7. The final statement should be that if you can't visit in a peaceful, respectful manner then the Tribal Council will have to take appropriate action to suspend or even ban you from the Reservation and the Reservation has the authority to do so (for the amount of time decided by Chief and Council) and if behavior persists even barring for life. 8. The Chief and Council can remove resident, non-resident or anyone who comes to the reservation and being disruptive. And the tribe will not tolerate any.⁶¹
September 26, 2000	<p>Letter to Tribal Residents & Non-Residents</p> <p>This letter states how all residents & non-residents are supposed to act on the Mattaponi Reservation. All Councilmen have read the letter and feel that it is a good letter to make everyone aware of. By consensus all councilmen have agreed to accept this letter and send it to all residents. The letter was sent out on Oct. 2, 2000.</p>

⁶⁰ The individual in question was born on the Mattaponi Indian Reservation but was not a resident at the time that these events transpired (Personal Communication, ██████████, October 11, 2024).

⁶¹ Tribal Meeting Minutes, 7 September 2000, Tribal Government Collection, PDF Page 1-2.

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Date	Excerpt
	[...] The council discuss on having ██████████ [...] to help the Council make a constitution for the Tribe. ⁶²
March 19, 2015	[...] ██████████ brought up about people shooting on the Reservation. ██████████ wanted to remind everyone of the Reservation law about no shooting within the Reservation. ⁶³

Enforcement of Tribal Laws

The Mattaponi Tribal Council regularly enforced tribal laws during the period from 2000 to 2019. One ongoing incident involved a non-resident tribal member who was involved in a series of altercations with resident tribal members (July 28, 2000). The tribal government stepped in, banning them from the reservation, but the sanctions were ignored and the issue escalated. The situation escalated further when the individual threatened a member of Council, who responded in kind and ended up engaged in a physical altercation with the individual (August 4, 2000). The Mattaponi Tribal Council called in the county sheriff, then the non-resident tribal member appealed the Council’s restrictions to the county court, which ultimately turned it back to the Tribe (September 5, 2000).⁶⁴ The Council deliberated and consulted with the Tribe’s Trustees (September 26, 2000), ultimately banning the unruly non-resident tribal member and removing the council member who had engaged in a violent altercation with him (November 3, 2000). Additional issues with banned members or members who were prohibited from utilizing tribal properties occurred through the remainder of the decade (January 23, 2014; March 19, 2015).

Table C6-12. Maintaining Social Order, 2000-2019: Enforcement of Tribal Laws in Tribal Meeting Minutes.

Date	Excerpt
July 28, 2000	Special Meeting Councilmen Only Topic – ██████████ coming to the Reservation making threats against ██████████ ██████████ and ██████████ He threatening their lives and to do damage to their property. The tribe has dealt with this problem with ██████████ ██████████ on other occasions and now its time to make a final decision. ⁶⁵
August 4, 2000	██████████ problems with ██████████ ██████████ threatening residents of tribe and when he threatened Councilman ██████████ ██████████ + some physical action had taken place. ██████████ wants to know where does he stand with the tribe and a law suit on Councilman ██████████ for assault and battery on ██████████. Conclusion: the tribe will write a letter explaining my character and how I stand with the tribe. -Councilman ██████████ ⁶⁶
September 5, 2000	Special Council Meeting

⁶² Tribal Meeting Minutes, 26 September 2000, Tribal Government Collection, PDF Page 1.

⁶³ Tribal Meeting Minutes, 19 March 2015, Tribal Government Collection, 2014-2021, Meeting Minutes Notebook, PDF Page 27.

⁶⁴ Personal Communication, ██████████, October 10, 2024.

⁶⁵ Tribal Meeting Minutes, 28 July 2000, Tribal Government Collection, PDF Page 1.

⁶⁶ Tribal Meeting Minutes, 4 August 2000, Tribal Government Collection, PDF Page 1. Please note, ██████████, the councilman who was ultimately removed by recommendation of the Trustees, was serving as secretary during this time.

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Date	Excerpt
	<p>Trial with County Court & [REDACTED] The tribe asked the sheriff department to help remove [REDACTED] from Reservation. His removal was a result from [REDACTED] threatening tribal residents and he is not a resident.⁶⁷</p>
<p>September 26, 2000</p>	<p>Format of proceedings before the trustees sitting at the Mattaponi Tribal Court.</p> <p>Motion made by [REDACTED] that the proceeding read on the to be use by trustees sitting in as Mattaponi Reservation tribal court in the case of [REDACTED] 2nd by [REDACTED]. Motion carried. Nov. 3rd is the date for hearing.</p> <p>The council discuss on having [REDACTED] present at the hearing of [REDACTED] [...]</p> <p>Topic – Trustees hearing Case become victim of a lawsuit</p> <p>The thought came up that if the trustee hearing the case of [REDACTED] [REDACTED]. Become a victim of a lawsuit the tribe would pay their Attorney fee. Motion made by [REDACTED] I second by [REDACTED]. Motion Carried.</p> <p>Copy of Money Order to [REDACTED] from [REDACTED] Assault & Battery for Minute Book.⁶⁸</p>
<p>November 3, 2000</p>	<p>Hearing Before the Trustees of the Mattaponi Indian Tribe</p> <p>In the matter of</p> <p>[REDACTED]</p> <p>Friday, November 3, 2000</p> <p>Appeared before:</p> <p>[REDACTED], TRUSTEES</p> <p>JURISDICTIONAL FINDING</p> <p>It is the opinion of the Trustees that we have jurisdiction over this dispute. We will hear the case because we have been asked to do so and because we believe it is proper to do so. Any problem that either party has with the Commonwealth is between that party and the Commonwealth, and does not concern the Trustees.</p> <p>FINAL DECISION OF THE TRUSTEES</p> <p>The Trustees unanimously recommend to the Tribal Council that they bar [REDACTED] from serving as Tribal Council that it order [REDACTED] expelled from the Reservation for a period of two (2) years. We make this recommendation because Bernard continuously agitated this situation and we feel a cooling-off period is necessary.</p> <p>The Trustees unanimously recommend to the Tribal Council that they bar [REDACTED] from serving as Tribal Councilman for a period of four (4) years, and that he be ordered to surrender the sum of \$250.00 to [REDACTED] for damages. We found no evidence that [REDACTED] life was threatened or that [REDACTED] had any cause to exit the vehicle and engage in an altercation with [REDACTED].</p> <p>The Trustees feel this decision is fair and just for all concerned.</p>

⁶⁷ Tribal Meeting Minutes, 5 September 2000, Tribal Government Collection, PDF Page 1.

⁶⁸ Tribal Meeting Minutes, 26 September 2000, Tribal Government Collection, PDF Page 1.

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Date	Excerpt
	██████████, Trustee ⁶⁹
January 23, 2014	9. ██████████ gave an update on ██████████ coming on the Reservation after he was banned. ██████ will send a letter to ██████████ and ██████████ regarding his trespassing on the reservation. ⁷⁰
July 10, 2014	██████████ gave an update on complaints from the reservation, the police will have patrols on a regular schedule. ⁷¹
March 19, 2015	██████████ made a motion to lift the ban on the people who are on probation for the boat landing. Will only include immediate family. ██████████ seconded the motion. Motion carried unanimously. ⁷²

Tribal leaders also created formal letters to manage tax delinquency for several members that had failed to pay the reservation taxes imposed by the tribal government. These letters outlined the amounts owed and the consequences of such delinquency (February 21, 2011; December 9, 2011).

Table C6-13. Maintaining Social Order, 2000-2019: Enforcement of Tribal Laws in Government Communications.

Date	Excerpt
February 21, 2011	<p>[The Mattaponi Reservation Treasury sent the following templated letter to 9 tribal members who owed back taxes to the Tribe.]</p> <p>Dear [Member's Name]:</p> <p>Our records indicate that you owe back taxes for the years indicated below: [...]</p> <p>Please respond to this correspondence in writing by March 15, 2011, with how you will be resolving the total amount due. If you have proof of payment (<i>i.e. a receipt from the treasurer or a check copy</i>) include that in your response along with any other concerns that would warrant you from not making payment. Please send your response to:</p> <p>Treasurer c/o ██████████ ██████████ ██████████</p> <p><i>If no response is received by the date mentioned above it is assumed that you have defaulted your payment obligations and will be notified by the tribal council of the consequences.</i>⁷³</p>
December 9, 2011	<p>[The Mattaponi Tribal Council sent the following templated letter to tribal members who did not respond to the letter of February 21, 2011.]</p> <p>Dear [Member's Name]:</p> <p>The Mattaponi Tribal Council did not receive a written response from the letter dated February 21, 2011, in reference to non-payment of taxes/land use fees. Since the debt has</p>

⁶⁹ "Hearing Before the Trustees of the Mattaponi Indian Tribe," in fax from Brian Skretny, 15 May 2001, ██████████ Collection, Box 6, Folder 11, PDF Page 23.

⁷⁰ Tribal Meeting Minutes, 23 January 2014, Tribal Government Collection, 2014-2021 Meeting Minutes Notebook, PDF Page 3.

⁷¹ Tribal Meeting Minutes, 10 July 2014, Tribal Government Collection, 2014-2021 Meeting Minute Notebook, PDF Page 13.

⁷² Tribal Meeting Minutes, 19 March 2015, Tribal Government Collection, 2014-2021 Meeting Minutes Notebook, PDF Page 27.

⁷³ Letter: ██████████ to Tribal Members Owing Taxes, 21 February 2011, ██████████ Private Collection, Box 3, Folder 2.

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Date	Excerpt
	<p>not been paid and/or the letter was not acknowledged, the following consequences are in effect as of the date of this letter and have been adopted by the Mattaponi Tribal Council.</p> <p>If tribal taxes/land use fees have been delinquent for a period of two (2) years, tribal rights and privileges will be suspended for a period of six (6) months. If Tribal [sic] delinquent taxes/land use fees exceed the two (2) years stated above, all tribal rights and privileges will be suspended for a period of one (1) year and for each year of delinquency. [...] ⁷⁴</p>

Conclusion

The maintenance of social order through the articulation and enforcement of tribal laws illustrates the tribal government’s exertion of “strong influence on the behavior of individual members, such as the establishment or maintenance of norms or the enforcement of sanctions to direct or control behavior” (83.11 (c)(2)(i)(C)) and political authority in the face of “internal conflicts” (83.11 (c)(1)(v)) within the Tribe. The enforcement of tribal law outlined in this section and evidenced through the Mattaponi Tribal Council’s oversight of legal processes like land allotment, discussed in the section on Resource Use and Allocation, indicate the existence of mechanisms to “allocate entity resources,” (83.11 (c)(2)(i)(A)) such as the right to live on or visit the reservation or utilize certain reservation properties, “settle disputes,” between tribal members (83.11 (c)(2)(i)(B)), and/or “organize or influence economic subsistence activities” (83.11 (c)(2)(i)(D)), such as fishing.

Political Participation

During this period, community members participated in the Tribe’s political processes, demonstrating a belief that the actions of tribal leadership held significance for the community and the lives of tribal members. Tribal members eligible to vote participated in tribal meetings and elections, and tribal meeting minutes document individual members’ efforts to complete the process to obtain tribal cards which would allow them, per the tribal government’s regulations, access the privileges of membership and/or residency.

Meeting Attendance

Between 2000 and 2019, the Mattaponi Tribal Council presided over regular tribal meetings. Roll calls from these meetings show that they were attended by an average of 10, and up to 20, attendees. These would have included male tribal members above 18 who were resident on the Mattaponi Indian Reservation and others who may attend the meetings to address specific issues before the Mattaponi Tribal Council. Tribal members’ attendance at political meetings and their participation in tribal elections are indicative of their investment in the activities and efforts of the tribal government.

*Table C6-14. Political Participation, 2000-2019.*⁷⁵

Date	Type of Meeting	Number of Participants
July 5, 2001	Town Meeting	9
August 10, 2001	Town Meeting	9
September 14, 2001	Town Meeting	9
March 4, 2002	Town Meeting	7
May 16, 2002	Town Meeting	6

⁷⁴ Ibid. The December 9 letters are not dated, but subsequent correspondence from [REDACTED] specifies the date the form letters were sent. See: Memorandum: [REDACTED] re: Tax Delinquency Action, 25 March 2014, [REDACTED] Private Collection, Box 3, Folder 2.

⁷⁵ Each of these meeting dates are part of the Tribal Government Collection.

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Date	Type of Meeting	Number of Participants
May 20, 2002	Town Meeting	5
June 10, 2002	Town Meeting	5
August 16, 2002	Town Meeting	3
October 15, 2002	Town Meeting	6
January 24, 2003	Town Meeting	6
February 28, 2003	Town Meeting	4
May 21, 2003	Town Meeting	5
June 6, 2003	Town Meeting	5
June 17, 2003	Town Meeting	6
July 11, 2003	Town Meeting	7
July 18, 2003†	Town Meeting & Election	10
September 4, 2003	Town Meeting	7
October 17, 2003	Town Meeting	5
October 30, 2003	Town Meeting	6
November 3, 2003	Town Meeting	5
November 21, 2003	Town Meeting	6
January 16, 2004	Town Meeting	6
January 23, 2004	Town Meeting	7
February 6, 2004	Town Meeting	5
February 20, 2004	Town Meeting	4
February 27, 2004	Town Meeting	7
March 22, 2004	Town Meeting	4
April 15, 2004	Town Meeting	5
May 14, 2004†	Town Meeting	6
June 1, 2004	Town Meeting	7
August 13, 2004	Town Meeting	5
October 23, 2004	Town Meeting	4
December 10, 2004	Town Meeting	5
December 13, 2004	Town Meeting	5
January 27, 2005	Town Meeting	7
May 6, 2005	Tribal Meeting	6
December 9, 2005	Town Meeting	7
January 13, 2006	Town Meeting	4
March 17, 2006	Town Meeting	4
June 9, 2006	Town Meeting	8
July 7, 2006	Town Meeting	5
August 9, 2006	Town Meeting	5
October 20, 2006	Town Meeting	6
September 15, 2007	Town Meeting	4
January 4, 2008	Town Meeting	7
February 5, 2008	Town Meeting	6
May 9, 2008	Town Meeting	5
January 8, 2010	Tribal Meeting	5
March 3, 2010	Town Meeting	6
February 18, 2011	Tribal Meeting	7
June 24, 2011	Tribal Meeting	6
August 19, 2011	Town Meeting	7
February 17, 2012	Tribal Meeting	8

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Date	Type of Meeting	Number of Participants
April 27, 2012	Town Meeting	7
January 18, 2013	Town Meeting	7
February 15, 2013	Tribal Meeting	8
March 15, 2013	Town Meeting	5
May 17, 2013	Tribal Meeting	8
May 28, 2013	Town Meeting	7
June 17, 2013	Town Meeting	8
June 22, 2013†	Tribal Meeting & Election	14
July 19, 2013	Tribal Meeting	9
August 3, 2013†	Town Meeting & Election	14
August 16, 2013	Tribal Meeting	12
September 20, 2013	Town Meeting	9
October 4, 2013	Town Meeting	9
November 15, 2013	Tribal Meeting	8
December 20, 2013	Town Meeting	9
January 23, 2014	Tribal Meeting	9
March 20, 2014	Town Meeting	11
May 27, 2014	Tribal Meeting	11
July 10, 2014†	Town Meeting	16
July 17, 2014	Town Meeting	14
August 21, 2014	Town Meeting	11
September 18, 2014	Town Meeting	10
November 20, 2014	Town Meeting	8
January 15, 2015	Town Meeting	9
March 19, 2015	Town Meeting	12
September 17, 2015	Town Meeting	7
January 21, 2016	Town Meeting	7
March 17, 2016	Town Meeting	8
May 19, 2016	Town Meeting	10
August 18, 2016	Town Meeting	12
September 15, 2016	Town Meeting	11
December 15, 2016	Town Meeting	10
January 31, 2017	Town Meeting	10
February 23, 2017	Town Meeting	14
April 20, 2017	Town Meeting	12
April 22, 2017	Town Meeting	16
May 2017	Town Meeting	12
July 20, 2017	Tribal Meeting	11
September 9, 2017	Tribal Meeting	14
November 16, 2017	Town Meeting	13
December 21, 2017	Town Meeting	13
March 15, 2018	Town Meeting	14
May 17, 2018†	Town Meeting & Election	15
July 19, 2018	Town Meeting	15
August 2, 2018	Town Meeting	15
August 16, 2018	Town Meeting	16
October 18, 2018	Town Meeting	17
November 15, 2018	Town Meeting	17

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Date	Type of Meeting	Number of Participants
January 17, 2019	Town Meeting	19
February 21, 2019†	Town Meeting	19
March 9, 2019	Town Meeting	19
April 18, 2019	Town Meeting	19
May 16, 2019	Town Meeting	18
June 27, 2019	Town Meeting	16
July 25, 2019	Town Meeting	18
August 16, 2019	Town Meeting	17
September 19, 2019	Town Meeting	17
October 17, 2019	Town Meeting	16
November 21, 2019	Town Meeting	20
December 19, 2019†	Town Meeting	18

†Signifies meetings at which the community was asked to vote on a particular issue including formal elections.

Elections

Within town meetings, elections were held to fill vacancies within the tribal government. Such vacancies included Chief, Assistant Chief, and Council members. In a recent interview, [REDACTED] described the eligibility requirements to stand for office:

The eligibility, so as far as I know it was you had to be at least the age of 18 so there wasn't really any age restriction which now there is an age minimum in our new constitution. And you had to live on the reservation, be a resident of the reservation and be here, at least I think it was 6 months out of the year there are some other caveats to that and then before you could even qualify you had to, if you wanted to if you came back to the reservation what we call reinstatement if your reinstated back into the tribe then get all your rights back for being a resident you have like 6 months after your reinstatement before you can be eligible to vote or even to run for office or hold office seat.⁷⁶

In addition to office eligibility, Councilman [REDACTED] spoke about his participation in tribal government and elections held during his tenure:

I was here for six months before I could get a voice to speak, you know, and they made me, voted me in as a tribal member. But, yes, we've had some problems come up that we had to hash out and work it out and try to set it right, so I participated in that and so far [REDACTED] I think we did a good job. When I come here Carl [REDACTED] was chief, but he wasn't chief very long after I got here. Before he said his health was getting bad and he couldn't do so, it was voted Mark [REDACTED]; [REDACTED].⁷⁷

After the passing of Chief Webster Custalow in 2003, an election was held in which Carl Custalow became the newly elected Chief (July 18, 2003). Tribal meeting minutes also document the election of council

⁷⁶ [REDACTED], "Interview: [REDACTED] Part Two," By [REDACTED] and [REDACTED], Mattaponi Indian Tribe, August 17, 2023, PDF Page 4.

⁷⁷ [REDACTED], "Interview: [REDACTED]," By [REDACTED] and [REDACTED], Mattaponi Indian Tribe, June 9, 2023, PDF Page 14-15.

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members (January 8, 2010). In 2013, elections were held for the positions of Chief and Assistant Chief, following a process of nominations and public notice (May 17, 2013; June 22, 2013).

Table C6-15. Political Participation, 2000-2019: Elections in Tribal Meeting Minutes.

Date	Excerpt
July 18, 2003	1) Tribal Elections for Chief ██████████ - 5 ██████████ - 3 2) ██████████ was elected ██████████ of the Mattaponi Reservation 3) ██████████ I nominated ██████████ to the position of Asst Chief Seconded by ██████████. Unimaous [sic] decision from Tribe 9 for. ⁷⁸
January 8, 2010	4. ██████████ made a motion that we elect ██████████, & ██████████ to serve as councilmen for the Mattaponi Tribal Government. ██████████ 2 nd the motion. Motion Carried. ⁷⁹
May 17, 2013	2 Election for Chief will be June 29 th for the Mattaponi Reservation. And a letter will go out to tribal members. ██████████ made a motion to send the letter to tribal members announcing the resignation of ██████████ and the election. Chief & Asst Chief. 9:00AM ⁸⁰
June 22, 2013	1) ██████████ nominated ██████████ for Chief 2) ██████████ has been voted in as Chief of the Mattaponi Reservation ⁸¹
July 19, 2013	██████████ nominated ██████████ to be Asst. Chief ██████████ nominated ██████████ to be Asst. Chief The nominies [sic] have accepted. ██████████ will send a letter out to the Tribe that the Election will be August 3 rd at 9AM. ⁸²
August 3, 2013	1) Nine in favor of ██████████, Four in favor of ██████████ ██████████ has been voted in as Asst. Chief ⁸³

Membership

The Mattaponi Tribal Council dealt regularly with issues of membership during this period, evaluating applications for fulfillment of the Tribe’s membership criteria and issuing of tribal cards to enrolled tribal members. In previous periods, the Chief would determine membership eligibility on a case-by-case basis and would formally affirm tribal membership for the purpose of allotment or members’ scholarship applications or hunting and fishing licenses. During the period between 2000 and 2019, the tribal government formalized this process, initiating a formal tribal roll and developing a formal application

⁷⁸ Tribal Meeting Minutes, 18 July 2003, Tribal Government Collection, PDF Page 35-36.
⁷⁹ Tribal Meeting Minutes, 8 January 2010, Tribal Government Collection, PDF Page 125.
⁸⁰ Tribal Meeting Minutes, 17 May 2013, Tribal Government Collection, PDF Page 153.
⁸¹ Tribal Meeting Minutes, 22 June 2013, Tribal Government Collection, PDF Page 156.
⁸² Tribal Meeting Minutes, 19 July 2013, Tribal Government Collection, PDF Page 157.
⁸³ Tribal Meeting Minutes, 3 August 2013, Tribal Government Collection, PDF Page 159.

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process. In 2004, the Tribal Council voted to issue non-resident tribal cards to lineal Mattaponi descendants living off the reservation (May 14, 2004). The Mattaponi Tribal Council made determinations about fees for membership renewals (December 21, 2017) and forms and vital records showing descendency had to be provided and voted on in a town meeting (August 16, 2018).

Table C6-16. Political Participation, 2000-2019: Memberships in Tribal Meeting Minutes.

Date	Excerpt
October 5, 2001	[...] ██████ made a suggestion of not issuing (hunting or fishing) tribal cards to non-resident members. The tribe decided until we get a Tribal Roll in existence we will not issue any tribal cards. ⁸⁴
May 14, 2004	The tribe decided to issue non-resident cards to immediate descendants of the tribe. ██████ will handle this. ⁸⁵
August 21, 2014	The tribe watched a DVD from ██████ asking for reinstatement to the tribe. ⁸⁶
December 21, 2017	[...] ██████ brought up ██████ and her two sons ██████ requests a tribal nonresident card. █████ made a motion to amend the membership criteria fee for nonresident tribal cards to add a renewal option for \$25.00 for a year. ██████ 2 nd motion. Motion carried. ⁸⁷
August 16, 2018	█████ requested a tribal card, he did not turn in all the forms. ██████ requested, no forms. ██████ asked about the people who have been waiting on tribal cards. ██████ will get the cards made. █████ made a motion to grant ██████ a tribal card (non-resident). ██████ 2 nd . Motion carried. ⁸⁸

Conclusion

Community members participation in town meetings to discuss and decide on tribal matters and elect tribal leaders is indicative of the existence of “widespread knowledge, communication, or involvement in political processes by many of the entity’s members” (83.11 (c)(1)(iii)) and a “continuous line of entity leaders” (83.11 (c)(1)(viii)). Further, the formalization and organization of the tribal enrollment process demonstrates the tribal government’s ability to “allocate entity resources” (83.11 (c)(2)(i)(A)), such as membership, and exert influence “on the behavior of individual members, such as the establishment or maintenance of norms or the enforcement of sanctions to direct or control behavior” (83.11 (c)(2)(i)(C)).

⁸⁴ Tribal Meeting Minutes, 5 October 2001, Tribal Government Collection, PDF Page 8.

⁸⁵ Tribal Meeting Minutes, 14 May 2004, Tribal Government Collection, PDF Page 55.

⁸⁶ Tribal Meeting Minutes, 21 August 2014, Tribal Government Collection, 2014-2021 Meeting Minutes Notebook, PDF Page 17. ██████ family was enrolled in the Upper Mattaponi Tribe at this time, and the Mattaponi Tribal Council felt that it could not confirm his direct lineage. It therefore did not consider his application further (Personal Communication, ██████, October 12, 2024).

⁸⁷ Tribal Meeting Minutes, 21 December 2017, Tribal Government Collection, PDF Page 59.

⁸⁸ Tribal Meeting Minutes, 16 August 2018, Tribal Government Collection, PDF Page 71.

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External Relations

In the period from 2000 and 2019, as in previous periods, the Mattaponi tribal government acted to mediate relations with local, state, federal and intertribal entities. The Mattaponi Tribal Council continued to safeguard tribal status and advocate for exemptions from taxes and hunting and fishing license requirements for tribal members. The tribal government represented the Tribe in required consultations regarding potential impacts to its cultural and natural resources. Additionally, opposition against the Newport News Reservoir and its potential adverse impacts continued. The Mattaponi Tribal Council continued to represent the Tribe at intertribal and community events, including the annual tax tribute ceremony at the Governor’s Mansion. Each of these examples demonstrates the continued political authority exercised by the Mattaponi Tribal Council and its sovereign role in representing the interests of the Tribe to external governmental authorities.

Protection of Indian Status

Mattaponi tribal leaders made decisions and leveraged external relationships to protect the tribal status of members of the Mattaponi Indian Tribe throughout this period. This included preserving avenues to pursue full tribal sovereignty through federal acknowledgment, the protection of tax exemptions and hunting and fishing rights, and the

Federal Acknowledgment

Newspapers document other activities, including the payment of historian Chris Everett for a research report related to the effort (August 4, 2000), the 2001 withdrawal of the Mattaponi and Pamunkey Indian tribes from the federal recognition efforts of the other Virginia Tribes under the Thomasina E. Jordan bill, which was passed in 2017 and took effect January 29, 2018 (January 30, 2001).⁸⁹ Such a move held the potential to preserve certain aspects of tribal sovereignty, and the Mattaponi and Pamunkey sought to pursue federal recognition under the administrative process outlined in 25 CFR 83.11.

Table C6-17. External Relations, 2000-2019: Protection of Tribal Status.

Date	Excerpt
August 4, 2000	II. Turned information of tribal research over to Council from [REDACTED]. Tribe accepted the information and agreed to pay [REDACTED]. Motion made by [REDACTED] to pay [REDACTED] for Research. Second by [REDACTED] All in favor. ⁹⁰
January 30, 2001	Two of Virginia’s eight American Indian tribes have withdrawn from an effort to win federal sovereignty from Congress. The Mattaponi and Pamunkey tribes’ reversal could hurt the remaining tribes’ quest for a government-to-government relationship with the United States, some sovereignty supporters say. ⁹¹
May 13, 2003	THE HONORABLE HULLIHEN WILLIAMS MOORE CHAIRMAN, STATE CORPORATION COMMISSION MAY 13, 2003 ISSUE PRESENTED

⁸⁹ Public Law 115-121, January 29, 2018, available at: <https://www.congress.gov/115/plaws/publ121/PLAW-115publ121.pdf>.

⁹⁰ Tribal Meeting Minutes, 4 August 2000, Tribal Government Collection, PDF Page 1.

⁹¹ Staff, “Two Virginia tribes withdraw from bid to gain federal sovereignty,” *Suffolk News-Herald* (Suffolk, Va), January 30, 2001.

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Date	Excerpt
	<p>You inquire whether the state and local electric utility consumption tax imposed by § 58.1-2900 may be collected from members of the Pamunkey and Mattaponi Indian tribes living on their respective reservations.</p> <p>RESPONSE</p> <p>The activities of the Pamunkey and Mattaponi tribal members that take place on the Indian reservations are not subject to state and local tax. Therefore, it is my opinion that the consumption tax on electricity may not be collected from Pamunkey and Mattaponi tribal members who live on the respective Indian reservations for electricity consumed on those reservations.⁹²</p>
April 26, 2014	<p>[...] Marine police, acting on behalf of the Virginia Marine Resources Commission (VMRC) and the Virginia Department of Game and Inland Fisheries traveled to the Mattaponi and Pamunkey Reservations to enforce a 2013 opinion issued by Virginia's then Attorney General Kenneth Cuccinelli. (The Pamunkey are currently in the process of becoming the first federally recognized tribe in the state of Virginia.)</p> <p>The officers, who came to the territories without permission, threatened tribal members with confiscation of their fishing nets, fishing boats and wrote summons and fines of \$500 per fish. "The VMRC and the Virginia Department of Game and Inland Fisheries were trying to deny us our treaty rights," Kevin Brown, chief of the Pamunkey Indians said. Brown and Chief Mark Custalow ██████████ Mattaponi, went to the King William County Commonwealth's Attorney Matthew R. Kite, complaining that the officers had violated fishing rights outlined in the Articles of Peace Treaty of 1677, an agreement between Prince Charles II, King of England, Scotland, France and Ireland and several Indian Kings and Queens, including those of the Pamunkey and Mattaponi.</p> <p>[...] Kite said that Cuccinelli's letter does state that Virginia Indians are bound by the trapping, hunting and fishing laws and regulations of the Commonwealth, yet he does not see things the same way as the former Attorney General. "If we go back to our 1677 Treaty, that the Mattaponi, the Pamunkey and several other tribes are party to, if I look at that treaty, my opinion is not the same as the Attorney General's was. I think that that treaty specifically exempts Native folks from hunting, trapping and fishing regulations," Kite said.⁹³</p>

Newport News Reservoir Opposition

During the continuing a legal battle over the City of Newport News's plan to flood a portion of King William County to create a reservoir, the Mattaponi Indian Tribe argued that the reservoir violated established treaty rights that prevented encroachment on and near the Reservation, and that agencies were required to consider the cultural and archaeological impact of the project on the Tribe. Throughout the process, the tribal government interfaced regularly with its tribal counterparts and governmental agencies such as the United States Army Corps of Engineers, the Virginia Marine Resources Commission, and judicial bodies at the local, state, and federal levels. These included the Newport News and Norfolk circuit courts, the Virginia Supreme Court, and a federal judge who ultimately invalidated the reservoir permit in 2009 (April 1, 2009; April 14, 2009). Though several of these bodies were opposed to the Tribe's arguments

⁹² *Opinions of the Attorney General and Report to the Governor of Virginia 2003*. Richmond, Virginia: Commonwealth of Virginia Office of the Attorney General, 2003, PDF Page 200-201.

⁹³ Schilling, V., "Pamunkey and Mattaponi Wrestle with Fishing Rights in Virginia," *Indian Country Today*, Digital, April 26, 2014.

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and standing, all acknowledged the Mattaponi tribal government as a governmental entity representing the Mattaponi Indian Tribe (November 17, 2004). The opposition itself required significant time and resources of tribal governmental representatives who continued their opposition throughout this period.

Table C6-18. External Relations, 2000-2019: Newport News Reservoir Opposition.

Date	Excerpt
October 20, 2000	<p>The mayor of Newport News wants to resume face-to-face discussions with Indian tribes over the city's plan to build a 1,500-acre reservoir that the Indians say would destroy archaeological sites and their hunting and fishing culture.</p> <p>“By reinstating direct discussions between my City and your Tribe, we may just find a path that allows both of use to achieve most of our respective important goals,” Mayor Joe S. Frank said in a letter to Carl T. Custalow [REDACTED] assistant chief of the Mattaponi Indians.⁹⁴</p>
November 30, 2000	<p>[...] Meanwhile, the city of Newport News with the support of Gov. Gilmore is trying to build a reservoir that the Mattaponi and Pamunkey Indians- the only Virginia tribes with reservations- say would cause irreparable damage to their way of life. The city argues the reservoir is vital to provide future water resources.</p> <p>The Army Corps of Engineers, which has indicated it will deny a permit for the reservoir, says it will affect 72 prehistoric archaeological sites, a sacred site, traditional hunting, gathering and religious practices and subsistence fisheries for the two tribes.⁹⁵</p>
August 7, 2001	<p>The Mattaponi Indians - which include descendants of Pocahontas - have long considered sacred the river that runs through their reservation in Virginia. The annual shad run, in particular, is of great cultural significance.”</p> <p>Photo caption: “THE TRIBE'S VIEW: Assistant chief Carl Custalow surveys the Mattaponi River in Virginia. His tribe opposes a proposal to transfer water out of the river to support nearby populations.⁹⁶</p>
March 31, 2003	<p>When the city of Newport News, Va., sought to build a reservoir that would withdraw water from the Mattaponi River and harm the reservation's shad fishery, [REDACTED] Custalow [REDACTED] spoke out against the plans. This action, some say, broke the tribe's centuries of silence against political actions affecting them.⁹⁷</p>
April 1, 2003	<p>For a decade the Mattaponi Tribe has directed its energy at fighting the city of Newport News from flooding thousands of acres of land near the reservation for a reservoir.</p> <p>The Mattaponi filed a lawsuit against the State Water Control Board of Virginia several years ago for granting a permit to Newport News for the reservoir. A 1677 treaty the tribe signed could help it protect the reservation from encroachment - movement on or near their lands.</p> <p>[...] Their lawsuit was dismissed in Newport News Circuit Court as well as the Virginia Court of Appeals, which said the tribe had no standing to bring its claims. However, the Virginia Supreme Court in 2001 reversed the Court of Appeals' decision, allowing the tribe's case to proceed in Circuit Court. The Mattaponi's case could go to trial in October. [...] This will negatively impact the tribes uses of the river, both for shad fishing and religious purposes.</p>

⁹⁴ Staff, “Newport News mayor wants talk with tribe,” *Suffolk News-Herald* (Suffolk, Va), October 20, 2000.

⁹⁵ Baskerville, B., “Indians battle 'colonial mentality' on holiday,” *Richmond Free Press*, (Richmond, Va), November 30, 2000.

⁹⁶ Scherer, R., (2001), “When Both Tribe and City Eye A River,” *Christian Science Monitor* 93(177): 2.

⁹⁷ Whitehead, B., “Mattaponi Indian chief passes on,” *Indian Country Today, Digital*, March 31, 2003.

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Date	Excerpt
	<p>[...] The Mattaponi and Pamunkey Indians, Powhatan's descendants who reside on a reservation also near the proposed reservoir site, have relied on the shad in the Mattaponi and Pamunkey rivers for centuries for their sustenance, and they replenish the rivers with shad raised in their hatcheries.</p> <p>[...] "Over time, it will harm the ecosystem," Custalow [REDACTED] said. "This river will become a creek. They fail to use common sense in understanding that the Mattaponi live here off of the river, and we don't want to see the reservoir destroy this area."⁹⁸</p>
July 14, 2003	<p>The Mattaponi Indian Tribe will file another appeal, now that a Virginia judge dismissed its 1998 lawsuit against a state agency for issuing a permit that would allow construction of a 1,500-acre reservoir next to the tribe's reservation.</p> <p>[...] "The court held that the state agency's actions were supported by the record and entitled to deference," said David Bailey, the Virginia attorney for the Mattaponi Indians. "The judge further found no violations of law and dismissed the case from the docket. The tribe is expected to appeal.</p> <p>[...] The bulk of the Mattaponi's case rested with the interpretation of a 1677 treaty, which protects the tribe from movement on or near its reservation. But in March, Curran ruled that the treaty was between the tribe and the state and not reviewable by state court, Bailey said.</p> <p>"In other words, he ruled the tribe had no right to judicial review," Bailey said. "That's kind of earthshaking in the world of Indian law. Because they have a treaty, but it can't be enforced."</p> <p>The Mattaponi's appeal when it is filed will involve both the treaty and permit issues, Bailey said.⁹⁹</p>
July 28, 2003	<p>The Mattaponi Indian Tribe has made yet another move to fight a lawsuit seeking to revive construction plans for a 1,500-acre reservoir that would harm the tribe's reservation, shad fishery and way of life.</p> <p>On July 18 in Newport News Circuit Court, the Mattaponi Tribal Council filed a motion to intervene in a suit filed by Newport News against the Virginia Marine Resources Commission for denying the city a permit to place an intake pipe in the Mattaponi River in King William County.</p> <p>[...] Although a judge dismissed this suit last month, the tribe intends to file an appeal in August. The tribe has argued that a 1677 treaty protects it from unwanted encroachment on or near its reservation, but the judge has ruled that its treaty isn't reviewable by state court.</p> <p>"Their treaty rights are adversely affected, the operation of the shad hatchery could be adversely affected, and their use of the Mattaponi River is directly affected," Bailey said.¹⁰⁰</p>
September 19, 2003	<p>The judge held at that time that the State Water Control Board had acted properly," said David Bailey, the Mattaponi Tribe's attorney. "He also said the tribe has no judicial rights of its 1677 treaty."</p> <p>The tribe had sought protection from a treaty that protected it from encroachment. The reservoir, if constructed, would be located between both the Mattaponi and the Pamunkey Indian reservations.</p>

⁹⁸ Whitehead, B., "Mattaponi fight flooding of cultural sites and gathering grounds," *Indian Country Today*, Digital, April 1, 2003.

⁹⁹ Whitehead, B., "Judge dismisses Mattaponi lawsuit against state agency," *Indian Country Today*, Digital, July 14, 2003.

¹⁰⁰ Whitehead, B., "Mattaponi to fight Newport News' suit against state agency," *Indian Country Today*, Digital, July 28, 2003.

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	<p>[...] The Mattaponi Tribe has argued that the Attorney General's Office doesn't represent the tribe's interests, and that the Attorney General's Office in the past has made decisions adverse to the tribe's interests, Bailey said.¹⁰¹</p>
<p>October 14, 2003</p>	<p>The Mattaponi Indian Tribe, one of only two reservation tribes left in Virginia, received yet another blow to its attempts to halt the construction of a 1,524-acre reservoir. Judge Mark Jacobson of the Norfolk Circuit Court, who was assigned to the reservoir cases once Newport News Circuit Court judges recused themselves, denied the tribe's request Sept. 25 to assist the Virginia Marine Resources Commission in a lawsuit filed by the city of Newport News.</p> <p>[...] “[Attorney David] Bailey, on behalf of the Mattaponi, asked the Norfolk judge to grant a stay on the case until a decision is made in the tribe's intervention appeal. The court has until Oct. 16 to rule on the tribe's request for a stay. If no decision is made, the request for a stay is automatically denied, Bailey said.</p> <p>Both the Mattaponi Indian Tribe and several environmental groups filed separate intervention motions in June once the city of Newport News filed suit against the VMRC. The city's actions resulted from the state agency's decision in May to deny Newport News a water intake pipe permit to be placed in the Mattaponi River. Newport News attorneys, however, had opposed the intervention motions.</p> <p>[...] At the VMRC May hearing, the Mattaponi Indians argued that by reducing the number of shad, it would reduce the tribe's livelihood. Both the Mattaponi and Pamunkey Indian tribes operate shad hatcheries to replenish both the Mattaponi and Pamunkey rivers of the shad the tribes catch each year.</p> <p>[...] The tribe, which lost its first appeal against the Virginia State Water Control Board for issuing Newport News a permit to withdraw water from the Mattaponi River, lost its second appeal of that permit last month. That permit, first granted to the city in 1997, was also needed before the U.S. Army Corps of Engineers can grant final approval of the project.</p> <p>Because the Virginia Attorney General's Office represented the State Water Control Board against the tribe in the appeal, the Mattaponi has said the Attorney General's Office can't "aggressively" represent the VMRC in a lawsuit filed by Newport News.</p> <p>[...] Once the hearing is set, Kilgore's office will represent the VMRC against Newport News, and this is where some critics, including the Mattaponi, say the Attorney General's Office can't be fair. It can't defend state agencies supporting the reservoir project and then fight for state agencies that don't support the reservoir project, Bailey said. [...] ¹⁰²</p>
<p>November 12, 2003</p>	<p>The Mattaponi Indian Tribe may get the chance after all to help defend a state agency that ended plans in May for construction of a 1,524-acre reservoir next to its reservation.</p> <p>[...] The judge also denied the Mattaponi's request for a stay in the appeal filed by the city of Newport News against the Virginia Marine Resources Commission, which had denied the city a permit and a formal hearing afterwards. However, Jacobson may allow the tribe to speak Dec. 8, which is when he'll decide on the first count of the city's appeal.</p> <p>"We felt it was important to consider the stay," said David Bailey, Mattaponi attorney.</p> <p>[...] Bailey said the Mattaponi also disagrees with the city's second count to its appeal.</p>

¹⁰¹ Whitehead, B., “Mattaponi continue the fight against proposed reservoir,” *Indian Country Today, Digital*, September 19, 2003.

¹⁰² Whitehead, B., “New judge denies Mattaponi Tribe right to fight city lawsuit over reservoir,” *Indian Country Today, Digital*, October 14, 2003.

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	[...] In October, Jacobson denied the tribe's motion for intervention, which would have allowed the tribe to assist the VMRC in its case with the city of Newport News. When the judge denied the request, the Mattaponi then requested a stay in the city's case. [...] ¹⁰³
January 19, 2004	<p>Now with the case being referred back to the VMRC, the Mattaponi Indian Tribe, which has filed several appeals along with a stay in the case, again plans to file another stay until its appeals can be heard, said David Bailey, the Mattaponi's attorney.</p> <p>[...] The judge's decision may impact the Mattaponi and Pamunkey Indian tribes, who have reservations adjacent to the proposed reservoir site, if overturning of the VMRC's decision on the city permit is sought. The two tribes both operate shad fisheries and replenish the Mattaponi and Pamunkey rivers each spring. An intake pipe in the Mattaponi River, scientists have said, would harm an already endangered shad fish, especially if water withdrawal from the river occurs during the spawning season.¹⁰⁴</p>
March 1, 2004	<p>The Mattaponi Indian Tribe, which awaits action on several appeals regarding reservoir permits and issues, mailed letters in January urging legislators to oppose the bills.</p> <p>"The bills violate Virginia's obligations to the Tribe under the 1677 Treaty at Middle Plantation by infringing on the Tribe's treaty-protected right to fish in the Mattaponi River and by facilitating the flooding of treaty-protected land that contains important tribal archaeological and cultural sites," the tribe wrote in a press release.¹⁰⁵</p>
August 25, 2004	<p>[...] Mattaponi Chief Carl Custalow [REDACTED] told the VMRC at the two hearings that the tribe continues to oppose the reservoir, and that the pumping of water from the river would harm an already endangered fish that the tribe has survived off of for many generations.</p> <p>The tribe, he said, built a 2,000-square-foot, state-of-the-art shad hatchery and marine sciences center in 2000 to replenish the shad stock in the river. The Mattaponi's hatchery produces 4 - 6 million fry a year, which are tagged and released directly into the Mattaponi River, he said.</p> <p>"Through the hatchery, the tribe has helped maintain the struggling shad population in the river, making it one of the healthiest river systems on the East Coast," Custalow said. "My father always told us that we must take care of the river, and it will take care of us. And if we take from the river, we must also put back. This has been the driving force of our hatchery efforts for many years."</p> <p>Custalow told the commission that the shad don't start and stop spawning on a specific date. And if the shad population and spawning grounds were harmed, the tribe's hatchery wouldn't be able to continue to operate.</p> <p>"The time and money spent will have been in vain, and the tribe will have to depart from its traditional methods of life," he said.</p> <p>[...] During a break in the first day of the hearing, Dr. Linwood Custalow [REDACTED], brother of the chief, said the city and commission have discussed the wrong point.</p> <p>"They're arguing about the filtration; they should be arguing about the water need," Linwood Custalow said.</p>

¹⁰³ Whitehead, B., "New Twist for Mattaponi," *Indian Country Today*, Digital, November 12, 2003.

¹⁰⁴ Whitehead, B., "Reservoir project sent back to state," *Indian Country Today*, Digital, January 19, 2004.

¹⁰⁵ Whitehead, B., "Newport News begins new negotiations for reservoir," *Indian Country Today*, Digital, May 1, 2004.

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	[...] In order to get final approval for the reservoir project from the Army Corps of Engineers, Newport News still must complete a mitigation plan for compensating the Mattaponi, Pamunkey and Upper Mattaponi Indian tribes as well as state historic resources for losses. The city also has to update a plan to replace wetlands it will destroy and it must assure that its plans don't violate a state coastal consistency agreement. ¹⁰⁶
November 17, 2004	<p>Unresolved questions over Virginia courts' power to interpret and enforce a 1677 treaty that protects the Mattaponi Indian Tribe from development on or near its reservation have been forwarded to the Virginia Supreme Court. [...] Again, though, the Court of Appeals wrote that the State Water Control Board followed state statutes in granting Newport News a permit in 1997. This permit will allow the city to withdraw water from the Mattaponi River for the reservoir, which is to be constructed next to the tribe's reservation. Even though the lower courts have continued to dismiss the tribe's treaty claims, the Mattaponi Indians, too, have requested that the Supreme Court review these claims. [...] In 2003, the tribe and others opposed to the reservoir received a victory when the Virginia Marine Resources Commission denied Newport News a permit to place an intake pipe in the Mattaponi River. This would allow the city to pump up to 75 million gallons of water a day to the reservoir. But the city sued the VMRC, requested a formal hearing, and in August, the VMRC granted the city that permit. Before this action, the Mattaponi and numerous environmental groups sought to intervene in the suit on behalf of the VMRC. A Norfolk Circuit Court judge, who was appointed to review the case, however, dismissed their request and granted Newport News a second hearing. The tribe then appealed the intervention denial to the Court of Appeals, which dismissed its claim - because the judge hadn't issued a final order in the case before the appeal was filed. The dismissal, however, came after the VMRC held a second public hearing in August this year.</p> <p>"We're appealing the Court of Appeals' first decision on the intervention because the tribe had a right to the claim and the Court of Appeals should have heard it immediately," Bailey said. "When the courts denied the tribe's appeal and made them wait, the tribe lost all of the rights it had had it been allowed to intervene." The Mattaponi Tribe maintains that the State Water Control Board in 1997 ignored the tribe's treaty issues when it issued the water withdrawal permit, and this was devastating to the tribe, Bailey said. The board's action prompted the tribe to present its treaty claims to the Virginia Attorney General's Office. But the Attorney General said the tribe's treaty rights had been abolished. It also noted that development had been made around the reservation over the years with more than 150 homes, the King and Queen County courthouse, a landfill, boat landings, public highways and cemeteries, according to the Court of Appeals' opinion. With these in mind and because the treaty had been written to prevent violence between the Indians and the English, "the Attorney General concluded that the tribe had no enforceable legal right arising out of the treaty that would preclude the proposed water project," the Court of Appeals wrote. The tribe then appealed the State Water Control Board permit, explaining its treaty claims to the Newport News Circuit Court, but the court dismissed its claims. The Court of Appeals upheld the Circuit Court's decision, which the Virginia Supreme Court reversed in 2001. The Supreme Court sent the case back to the Newport News Circuit Court. But last year, the Circuit Court dismissed the tribe's treaty claims again, stating that courts had no jurisdiction to act on the tribe's treaty.¹⁰⁷</p>
April 6, 2005	On March 11, the state Supreme Court granted the Mattaponi an appeal against the state Court of Appeals, which said in an August opinion that a state agency here issued a valid

¹⁰⁶ Whitehead, B., "Newport News gets permit to place pipe in Mattaponi River," *Indian Country Today*, Digital, August 25, 2004.
¹⁰⁷ Whitehead, B., "Mattaponi's 1677 treaty rights under court review," *Indian Country Today*, Digital, November 17, 2004.

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	<p>permit for the reservoir and that the appeals court didn't have jurisdiction to review the tribe's treaty claims.</p> <p>Although a hearing date hasn't been set, the Mattaponi will argue before the Supreme Court that the State Water Control Board (SWCB) failed to consider the tribe's shad hatchery operation, cultural and religious uses of the Mattaponi River when it issued a permit to the city of Newport News in 1997. The tribe will also argue that the 1677 Treaty of Middle Plantation protects the tribe from encroachment on or near its reservation.</p> <p>The Supreme Court has agreed that the issues are important enough to be heard," said David Bailey, Mattaponi Indian Tribe attorney. "It's significant in the sense that if the Supreme Court had refused to hear this, the lower courts' decisions would have stood. If that had happened, the tribe would have had a right to go to federal court."</p> <p>[...] Last year, Newport News received a permit from the Virginia Marine Resources Commission to place an intake pipe in the Mattaponi River along With [<i>sic</i>] state coastal consistency certification under the federal Coastal Zone Management Act guidelines for the project. But it still needs to complete wetlands and historic resources mitigation along with compensation to the Mattaponi, Upper Mattaponi and Pamunkey Indian tribes before the U.S. Army Corps of Engineers can grant final approval on the project. ¹⁰⁸</p>
April 13, 2006	<p>[...] "Let the poor people rest; let the artifacts rest," said Warren Cook, assistant chief of the Pamunkey Indian Tribe.</p> <p>The Pamunkey, Mattaponi and Upper Mattaponi tribes have refused to sign an agreement with the U.S. Army Corps of Engineers, which governs the archaeological project.</p> <p>But their opposition is largely symbolic. Under federal law, the city of Newport News must locate archaeological resources under threat from the reservoir and protect them or mitigate their loss.</p> <p>"We've felt all along that you cannot mitigate this sort of problem," said Upper Mattaponi Chief Ken Adams. "We've been here ... 10,000 years and [Newport News] has been here 400 years, and they want us to mitigate? That's impossible."¹⁰⁹</p>
June 15, 2006	<p>On Monday the U.S. Supreme Court refused to hear a challenge by the Mattaponi Indian tribe to the proposed King William Reservoir.</p> <p>The Virginia Supreme Court has upheld the state construction permit to build the reservoir; however, it has also decided that a lower court must determine if the project would violate a treaty between the tribe and the British government that was signed in 1677. The tribe claims the reservoir would encroach on a three-mile buffer around the 150-acre reservation and damage their hunting and fishing culture.</p> <p>The Virginia Supreme Court ruled in November that the State Water Control Board issued the permit properly. The U.S. Army Corps of Engineers has also issued a permit. ¹¹⁰</p>
October 19, 2006	<p>After nearly 20 years, the Mattaponi Indian Tribe remains steadfast in its fight against the construction of a reservoir near its reservation.</p>

¹⁰⁸ Whitehead, B., "Virginia Supreme Court grants Mattaponi appeal in reservoir case," *Indian Country Today*, Digital, April 6, 2005.

¹⁰⁹ Staff, "Dig launched despite opposition," *Indian Country Today*, Digital, April 13, 2006.

¹¹⁰ Staff, "Court rejects reservoir challenge," *Southside Sentinel* (Urbanna, Va), June 15, 2006.

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Date	Excerpt
	<p>[...] A suit the tribe filed against Newport News for violating Mattaponi treaty rights in proposing the project will head to court in June next year.</p> <p>[...] The Mattaponi Tribe's fight has extended beyond just opposing the reservoir construction. Members had to prove that as a state-recognized tribe with a reservation, they had rights as a sovereign entity.</p> <p>[...] In 2005, the Virginia Supreme Court heard the tribe's appeal that the Treaty at Middle Plantation of 1677 provided the tribe with rights, one being protection from encroachment on or near its reservation.</p> <p>The lower courts in Virginia had argued that they had no jurisdiction to review the tribe's treaty claims. In November 2005, the state Supreme Court issued an opinion noting that the Treaty at Middle Plantation falls under Virginia law, not federal law, adding that the Mattaponi can't sue the state or "its agencies, or its officers for violating the Treaty because Virginia is protected by sovereign immunity," according to the Mattaponi's attorneys with the Georgetown University Law Center's Institute for Public Representation. "The Court also held, however, that the Treaty is enforceable against parties other than the state and that the Virginia circuit courts had jurisdiction to hear Treaty claims."</p> <p>Clearly, the Supreme Court held the tribe had rights, Bailey said. "But the status of the tribe's treaty remains uncertain today."</p> <p>The Mattaponi appealed the state Supreme Court's decision that the Treaty at Middle Plantation fell under state, not federal, law with the U.S. Supreme Court. However, the U.S. Supreme Court denied the tribe's petition in June.</p> <p>In June 2007, the Mattaponi will go to trial against Newport News, regarding treaty violations by the city, Bailey said. The tribe has since amended its suit against Newport News, adding the city of Williamsburg and the counties of York, James City, New Kent and King William since these municipalities are part of the Regional Raw Water Study Group and have an interest in the reservoir water.</p> <p>[...] The city also has completed a mitigation plan with the Mattaponi, Upper Mattaponi and Pamunkey Indian tribes, Hartmann said; however, the mitigation plan includes a confidentiality agreement, preventing the city from discussing compensation to the tribes.¹¹¹</p>
April 1, 2009	<p>A federal judge in Washington, D.C., has invalidated a permit for a reservoir in King William County. The ruling late Tuesday by U.S. District Judge Henry Kennedy is a victory for environmental groups and the Mattaponi Indian tribe. They claimed the project would hurt the environment by destroying wetlands and streams.¹¹²</p>
April 14, 2009	<p>A federal judge may have pulled the plug, for now, on the construction of a 1,526-acre reservoir proposed near the Mattaponi Indian Reservation in King William County, Va.</p> <p>[...] The judge's opinion, issued March 31, resulted from a lawsuit filed by the Alliance to Save the Mattaponi, Chesapeake Bay Foundation, Sierra Club, Virginia Chapter, and intervener-plaintiffs Carl T. Lone Eagle Custalow [REDACTED] chief of the Mattaponi Indian Tribe, and the Mattaponi Indian Tribe against the</p>

¹¹¹ Whitehead, B., "Permit denial puts Virginia reservoir project in limbo Mattaponi lawsuit will continue," *Indian Country Today*, Digital, October 19, 2006.

¹¹² Staff, "Judge invalidates Va reservoir permit," *Indian Country Today*, Digital, April 1, 2009.

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Date	Excerpt
	U.S. Army Corps of Engineers, the Environmental Protection Agency and other federal officials with the agencies. ¹¹³

Safeguarding Natural and Cultural Resources

The Mattaponi Tribal Council sought to protect natural and cultural resources throughout this period. The identification of Mattaponi cultural resources was central to the opposition of the Newport News Reservoir. Meeting minutes document the Mattaponi Tribal Council’s commission of a research report to help within these efforts (August 4, 2000).¹¹⁴ Environmental protections beyond the proposed reservoir remained a concern of tribal leaders during this time. For example, The Mattaponi Tribal Council put forth a vote on whether the tribal government and Tribe should support legislation against invasive catfish and to confirm saltwater fishing rights of tribal members, ultimately getting the support of voting members (July 10, 2014). Tribal leaders also advocated for the protection of cultural and environmental resources by participating in consultation opportunities. This included collaboration with the Virginia Department of Historic Resources on an architectural survey of the Mattaponi Indian Reservation (July 10, 2014).¹¹⁵ The Tribal Council was also involved in general consultation regarding federally funded development that may affect natural and cultural resources (August 21, 2014; December 21, 2017).

Table C6-19. External Relations, 2000-2019: Safeguarding Natural and Cultural Resources in Tribal Meeting Minutes.

Date	Excerpt
July 10, 2014	Tribal Meeting Minutes [REDACTED] brought up whether the tribe wanted to back legislation on ridding the Blue Cat out of the river. [REDACTED] will contact the Chesapeake Bay Foundation. It is a consensus of the tribe to support the ban. [...] [REDACTED] brought up about Reservation members not being able to fish in salt water. [REDACTED] will check into it and report back [REDACTED] received a letter from the governor apologizing for not inviting the tribe to Werewicimoco [<i>sic</i>] Donation. [REDACTED] received a letter about a dig finding on Pamunkey. [REDACTED] received a letter from Dept. of Historical Research about the historical buildings on the reservation. [REDACTED] asked about the Reservation being an historical site. [REDACTED] will give an update next meeting. ¹¹⁶
August 21, 2014	[...] 6) [REDACTED] received a letter from Yorktown museum offering to show the Fort to Tribal Members.

¹¹³ Whitehead, B., “Federal judge finds issues with King William County, VA. reservoir permits,” *Indian Country Today*, Digital, April 14, 2009.

¹¹⁴ Personal Communication, Tribal Council, October 12, 2024.

¹¹⁵ The VDHR collaboration was followed by a report: Woodard, Buck, and Danielle Moretti-Langholtz, “Mattaponi Indian Reservation, King William County, Virginia; Heritage Properties of Indian Town: The Mattaponi Indian Baptist Church, School, and Homes of Chiefly Lineages,” *Anthropological Research Report Series*, no. 7 (2017).

¹¹⁶ Tribal Meeting Minutes, 10 July 2014, Tribal Government Collection, 2014-2021 Meeting Minute Notebook, PDF Page 13.

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	7) █████ presented a letter from the Corp of Engineers concerning the mining that would be going on in King William. █████ will send the letter to the tribe's attorney to review. ¹¹⁷
December 21, 2017	[...] 5. █████ received a letter from Army National Guard letting the tribe know about an expansion at Ft. Belvoir base. [...] 7. █████ gave an update on the tribes participation with the historical society. ¹¹⁸

Tax Exemption

Another example of the preservation of tribal status occurred in 2003 when the Attorney General reaffirmed the tax-exempt status of tribal members living on the reservation regarding utility taxes (May 13, 2003). While the response was addressed to the State Corporation Commission it is likely that the inquiry originated with tribal governments of the two reservations, which quickly communicated this exemption to tribal citizens.

Table C6-20. External Relations, 2000-2019: Tax Exemption.

Date	Excerpt
May 13, 2003	THE HONORABLE HULLIHEN WILLIAMS MOORE CHAIRMAN, STATE CORPORATION COMMISSION MAY 13, 2003 ISSUE PRESENTED You inquire whether the state and local electric utility consumption tax imposed by § 58.1-2900 may be collected from members of the Pamunkey and Mattaponi Indian tribes living on their respective reservations. RESPONSE The activities of the Pamunkey and Mattaponi tribal members that take place on the Indian reservations are not subject to state and local tax. Therefore, it is my opinion that the consumption tax on electricity may not be collected from Pamunkey and Mattaponi tribal members who live on the respective Indian reservations for electricity consumed on those reservations. ¹¹⁹

Hunting and Fishing Regulation Exemption

In 2014, Marine Police, on behalf of the Virginia Marine Resources Commission and Department of Game and Inland Fisheries attempted to enforce Ken Cuccinelli's opinion as Attorney General that would deny the tribes their treaty rights. Chief Mark Custalow joined Pamunkey Chief Kevin Brown to appeal to the

¹¹⁷ Tribal Meeting Minutes, 21 August 2014, Tribal Government Collection, 2014-2021 Meeting Minute Notebook, PDF Page 16-17.

¹¹⁸ Tribal Meeting Minutes, 21 December 2017, Tribal Government Collection, 2014-2021 Meeting Minute Notebook, PDF Page 58.

¹¹⁹ *Opinions of the Attorney General and Report to the Governor of Virginia 2003*. Richmond, Virginia: Commonwealth of Virginia Office of the Attorney General, 2003, PDF Page 200-201.

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Commonwealth’s Attorney about the incident, which included the confiscation of fishing nets from tribal members on the reservation (April 26, 2014).

Table C6-21. External Relations, 2000-2019: Protection of Fishing Rights in Newspapers.

Date	Excerpt
April 26, 2014	<p>[...] Marine police, acting on behalf of the Virginia Marine Resources Commission (VMRC) and the Virginia Department of Game and Inland Fisheries traveled to the Mattaponi and Pamunkey Reservations to enforce a 2013 opinion issued by Virginia's then Attorney General Kenneth Cuccinelli. (The Pamunkey are currently in the process of becoming the first federally recognized tribe in the state of Virginia.)</p> <p>The officers, who came to the territories without permission, threatened tribal members with confiscation of their fishing nets, fishing boats and wrote summons and fines of \$500 per fish. "The VMRC and the Virginia Department of Game and Inland Fisheries were trying to deny us our treaty rights," Kevin Brown, chief of the Pamunkey Indians said.</p> <p>Brown and Chief Mark Custalow ██████████ Mattaponi, went to the King William County Commonwealth's Attorney Matthew R. Kite, complaining that the officers had violated fishing rights outlined in the Articles of Peace Treaty of 1677, an agreement between Prince Charles II, King of England, Scotland, France and Ireland and several Indian Kings and Queens, including those of the Pamunkey and Mattaponi.</p> <p>[...] Kite said that Cuccinelli's letter does state that Virginia Indians are bound by the trapping, hunting and fishing laws and regulations of the Commonwealth, yet he does not see things the same way as the former Attorney General. "If we go back to our 1677 Treaty, that the Mattaponi, the Pamunkey and several other tribes are party to, if I look at that treaty, my opinion is not the same as the Attorney General's was. I think that that treaty specifically exempts Native folks from hunting, trapping and fishing regulations," Kite said.¹²⁰</p>

Tribal meeting minutes later that year document the Mattaponi Tribal Council’s discussion of fishing rights and appeal to the Secretary of the Commonwealth, Levar Stoney, for redress (July 10, 2014), demonstrating that tribal leaders acted the treaty rights and livelihood strategies of their constituents.

Table C6-22. External Relations, 2000-2019: Protection of Fishing Rights in Tribal Meeting Minutes.

Date	Excerpt
July 10, 2014	<p>[...] Carl ██████████ asked ██████████ about our fishing rights. ██████████ talked to Mr. Stoney¹²¹ about our fishing rights. ██████████ will give an update. ...</p> <p>██████████] brought up about Reservation members not being able to fish in salt water. ██████████ will check into it and report back</p>

Ceremonial Representation

Throughout the period from 2000 to 2019, Mattaponi tribal leaders represented the Tribe in conjunction with leaders from the other state and federally recognized tribes. Ceremonial events such as the 400th anniversary of Jamestown (May 26, 2007), the proclamation of November as Native American Heritage

¹²⁰ Schilling, V., “Pamunkey and Mattaponi Wrestle with Fishing Rights in Virginia,” *Indian Country Today*, Digital, April 26, 2014.

¹²¹ Levar Stoney was the Secretary of the Commonwealth of Virginia from 2014 to 2016. See: Wiggins, O., “Virginia Gov.-elect McAuliffe chooses veteran Democrats for key Cabinet appointments,” *The Washington Post*, November 18, 2013.

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Month (November 15, 2012), and dedication of Werowocomoco (July 11, 2013) were all attended by tribal representatives of the eight state recognized tribes, including the Mattaponi. These examples demonstrate tribal leaders' representation of the Mattaponi Indian Tribe in external events alongside other Federally Recognized tribes such as the Pamunkey, Rappahannock, Upper Mattaponi, Monacan, and Chickahominy tribes.

Table C6-23. External Relations, 2000-2019: Ceremonial Representation in Newspapers and Books.

Date	Excerpt
May 26, 2007	<p>The eight chiefs of the state-recognized Virginia Indian tribes stood in line near the Capitol steps May 3, awaiting the visit of Queen Elizabeth II of England.</p> <p>The occasion made history since the event, set to coincide with the 400th anniversary of Jamestown's founding, included Virginia Indians as dignitaries invited to meet the queen as well as the state's General Assembly - and marked the first time Virginia tribes were represented in a Jamestown anniversary.¹²²</p>
2008	<p>[...] This was Assembly 2007, a gathering billed as a Christian corollary to the commemoration of the 400th anniversary of the English settlement at Jamestown. Among the speakers were two Republican members of Congress and a passel of evangelical superstars. Pat Robertson delivered the opening prayer. After he finished, Chief Carl "Lone Eagle" Custalow ██████████ of the Mattaponi tribe presented Robertson with a "peace flute" and, noting that one of the evangelist's forebears was a preacher in the Jamestown colony, offered: "Thank you for bringing the gospel to my ancestors." [...]¹²³</p>
November 15, 2012	<p>Gov. Bob McDonnell has signed a proclamation designating November as American Indian Heritage Month in Virginia. At the signing, the governor recognized Indians as Virginia's "first people" and an "integral part of our history." He signed the proclamation Nov. 9 at Virginia's annual tribal consultation meeting. Above, Gov. McDonnell, wearing yellow tie, stands with members of state-recognized Virginia tribes: From left, they are Rappahannock Chief Anne Richardson, Nottoway Chief Lynette Lewis Allston, Upper Mattaponi Assistant Chief Frank Adams, Pamunkey Tribe member Ashley Atkins, Cheroenhaka (Nottoway) Chief Walt Brown, Upper Mattaponi Chief Kenneth Adams, Mattaponi Chief Carl Custalow ██████████ Patawomeck Chief Robert Green, Monacan Chief Sharon Bryant and Chickahominy Assistant Chief Wayne Adkins.¹²⁴</p>
July 11, 2013	<p>On June 21, Mr. and Mrs. Ripley, and chiefs and representative of the remaining Powhatan tribes joined Gov. Bob McDonnell and other state officials in dedicated Werowocomoco "to permanent conservation in honor of Virginia's rich Indian past, present and future."</p> <p>Douglas Domenech, Virginia secretary of natural resources, welcomed the crowd to an event "both solemn and joyous. [...]"</p> <p>Gov. McDonnell recognized the seven surviving Powhatan tribes and their chiefs: Steve Adkins, Chickahominy; Gene Adkins, Eastern Chickahominy; Mark Custalow ██████████ ██████████ Mattaponi; Barry Bass, Nansemond, unable to attend because</p>

¹²² Whitehead, B., "Inclusion of Virginia Indians in Jamestown anniversary makes history," *Indian Country Today*, Digital, May 26, 2007. <https://ictnews.org/archive/inclusion-of-virginia-indians-in-jamestown-anniversary-makes-history#:~:text=The%20occasion%20made%20history%20since%20the%20event%2C%20set,Virginia%20tribes%20were%20represented%20in%20a%20Jamestown%20anniversary.>

¹²³ Sizemore, B., "The Christian with Four Aces," *The Virginia Quarterly* 84(2): pp. 52-79. 2008.

¹²⁴ Staff, "Recognizing Virginias 'first people'," *Richmond Free Press* (Richmond, Va), November 15, 2012.

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Date	Excerpt
	of illness; Kevin Brown, Pamunkey; Ann Richardson, Rappahannock; and Ken Adams, Upper Mattaponi. [...] ¹²⁵

Annual Tax Tribute

As in previous periods, the Mattaponi and Pamunkey Indian tribes present an annual tax tribute to the Governor of Virginia. The practice affirms the treaties of 1646 and 1677 which established the tribes' reservation lands and treaty rights.¹²⁶ The ceremony was regularly commemorated in local newspapers. Moreover, participation of tribal members in tribute events is documented by newspaper accounts and in a number of recently conducted oral history interviews.¹²⁷

Table C6-24. External Relations, 2000-2019: Annual Tax Tributes.

Date	Excerpt
November 30, 2000	[...] Last Wednesday in Richmond, Debora "Littlewing" Moore wore tears of red paint on her face to the 354th annual Indian tribute in which the Pamunkey and Mattaponi tribes present dead game to Virginia's governor at the state Capitol. ¹²⁸
2000	Last fall the Mattaponi paid their 353rd tribute to the Commonwealth of Virginia. Tribal members gathered at the State Capitol on November 24, 1999, and presented Virginia Governor James Gilmore with 20 beaver pelts and handmade goods crafted by Mattaponi artisans. Although the Mattaponi uphold their part of the Treaty, the state of Virginia has not been as honorable. ¹²⁹
March 22, 2001	The historical result of European overtrapping of beaver, McGowan added, was that the once-bountiful "fur of the chiefs" became scarce. Until recently, Virginia's tribes could not find enough beaver to render as part of the annual tribute that treaties require them to make to the Commonwealth, and had to substitute deer, rockfish or wild turkey. ¹³⁰
March 23, 2003	During Chief Little Eagle's [REDACTED] 25-year tenure as Chief of the Mattaponi Reservation, he maintained the annual Mattaponi Treaty of Tribute to the Commonwealth of Virginia that has remained continuous since the Treaty was signed in 1646 and ratified in 1677. ¹³¹
December 3, 2003	In an annual tax-offering ceremony dating back to the 17th century, the chiefs of two Native American tribes gave deer carcasses to Gov. Mark R. Warner. Chief Carl "Lone Eagle" Custalow [REDACTED] of the Mattaponi tribe and Chief William P. "Swift Water" Miles of the Pamunkey tribe offered Warner their tributes Wednesday on the steps of the Executive Mansion. Warner then declared Nov. 26 the Day of the American Indians. The tribes have been making tax tributes to Virginia's government since 1677.

¹²⁵ Crutchfield, F., "Werowocomoco," *Richmond Free Press* (Richmond, Va), July 11, 2013.

¹²⁶ Vaughan, A. T., *Early American Indian Documents: Treaties and Laws, 1607-1789 4* (Maryland: University Publications of America, 1983), 82-87 [PDF 57-59].

¹²⁷ Mattaponi citizens who discuss going to the annual tribute every year in interviews include [REDACTED]

¹²⁸ Baskerville, B., "Indians battle 'colonial mentality' on holiday," *Richmond Free Press* (Richmond, Va), November 30, 2000.

¹²⁹ Shaiman, M., "Mattaponi Fishery Still Not Protected," *On Indian Land* (Seattle, WA), 2000.

¹³⁰ Staff, "Native American life is River Day focus at SMS," *Rappahannock Record* (Kilmarnock, Va), March 22, 2001.

¹³¹ Staff, "Chief Daniel Webster Custalow," *Newport News Daily Press* (Newport News, Va), March 23, 2003. See Also: Whitehead, B., "Mattaponi Indian chief passes on," *Indian Country Today*, Digital, March 31, 2003.

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Date	Excerpt
	Warner said he was blessed to share in the tradition. But he also used the occasion to discuss his recent tax proposals, joking that next year the chiefs would only need to bring two-thirds of their offering if the plan is adopted by the legislature. ¹³²
February 9, 2005	[...] Warner made the announcement in his address to the Pamunkey and Mattaponi Indian tribes during the tribes' annual tax tribute. The Department of Education will begin the revisions of the History Standards of Learning, the state's minimum expectation for student learning and achievement, in 2007. ¹³³
December 21, 2005	The Mattaponi and Pamunkey Indians are the ones who annually present fish and game to the governor of Virginia each November in lieu of taxes to commemorate a 328 (1677) year-old treaty between the Indians and white Europeans who settled Virginia and named it "Virginia" in honor of the Virgin Queen, Queen Elizabeth I. [...] ¹³⁴
November 26, 2010	The animals were shot Tuesday on the tribes' reservations (the oldest reservations in the United States) in King William County and presented to the governor, trussed up on two tree boughs, on the brick driveway of the executive mansion in Richmond. ¹³⁵
November 22, 2012	An eight-point buck deer, lifted by tribal members Jacob Vincent Custalow, Jr. [REDACTED], left, and Brandon Thunder Cloud Custalow [REDACTED] right, is presented to Virginia Gov. Bob McDonnell, and first lady Maureen McDonnell by Chief Carl Custalow [REDACTED] center, leader of the Mattaponi Indian tribe, at the Executive Mansion on Wednesday in Richmond, Va. Each year, instead of paying taxes, the Virginia tribes present gifts to the governor, in accordance with a hundreds-year-old treaty, according to the Richmond Times-Dispatch. ¹³⁶
November 24, 2016	Virginia Gov. Terry McAuliffe, at podium, addresses a crowd, including Mattaponi Chief Mark Custalow [REDACTED] left, in front of the Executive Mansion in Richmond, Va., on Wednesday during the 339th annual Virginia Indian Tax Tribute ceremony. In lieu of paying taxes, Virginia Native American tribes present the governor with an offering of wild game, pottery and crafts, in accordance with an original treaty. ¹³⁷
August 20, 2017	<p>The Mattaponi and Pamunkey Tribal Tributes</p> <p>Bacon's Rebellion was a nasty piece of violence wrongly inflicted on a number of Virginia tribes. A treaty ended it in 1677, in which the English promised the tribes reservations, hunting and fishing rights, the right to bear arms, and that they would never be sold into slavery.</p> <p>[...]</p> <p>The Nottoway and Nansemond have let this agreement go to seed, but the Pamunkey and Mattaponi have designated the governor of Virginia to be the lawful successor to Charles II, and to this day they travel to Richmond to pay their tribute as required by treaty.</p> <p>Virginia treated the Pamunkey and Mattaponi as one administrative unit because they considered themselves the heirs of the Powhatan Confederacy until 1894, when the</p>

¹³² Staff, "Governor presented with deer," *Smithfield Times* (Smithfield, Va), December 3, 2003.

¹³³ Whitehead, B., "Virginia to revise history curriculum," *Indian Country Today*, Digital, February 9, 2005.

¹³⁴ Staff, "Outdoors With Bill Anderson," *The Lebanon News* (Lebanon, Va), December 21, 2005.

¹³⁵ Helderman, R. S., "Tribes' offering honors 1677 treaty," *The Arizona Republic* (Phoenix, AZ), November 26, 2010.

¹³⁶ Brown, B., "A Gift For Taxation," *The Bradenton Herald* (Bradenton, FL), November 22, 2012. See Also: Brown, B., "Two Thanksgiving traditions," *The Progress Index* (Petersburg, Va), November 22, 2012; Staff, "Venison for taxes," *Enterprise-Journal* (McComb, MS), November 23, 2012.

¹³⁷ Brown, B., "Virginia Tribes Pay Taxes," *Press Enterprise* (Bloomsburg, PA), November 24, 2016. See Also: Brown, B., "An offering for the state," *The Daily News Leader* (Staunton, Va), November 24, 2016.

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Date	Excerpt
	Mattaponi withdrew and left the Pamunkey standing alone as direct heirs of Chief Powhatan but no longer in confederation with anybody. ¹³⁸
August 29, 2019	<p>Each year, the Mattaponi tribe presents a tribute of wild game, fish or turkey to the governor in the days leading up to Thanksgiving to keep its obligations outlined in a peace treaty that dates back to the mid-1600s.</p> <p>Perhaps that wild game will be caught on the tribe's expanded reservation. And, just maybe, there are brighter days for the Mattaponi. ¹³⁹</p>

Conclusion

The annual tax tribute demonstrates the Mattaponi tribal government’s key role in “representing the entity in dealing with outsiders in matters of consequence,” (83.11(c)) and that other federally recognized tribes have a “significant relationship with the leaders or the governing body of the petitioner” (83.11(c)(1)(vi)). It further indicates that tribal members consider “issues acted upon or actions taken by entity leaders or governing bodies to be of importance” (83.11(c)(1)(ii)) and possess “widespread knowledge, communication, or involvement in political processes” (83.11(c)(1)(iii)). In addition, the tribal government’s efforts to oppose the reservoir for the preservation of livelihood strategies for tribal members who relied on fishing indicates its influence over “economic subsistence activities,” (83.11 (c)(2)(i)(D)) and concerns with the status and preservation of the reservation is indicative of the Tribe’s continuous use of “land set aside by a State for the petitioner” (83.11 (c)(1)(vii)).

Evidentiary Applicability

Overall, the evidence presented above demonstrates that the Mattaponi Indian Tribe meets Criterion 83.11 (c)(1) and (c)(2) throughout the period from 2000 to 2019. Additionally, the evidence from meeting minutes and primary and secondary sources are sufficient to fulfill Criterion 83.11 (c)(2) at a high level and thus should be interpreted to meet Criterion 83.11 (b)(2)(v) for the same period.

¹³⁸ Russell, S., “5 Odd Facts About the Difficult, Tortured History of Virginia Indians,” *Indian Country Today*, Digital, August 20, 2017.

¹³⁹ Staff, “Tribe’s Chance to Convalesce,” *Newport News Daily Press* (Newport News, Va), August 29, 2019.

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7. Criterion (c): 2020 to Present

Introduction

Evidence for the period from 2020 to the present demonstrates the presence of political authority in fulfillment of Criterion (c) of 25 CFR 83.11. This includes the demonstration that the Tribe acted as an “autonomous entity” that held “political influence or authority over its members” (83.11(c)(1)). Specifically, the tribal government was regularly able to “mobilize significant numbers of members and significant resources... for entity purposes” (83.11 (c)(1)(i)) through tribal elections and participation in key tribal events such as the annual tax tribute to the Governor of Virginia which affirms the Tribe’s treaty relationship with the government. Tribal members regularly participated in activities organized by the Mattaponi Tribal Council, including attending the annual tribute, powwow, and participating in tribal meetings, demonstrating both that members placed import on the “issues acted upon or actions taken by entity leaders” (83.11(c)(1)(ii)) and the existence of “widespread knowledge, communication, or involvement in political processes” (83.11(c)(1)(iii)). Likewise, the tribal government’s mediation of internal disputes through a tribal court demonstrates the existence of “internal conflicts that show controversy over valued entity goals, properties, policies, processes, or decisions” (83.11 (c)(1)(v)). The clear and ongoing coordination and participation in activities with Virginia’s federally recognized Indian tribes demonstrates the Tribal Council’s significant relationships with these groups (83.11 (c)(1)(vi)). The continued administration of allotments and common properties on the Mattaponi Indian Reservation demonstrate the Tribe’s continued occupation and use of its reservation (83.11 (c)(1)(vii)). Finally, tribal meeting minutes detail elections, showing the existence of a “continuous line of entity leaders and a means of selection of acquiescence by a significant number of the entity’s members” (83.11 (c)(1)(viii)).

Moreover, for the period from 2020 to the present, as in all periods prior, the Mattaponi Indian Tribe fulfills the requirements under 25 CFR 83.11 (c)(2). Specifically, evidence demonstrates that the tribal government regularly allocated entity resources (83.11 (c)(2)(i)(A)), including managing the allotment of reservation lands to tribal members. During this period, the tribal government intervened in the activities of tribal citizens, enforced tribal laws, and grappled with a group of dissident members who sought to form their own government, in ways that indicate its role in the regular settlement of internal disputes (83.11 (c)(2)(i)(B)), its strong influence over member behavior (83.11 (c)(2)(i)(C)), and its ability to organize the economic subsistence activities of its members (83.11 (c)(2)(i)(D)). Such evidence, by meeting the requirements of 25 CFR 83.11 (c)(2), fulfills the crossover provision in 25 CFR 83.11 (b)(2)(v) and thus has “provided more than sufficient evidence to demonstrate distinct community” for the period from 2020 to the present.

Tribal Leadership

In the period of 2020 to present, the Mattaponi Indian Tribe continued to be governed by the Mattaponi Tribal Council. The Tribe unanimously adopted its first constitution at an election held on April 29, 2023.¹ The first Tribal Council election under the new Constitution was held on July 22, 2023. Mark T. Custalow was reelected Chief, Leon Custalow was reelected as Assistant Chief, and seven Tribal Council members were elected to staggered terms.

¹ Nelson, J., “Historic Vote Sees Mattaponi Tribe Adopt First Written Constitution,” MCTLaw, 4 May 2023, <https://www.mctlaw.com/indian-law/historic-vote-sees-mattaponi-tribe-adopt-first-written-constitution/>, accessed October 27, 2024.

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Table C7-1. Tribal Leaders, 2020-Present.

Date	Title	Description
2013 – Present	Chief	Mark Thomas Custalow [REDACTED] ²
2013 – Present	Assistant Chief	Bradley Leon Custalow I [REDACTED] ³
1997 ca. – Present	Councilman, Secretary	Bradley Leon Custalow II [REDACTED] ⁴
2008 ca. – Present	Councilman, Assistant Treasurer	Brandon Garnett Thundercloud Custalow [REDACTED] ⁵
2018 – Present	Councilman	Malcolm Tecumseh Custalow Sr [REDACTED] ⁶
2018 – Present	Councilman	Michael Anthony Waldrop Jr [REDACTED]
2014 ca. – Present	Councilman	Otho Nelson Custalow [REDACTED] ⁷
2016 ca. – Present	Councilman	Jack Anthony Custalow [REDACTED] ⁸
2010 – 2023	Councilman	Richard Wayde McGowan [REDACTED] ⁹
2023 – Present	Councilman	Todd Anthony Custalow [REDACTED] ¹⁰

Conclusion

Evidence including Tribal meeting minutes and correspondence between the tribal government and Mattaponi residents demonstrate “continuous line of entity leaders and a means of selection or acquiescence by a significant number of the entity's members.” (83.11 (c)(1)(viii)). The participation of tribal members in such means of selection is indicative of the Tribal Council’s ability to mobilize tribal members (83.11 (c)(1)(i)), the import members place on the actions of the tribal government (83.11 (c)(1)(ii)), and the existence of widespread communication about governmental activities (83.11 (c)(1)(iii)).

Resource Use and Allocation

From 2020 to the present, the Mattaponi tribal government has continued to organize the allocation of land and resources on the reservation. This has included the provision of allotments on the Mattaponi Indian Reservation to tribal members and the regulations of these allotments as well as other shared tribal properties.

Reservation Allotments

The process for attaining tribal lands through allotments has largely remained the same as in previous periods. [REDACTED] described the contemporary process for attaining allotments in a recent oral history interview:

[...] when you turn eighteen years of age, if you're not living here on the reservation, you can ask for reinstatement and after being reinstated you can call for a lot if one is available.

² Staff, “Annual tribute,” *Richmond Times Dispatch* (Richmond, Va), November 25, 2021; [REDACTED], to [REDACTED] December 22, 2021; Martz, M. “1 tribe, 2 competing realities, in quest for federal recognition,” *Richmond Times Dispatch* (Richmond, Va), January 7, 2023.

³ [REDACTED], “Interview: [REDACTED] Part One,” by [REDACTED] (b) (6) Mattaponi Indian Tribe, December 15, 2022, PDF Pages 5 and 12.

⁴ Tribal Meeting Minutes, 22 July 1997, Tribal Government Collection.

⁵ Lewis, B, “A tough choice ahead for the secretary of the commonwealth on the Mattaponi tribe's future,” *Virginia Mercury* (Petersburg, Va), April 4, 2022.

⁶ [REDACTED] “Interview: [REDACTED],” by [REDACTED] and [REDACTED] Mattaponi Indian Tribe, December 13, 2023, PDF Page 2.

⁷ [REDACTED], “Interview: [REDACTED],” by [REDACTED] and [REDACTED], Mattaponi Indian Tribe, June 9, 2023, PDF Page 17.

⁸ [REDACTED] Interview: [REDACTED] by [REDACTED] Mattaponi Indian Tribe, July 28, 2023, PDF Page 12.

⁹ [REDACTED] Interview: [REDACTED] by [REDACTED] Mattaponi Indian Tribe, July 28, 2023, PDF Page 21.

¹⁰ [REDACTED] “Interview [REDACTED]” b [REDACTED] Mattaponi Indian Tribe, July 28, 2023, PDF Page 21.

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Usually sometimes people will take a portion of their lot and relinquish it back to the tribe for someone to have a lot. [...]

If you're living here on the reservation already and you're eighteen years of age and in good standings with the tribe, good standing means you paid your taxes and things of that nature, you can call for a lot if one's available, or someone is going to give you a piece of their lot. When you call for that lot, you have two years to make improvements on it. Improvements is putting a home on it or things of that nature. Get your well, septic tank or whatever together. If your two years are coming up on you, you can ask for [an] extension. When you ask for that extension, you got to tell them why you have the extension and what your plans are. If you do nothing with that lot after two years, then it goes back to the reservation for it to be assigned to someone else who may call for it.

[...] Someone passes away, then the family has first rights of the lot. If they have no one who wants to move to the reservation or accept the lot, then it is sold to a person that the tribe deems fit to live here, I should say, if they ask for reinstatement, but if they don't live here yet, and then that lot can be granted to them and it can be sold to them. But it has to be relinquished before. They can't just pick and choose who they want to sell to. It has to be relinquished back to the tribe first. Then it could be sold.¹¹

Inheritance rights were further discussed by tribal member [REDACTED]:

I just know that they have laws, and they have rules that people need to go by. And I do know that if someone passes away, then, let's say a male who is a lineal resident, lineal Mattaponi, and they pass away, the lot can still be in their name, but somebody has to live in the house within two years. Somebody has to live there, meaning that if their son or daughter, for example, [REDACTED] he called to be a resident. So, he's a resident. But then if someone passes away and they're Native and the spouse is still here, then the spouse has lifetime rights here. And then what happens is people need to put in letters if they want to ask for that lot and so forth.¹²

During the last five years, the Tribal Council has discussed the allotment process on several occasions. This mainly included efforts to further clarify allotment rules and regulations, particularly the partition of allotment lands (January 16, 2020) and the disposition of abandoned lots (June 23, 2022).

Table C7-2. Resource Use and Allocation, 2020-Present: Allocation of Reservation Allotments in Tribal Meeting Minutes.

Date	Excerpt
January 16, 2020	2. [REDACTED] brought up the land the tribe owns, the tribe will have a separate meeting on how to partition the land for future residents. ¹³
June 23, 2022	Malcom discussed lots who are abandoned and going to family. Would like to make it clear." ¹⁴
July 22, 2022	[REDACTED] would like to address lots. Requests agenda item." ¹⁵

¹¹ [REDACTED], "Interview: [REDACTED]," by [REDACTED] and [REDACTED], Mattaponi Indian Tribe, July 26, 2023, PDF Page 3-4, 18.

¹² [REDACTED] "Interview: [REDACTED]," by [REDACTED] and [REDACTED] Mattaponi Indian Tribe, April 20, 2023, PDF Page 4.

¹³ Tribal Meeting Minutes, 16 January 2020, Tribal Government Collection, PDF Page 105.

¹⁴ Tribal Meeting Minutes, 23 June 2022, Tribal Government Collection, PDF Page 20 & 22.

¹⁵ Tribal Meeting Minutes, 22 July 2022, Tribal Government Collection, PDF Page 23-24.

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Regulation of Allotted Lands

As in previous periods, a central responsibility of the tribal government is the regulation of allotted lands. The ways in which laws surrounding allotments are enforced was described by Council Member [REDACTED]

[...] The tribal council, the tribal government is responsible for allotting land and then overseeing those allotments. Of course, the tribal council has always taken the stance to not get so involved unless there has to be an involvement with something because it's a hazard, it's a public safety issue, or it's a neighbor-to-neighbor issue that has to be stepped in to keep the peace.

We do have expectations, rules, laws, of maintaining your allotment, keeping up with it, and then things you just know you can and cannot do on your allotment. The tribal government, like I said, has authority there but the tribal government also has authority to remove you from your allotment, which is not normally exercised; only if it's an extreme case or circumstance.

And the tribal government also has the responsibility of ensuring the transfer of allotments, so if someone calls for a lot, the process that that takes and goes through, insuring that property is transferred appropriately because here on the reservation the allotments are basically a lease. It's a lease hold. You don't own your lot. You have lifetime rights to your lot if you're allotted the lot. You own the improvements on your lot, anything you build, a shed, a driveway, or a well or septic are all improvements to your lot, so those things are yours, but you don't own the actual land.

The tribal government has always had a say so in those things, but like I said the tribal government usually takes the stance to where as long as there isn't a public safety issue or there's not a hazard or an issue between more than one allotment owner, you know to keep the peace.¹⁶

The types of issues that most often required governmental intervention were described by [REDACTED]:

I'd say the most common is really lot disputes. People knowing their lot lines and encroaching, try to encroach, encroach, encroach and creep over. And that seems to be the biggest issue. And people following the rules. I mean, twenty years ago we had a court case here because of lot lines and looks like we're gonna have another one here because of the exact same lot lines. And they had been established, but here we are again, twenty years later, and it's with the same family.¹⁷

During the period from 2020 to the present, the Tribal Council stepped in on issues regarding allotment boundaries (June 23, 2022; July 22, 2022; August 19, 2022) and handled hazards on lots that had been relinquished back to the Tribe (July 22, 2022).

¹⁶ [REDACTED] "Interview: [REDACTED] Part One," by [REDACTED], Mattaponi Indian Tribe, December 15, 2022, PDF Page 13-14.

¹⁷ [REDACTED] "Interview: [REDACTED]," by [REDACTED] and [REDACTED], Mattaponi Indian Tribe, July 26, 2023, PDF Page 20.

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Table C7-3. Resource Use and Allocation, 2020-Present: Regulation of Allotted Lands in Tribal Meeting Minutes.

Date	Excerpt
June 23, 2022	[...] [REDACTED] needs his lot remarked because of septic lines go through boundaries. Council will go out to mark. ¹⁸
July 22, 2022	[...] - [REDACTED] presented letter about lot boundaries to [REDACTED] - [REDACTED] mentioned [REDACTED] lot. His septic lines run near [REDACTED] old lines. ¹⁹ [REDACTED] measured out 60 feet from distributor box. -Need to get top for well/pump house on [REDACTED] old lot. Currently a hazard. ²⁰
August 19, 2022	[..] -Review [REDACTED] lot regarding his septic tank extending out. Council set time to walk off lot tomorrow. 10 am tomorrow. ²¹
June 8, 2023	Council received letter from [REDACTED] regarding her neighbors [REDACTED] and [REDACTED] [REDACTED] and [REDACTED]. Letter attached to minutes. [REDACTED] wants the Council to step in and mark off lot. ²²

In 2021, a tribal member, former council member [REDACTED], who had been removed from Council due to an assault on another member in 2000, opened a winery on his allotment. The Council wrote to protest the activity, a situation that echoed [REDACTED] protestation of a tippling house opened on the reservation in the late 1800s.²³ A 2022 letter outlines the issues that the Tribal Council took with the effort:

It has been brought to the attention of the Tribal Council by tribal citizens, both residents, and non-residents, that you have opened a winery on your allotment and are offering alcohol consumption to the public. On May 18, 2018, the Tribal Council inquired about the use of the building you were constructing. You informed the Council during a regularly scheduled tribal meeting that you were going to open a museum in that space, a use to which the Council and Voting members had no objections.

Because the Reservation is comprised mostly of residences that are in close proximity to each other, this type of operation poses a major risk to you, the Reservation lands, and all Tribal citizens. The Council needs to review issues related to the operation of a winery operating within the Reservation boundaries, including traffic, parking, and public safety. We must also consider any legal implications for the Tribe stemming from the operation of a winery on the Reservation. The Council is requesting that you cease operation until a review is complete and a decision is made. If you have any information to provide, you may submit that to Council for review by January 31, 2023.²⁴

Regulation of Reservation Properties and Resources

In addition to the regulation of individual allotments, the Tribal Council regularly oversaw the allocation of reservation properties and resources. This included overseeing property construction (January 16, 2020),

¹⁸ Tribal Meeting Minutes, 23 June 2022, Tribal Government Collection, PDF Page 20 & 22.

¹⁹ [REDACTED] had relinquished her lot in order to request her parents' home after they had passed and the property had returned to the Tribe (Personal Communication, [REDACTED], October 12, 2024).

²⁰ Tribal Meeting Minutes, 22 July 2022, Tribal Government Collection, PDF Page 23-24.

²¹ Tribal Meeting Minutes, 19 August 2022, Tribal Government Collection, PDF Page 26.

²² Tribal Meeting Minutes, 8 June 2023, Tribal Government Collection, PDF Page 90.

²³ Trustees of the Mattaponi Indian Tribe meeting notes, 1799 - 1887, *King William County Deed Book 6*, King William County Court House, King William, Virginia, 473 [PDF 5].

²⁴ Letter from Tribal Council to [REDACTED], 22 December 2022, [REDACTED] Collection, Box 9, Folder 4.

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access to the tribal boat ramp (June 23, 2022), and safety hazards (July 22, 2022; August 19, 2022). The Tribal Council also discussed insurance for the hatchery (March 16, 2023) and the use of tribal grounds for community events such as the annual powwow (June 22, 2023).²⁵

Table C7-4. Resource Use and Allocation, 2020-Present: Regulation of Reservation Property in Tribal Meeting Minutes.

Date	Excerpt
January 16, 2020	12. █████ brought up the Shanty that █████ is working on. And told █████ he cannot build a hatchery since the tribe already had a hatchery. █████ told █████ not to put power to the hatchery, by decree of the Chief. ²⁶
June 23, 2022	█████, requesting a pass to use the boat ramp. Encourage him to enroll for access to boat ramp. [...] Council received letter from █████ requesting to remove the pottery kiln from the community building. Requesting response by 7/9/22. Reach out to █████ to clarify kiln ownership. ²⁷
July 22, 2022	Need to get top for well/pump house on █████ old lot. Currently a hazard. ²⁸
August 19, 2022	Man coming on September 7th and 8th to run sonar on river regarding tree in river. Looking to have tree removed by pier. ²⁹
March 16, 2023	Insurance policy for hatchery included in minutes. ³⁰
June 22, 2023	-Powwow was a success over 2,000 in attendance including Lt. Governor and Delegate Hodges -Dominion donated █████ to the tribe for powwow. ³¹

Conclusion

The continued allotment of land demonstrates the Tribal Council’s authority to allocate tribal resources (83.11 (c)(2)(i)(A)) and its continued use and occupation of “land set aside by a State for the petitioner” (83.11 (c)(1)(vii)). Oral history interviews with the tribal government indicate that allotments were a source of disputes within the Tribe, indicating the presence of “internal conflicts that show controversy over valued entity goals, properties, policies, processes, or decisions” (83.11 (c)(1)(v)) and the tribal government’s role in settling disputes (83.11 (c)(2)(i)(B)). Practices of allotment, which controlled where individual tribal members could live on the Mattaponi Indian Reservation, demonstrate the tribal government’s ability to exert “strong influence on the behavior of individual members, such as the establishment or maintenance of norms or the enforcement of sanctions to direct or control behavior” (83.11 (c)(2)(i)(C)).

Public Works and Social Services

As in previous periods, the tribal government continues to organize public works and social services for tribal members through the provision of workshops and cultural classes, provision of health care related to

²⁵ This powwow was attended by Lieutenant Governor Winsome Earle-Sears (Staff, “Annual Mattaponi Pow Wow Draws Big Crowd with Record Attendance Level,” *Tidewater Review*, June 28, 2023. <https://www.dailypress.com/2023/06/28/annual-mattaponi-pow-wow-draws-big-crowd/>.)

²⁶ Tribal Meeting Minutes, 16 January 2020, Tribal Government Collection, PDF Page 105.

²⁷ Tribal Meeting Minutes, 23 June 2022, Tribal Government Collection, PDF Page 20 & 22.

²⁸ Tribal Meeting Minutes, 22 July 2022, Tribal Government Collection, PDF Page 23-24.

²⁹ Tribal Meeting Minutes, 19 August 2022, Tribal Government Collection, PDF Page 26.

³⁰ Tribal Meeting Minutes, 16 March 2023, Tribal Government Collection, PDF Page 70.

³¹ Tribal Meeting Minutes, 22 June 2023, Tribal Government Collection, PDF Page 103-104.

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the COVID pandemic, and maintenance of communal and private property on the reservation. The tribal government also advocates for the maintenance of the road on the reservation.

Maintenance of Tribal Property

During the period from 2020 to the present, the Mattaponi Tribal Council has continued to maintain and protect properties held in common by the Mattaponi Indian Tribe. This has included the provision of equipment for the Tribe’s community building, which hosts Council Meetings, Tribal Meetings, and tribal and church sponsored events and houses the Tribe’s Administration for Native American’s funded Petition Office (June 23, 2022), and the replacement of its HVAC system (January 26, 2024).

Table C7-5. Public Works and Social Services, 2020-Present: Maintenance of Tribal Property in Tribal Meeting Minutes.

Date	Excerpt
June 23, 2022	6. Council agreed to reimburse ██████████ for purchases for community building: 75” TV< TV mount, conference video equipment, paint and supplies, light switches, plates, and outlets. Total amount: ██████████. Council approved check to ██████████ for ██████████ from Cultural Account ³²
August 19, 2022	██████████ still working on school house updates. [...] ██████████ received a check from Preservation of VA ██████████ for Chief participating in the meetings. Chief donating to the tribal fund. ³³
June 22, 2023	-Let people know that the community garden has sunflowers and worries about deer near ██████████ house. Worried about hunters shooting. ██████████ brought up concern. Warn the tribal members no hunting. ³⁴
January 26, 2024	Oil tank has oil in it. Donate the heating oil to ██████████ to use. ██████████ will take tank to his house since HVAC was updated not needed. ³⁵

Oral history interviews from the period also demonstrate citizen and council members’ knowledge of the tribal government’s maintenance of tribal properties. Property maintenance includes coordination of road maintenance with the Virginia Department of Transportation (VDOT), maintenance of unpaved roads, and provision of utilities at community properties as well as the maintenance and improvement of the shoreline.

Table C7-6. Public Works and Social Services, 2020-Present: Maintenance of Tribal Property.

Interviewee	Date	Excerpt
██████████	August 17, 2023	The tribe gave a right-of-way and easement to VDOT in like 1949, 1950s so to maintain the roads. So the circle here all the way up Indian Town road the state maintains for us. But there’s some other roads that are not state maintained like the river hill landing. The tribe has had to put gravel there. The tribe has had to build drainage systems there because of washout, erosion. That’s a big one. There’s been other places the tribe has filled in gullies and things like that so roadways can be built or driveways can be built. But for the most part the main circle the paved road is maintained by the state. [...] ██████████: And what about utilities?]

³² Tribal Meeting Minutes, 23 June 2022, Tribal Government Collection, PDF Page 106.
³³ Tribal Meeting Minutes, 19 August 2022, Tribal Government Collection, PDF Page 25.
³⁴ Tribal Meeting Minutes, 22 June 2023, Tribal Government Collection, PDF Page 104.
³⁵ Tribal Meeting Minutes, 26 January 2024, Tribal Government Collection, PDF Page 143-144.

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Interviewee	Date	Excerpt
		Dominion is the utility provider and they have an easement here too. I believe with the telephone poles that are here, but I mean the tribe maintains utilities at the community building center that we're in now. The tribe maintains utilities there, the lights, the electrical. The hatchery, the tribe has utilities and electrical there. So I mean but other than keeping the lights on that's pretty much the extent that... But the good thing is that whenever we do have things that like a new pole needs to go up, they do consult with the tribe before they just come and do something. They understand the tribal sovereignty to an extent that these departments do at least. ³⁶
	July 28, 2023	With this saving the shoreline situation we got going on, which we're really, really thankful for that. And because inevitably you can see the erosion that's been happening over the years. So, that's going to help. Trying to get this hatchery back up and running correctly. I'm looking forward to that. ³⁷

Provision of Tribal Services

The Mattaponi Tribal Council also continues to provide needed services to the Tribe. During recent years, this has included the allocation of tribal resources towards the well-being of individual members as well as the pursuit and administration of grants aimed at improving the lives of individual tribal members.

Since 2020, the tribal government has pursued several federal and private grants aimed at funding services to serve and support the tribal and reservation community. This included an Administration for Native Americans (ANA) grant, a Virginia Museum of History and Culture Commonwealth Development Fund grant, a National Oceanic and Atmospheric Administration (NOAA) grant, and an Indian Community Development Block Grant (ICDBG). The Administration for Native Americans Social and Economic Development Strategies (SEDS) grant is aimed at compiling the research and analysis required for a successful petition for federal acknowledgment. The VMHC grant was focused on additional archival research in support of the Tribe's federal acknowledgment petition. The NOAA Coastal Resilience and Restoration Grant (CRRG) funds the Mattaponi Environmental Tribal Resources Office (METRO) which works to restore the Reservation's shoreline and thus protects valued reservation resources. The ICDBG will underwrite much needed repairs to the individual homes of tribal members on and off the Reservation. Together these grants represent approximately \$4 million in funds administered by the tribal government to enhance tribal sovereignty, safeguard tribal properties, and improve the lives of tribal members.

Table C7-7. Public Works and Social Services, 2020-Present: Grants Administered.

Grant	Award Year	Excerpt
ANA SEDS	2020	Recipient: Mattaponi Indian Reservation Project Title: Securing Sovereignty: The Mattaponi Federal Acknowledgment Project Project Description: The Mattaponi Indian Reservation will enhance the Mattaponi Indian Tribe's sovereignty and self-determination by establishing a government-to-government relationship with the United States through Federal Acknowledgment. Currently, the Tribe is located on a small state reservation bordering rural King William County, Virginia, and has access only to the limited services available to

³⁶ [REDACTED], "Interview: [REDACTED] Part Two," by [REDACTED] and [REDACTED], Mattaponi Indian Tribe, August 17, 2023, PDF Page 13.

³⁷ [REDACTED], "Interview: [REDACTED]," by [REDACTED], Mattaponi Indian Tribe, July 28, 2023, PDF Page 22.

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Grant	Award Year	Excerpt
		<p>state-recognized tribes, leaving the Tribe's needs largely unmet. This project pursues the completion of a draft petition that fulfills the seven mandatory criteria for Federal Acknowledgement. Ultimately, the Securing Sovereignty Project will ensure the Mattaponi Indian Tribe will be able to access and administer services and programs that enable the Tribe to ensure community well-being through public health support, housing assistance, educational opportunities, protection of natural resources, cultural preservation, and economic development.</p> <ul style="list-style-type: none"> • Location: West Point, VA • ANA Region: Eastern • Program Area: Social Economic Development Strategies - SEDS • Project Period: 9/30/2021 to 9/29/2024³⁸
VMHC	2023	<p>Mattaponi Indian Tribe and Reservation Petition (West Point, Virginia): Mattaponi Restoration: Supporting Tribal Sovereignty through Archival Research- The Mattaponi Indian Tribe (MIT) is currently seeking sovereignty through the Federal Acknowledgment process. These funds will allow the MIT to hire a part-time researcher to visit archival repositories, digitize and organize any historical documents collected, and communicate these findings to the tribal community and larger public through updates to Tribe's website.³⁹</p>
NOAA-CRRG	2023	<p>Virginia The Mattaponi Indian Tribe and Reservation will work to restore shorelines on tribal reservation lands along the Mattaponi River. They will also increase their capacity to lead and participate in habitat restoration activities by hiring additional staff and providing training and opportunities for tribal members. This project is located within the area of Virginia known as the Middle Peninsula, which has been recognized as a NOAA Habitat Focus Area. (\$235,000 in first year; up to \$999,000 total over 3 years).⁴⁰</p>
HUD-ICDBG	2024	<p style="text-align: center;">Mattaponi Indian Tribe & Reservation awarded \$1.7 million for housing rehabilitation.</p> <p>KING WILLIAM COUNTY, VA – On February 7, 2024, the U.S. Department of Housing and Urban Development (HUD) awarded nearly \$20 million to 11 communities through the Indian Community Development Block Grant (ICDBG) program.</p> <p>Within that funding, the Mattaponi Indian Tribe & Reservation will receive \$1,699,993 to assist citizens with housing rehabilitation. This funding will be available to perform needed rehabilitation to ensure the safety and habitability of low to moderate income Mattaponi households.</p> <p><i>“This critical funding will help Tribal Nations meet the needs of their communities and build towards their futures,” said HUD Secretary Marcia L. Fudge. “Our Administration is proud to fulfill its responsibility to our Tribal Nations in ways that respect their sovereignty and allow them to thrive.”</i></p>

³⁸ Administration for Native Americans, “Social and Economic Development Strategies Grantees,” November 13, 2023, <https://www.acf.hhs.gov/ana/social-and-economic-development-strategies-grantees#Eastern>.

³⁹ Total award for this grant was ~\$45k. See VMHC, “Virginia Museum of History & Culture Announces Recipients of 2023 Commonwealth History Fund Grants,” February 9, 2023, <https://virginiahistory.org/virginia-museum-history-culture-announces-recipients-2023-commonwealth-history-fund-grants>.

⁴⁰ NOAA Fisheries, “Coastal Habitat Restoration and Resilience Grants for Tribes and Underserved Communities Selected for Funding,” August 22, 2024, <https://www.fisheries.noaa.gov/national/habitat-conservation/coastal-habitat-restoration-and-resilience-grants-tribes-and->

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Grant	Award Year	Excerpt
		<p>ICDBG funds provide support for infrastructure, community buildings, housing rehabilitation, land acquisition, economic development, and to support American Indian and Alaskan Native families on Indian reservations and in other Indian areas. In June 2023, HUD made \$75 million available to Tribes through the ICDBG program for community development. More awards will be announced as ICDBG reviews are completed.</p> <p><i>“The Mattaponi are appreciative and anxious to begin this project which will directly assist and impact our citizens,” said Chief Mark T. Fallingstar Custalow, Chief of the Mattaponi Indian Tribe. “Our citizen’s wellbeing and safety are key priorities of the Tribal Council, and this award will ensure we can provide better outcomes for our citizens.”⁴¹</i></p>

The Tribal Council regularly discussed and oversaw these grants. This included initiating pursuit of grants (September 17, 2022; August 17, 2023; January 26, 2024), guiding efforts to develop grant applications (September 17, 2022), and approving the submission of grant applications (October 22, 2022). The tribal government’s oversight function included the appointment of tribal and council members to play administrative roles within the grants (February 28, 2021) and the review of financial information (December 22, 2022).

Table C7-8. Public Works and Social Services, 2020-Present: Grant Administration in Tribal Meeting Minutes.

Date	Excerpt
February 5, 2021	█████ discussed the ANA Grant status. █████ will get the info out to the Tribe. ⁴²
February 28, 2021	The Council approved the Resolution for the SEDS Grant appointing █████ and █████ to Administer the Program, approved by all Council Members. ⁴³
June 23, 2022	4. Chief spoke to Secretary of the commonwealth yesterday. Governors office only recognizes our council. Secretary spoke to ANA and clarified. ANA grant is live and on track. ⁴⁴
September 17, 2022	Motion made by █████ and second by █████ to retain Kenah Consulting to write HUD ICDBG and VMHC grant. – Unanimously passed - ⁴⁵
October 6, 2022	Chief discussed Grant opportunities - HUD - NOAA ⁴⁶
October 22, 2022	Council reviewed HUD commitments and resolutions for Grant submissions. Council approved submissions – unanimous. ⁴⁷

⁴¹ Custalow, Mark T., “Press Release: Mattaponi Indian Tribe & Reservation awarded \$1.7 million for housing rehabilitation,” Mattaponi Indian Reservation, King William County, VA, February 20, 2024; see also, O’Brien Root, Kim, “Mattaponi Tribe receives \$1.7M in federal funds to support its reservation,” *Tidewater Review*, February 19, 2024, <https://www.dailypress.com/2024/02/19/mattaponi-tribe-receives-1-7m-in-federal-funds-to-support-its-reservation/>.

⁴² Tribal Meeting Minutes, 5 February 2021, Tribal Government Collection, PDF Page 106.

⁴³ Tribal Meeting Minutes, 28 February 2021, Tribal Government Collection, PDF Page 111.

⁴⁴ Tribal Meeting Minutes, 23 June 2022, Tribal Government Collection, PDF Page 8.

⁴⁵ Tribal Meeting Minutes, 17 September 2022, Tribal Government Collection, PDF Page 27.

⁴⁶ Tribal Meeting Minutes, 6 October 2022, Tribal Government Collection, PDF Page 30.

⁴⁷ Tribal Meeting Minutes, 22 October 2022, Tribal Government Collection, PDF Page 31.

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Date	Excerpt
December 9, 2022	Chief provided update on grants <ul style="list-style-type: none"> - █████ awarded by RAFT for hatchery repairs - HUD Grant – Heard back from ONAP to cure deficiency. Waiting to hear additional info if funding awarded. - VMHC Fund – Fund Archival research.⁴⁸
December 22, 2022	Chief reviewed financials from ANA Grant for Year 1. Attached Summary to meeting minutes. ⁴⁹
March 16, 2023	Grant updates – HUD – No response yet, expect to hear back by end of March NOAA Grant – still in negotiations. Project starts 7/1. ⁵⁰
August 17, 2023	7. █████ gave an update on grants the tribe is trying to procure. 8. The Tribe discussed trying to receive a grant from HUD. General Concerns. The Council Approved. ⁵¹
January 26, 2024	█████ made a motion to approve resolution to submit of NOAA grant proposal being written by VIMS. 2nd by █████*motion carried-unanimous* ⁵²

These large-scale efforts accompanied other activities that were focused on the improvement of social conditions for tribal members. For example, Chief █████ informed Council of a request that he represent the community alongside other Virginia tribes to address domestic violence issues (July 22, 2022). Additionally, the Tribal Council made decisions about the disposition of surplus property, donating it to tribal members that could benefit (January 26, 2024). The Mattaponi Tribal Council also participated in efforts to protect valued historic resources. For example, the Chief reported to Council on work with the National Park Service regarding the management of Werowocomoco (June 22, 2023). The question of the site’s status is part of a long-term consultation effort focused on engaging Virginia tribes in the management of Werowocomoco, which was the political center of the Powhatan Chieftaincy when the English arrived in 1607. Tribal leaders have been involved in these efforts since their inception.⁵³

Table C7-9. Public Works and Social Services, 2020-Present: Provision of Tribal Services in Tribal Meeting Minutes.

Date	Excerpt
July 22, 2022	Chief was asked to join committee and co-sponsor of domestic violence federal program. Inviting other recognized tribes in VA. ⁵⁴
June 22, 2023	Chief had a call with the National Park Service and Werowocomoco. Trying to add Reservation to Historic Registry. ⁵⁵
January 26, 2024	Oil tank has oil in it. Donate the heating oil to █████ to use. █████ will take tank to his house since HVAC was updated not needed. ⁵⁶

⁴⁸ Tribal Meeting Minutes, 9 December 2022, Tribal Government Collection, PDF Page 32.

⁴⁹ Tribal Meeting Minutes, 22 December 2022, Tribal Government Collection, PDF Page 33.

⁵⁰ Tribal Meeting Minutes, 16 March 2023, Tribal Government Collection, PDF Page 70.

⁵¹ Tribal Meeting Minutes, 17 August 2023, Tribal Government Collection, PDF Page 111.

⁵² Tribal Meeting Minutes, 26 January 2024, Tribal Government Collection, PDF Page 143.

⁵³ Personal Communication, █████, October 26, 2024.

⁵⁴ Tribal Meeting Minutes, 22 July 2022, Tribal Government Collection, PDF Page 23.

⁵⁵ Tribal Meeting Minutes, 22 June 2023, Tribal Government Collection, PDF Page 103-104.

⁵⁶ Tribal Meeting Minutes, 26 January 2024, Tribal Government Collection, PDF Page 143-144.

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Oral history interviews with community and Council members highlighted the sorts of social services the tribal government organized. This included the provision of health services, such as a clinics and vaccines, and assurance of citizens tax-exempt status on utility bills.

Table C7-10. Public Works and Social Services, 2020-Present: Provision of Tribal Services in Interviews.

Interviewee	Date	Excerpt
[REDACTED]	December 15, 2022	[...] When the citizens are taken care of that goes into programs, that goes into the health clinic, flu shots, and COVID vaccines [inaudible], workshops, and cultural classes, being the council and government involved in those things to help the bearers, those bearers for people to participate and be able to do those so they can learn and be a part of the community. ⁵⁷ [...]
[REDACTED]	July 26, 2023	That's probably one of the biggest problems we have, is that we get with the Dominion Power and get with Verizon and us being state tax exempt, they should not be charging us taxes. And so, I write a letter, they stop charging taxes, and then it lasts for a short period of time. And then, boom, they start charging again. Write another letter. It keeps going on and on. It's a vicious cycle that I guess whoever who's in charge forgets. ⁵⁸ [...]

Land Acquisition

Since 2020, the tribal government has continued to work to acquire additional properties to better provide for tribal members and to safeguard treasured tribal resources associated with the reservation and the Mattaponi River along which it sits. This included the purchase of land near the reservation from a tribal member (January 16, 2020) and coordination with the Commonwealth to develop a bill for the acquisition of the Sandy Point Nature Reserve just north of the reservation (January 16, 2024).⁵⁹

Table C7-11. Public Works and Social Services, 2020-Present: Land Acquisition in Tribal Meeting Minutes.

Date	Excerpt
January 16, 2020	3. [REDACTED] talked about the land the tribe purchased from [REDACTED] and how to incorporate it into the Reserv [<i>sic</i> : reservation] [...] 8. [REDACTED] gave a check from [REDACTED] for [REDACTED] dollars for donation for land the tribe is purchasing. ⁶⁰
January 26, 2024	Legislation was put in place to authorize a land transfer of the Tribe from the dept of forestry. Need to revise bill and [REDACTED] will send updated Tax map. ⁶¹

The Sandy Point acquisition, which is still under consideration, was discussed in newspaper articles (January 29, 2024) and ultimately the House Committee on Agriculture, Chesapeake, and Natural Resources offered substitute language (February 7, 2024). The bill as amended passed the Virginia House

⁵⁷ [REDACTED] "Interview: [REDACTED] Part One," by [REDACTED], Mattaponi Indian Tribe, December 15, 2022, PDF Page 13.

⁵⁸ [REDACTED] "Interview: [REDACTED]," by [REDACTED] and [REDACTED], Mattaponi Indian Tribe, July 26, 2023, PDF Page 19.

⁵⁹ This Bill is currently under consideration by the Commonwealth legislature (see: <https://legiscan.com/VA/bill/HB1434/2025>.)

⁶⁰ Tribal Meeting Minutes, 16 January 2020, Tribal Government Collection, PDF Page 105.

⁶¹ Tribal Meeting Minutes, 26 January 2024, Tribal Government Collection, PDF Page 143-144.

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of Delegates on February 13, 2024, and is currently being reviewed by the Committee for Courts of Justice in the Virginia Senate.⁶²

Table C7-12. Public Works and Social Services, 2020-Present: Land Acquisition.

Date	Excerpt
January 29, 2024	<p>The Mattaponi Indian Tribe has moved a step closer to regaining part of its ancestral lands after a state representative filed legislation to convey 2,200 acres to the tribe.</p> <p>Del. Keith Hodges, R-Middlesex, is sponsoring legislation that seeks to authorize the transfer of a tract in King William County known as Sandy Point, which is adjacent to the existing reservation to the Mattaponi Indian Tribe.</p> <p>"The Mattaponi Indian Tribe, a community with just over 250 enrolled citizens and fewer than 75 people living on the reservation, faces challenges from the reduction in the size of their land base over the years," a news release from Hodges' office states last week.</p> <p>The current reservation, originally recorded as 150 acres, measures less than 75 acres based on GIS mapping carried out for the tribe. The loss of the tribe's land has impacted hunting grounds, agricultural areas, and housing space for members of the tribe, according to the release.</p> <p>The Mattaponi Tribal Council, in collaboration with The Nature Conservancy, purchased the Sandy Point tract in 1999.</p> <p>The land was identified as originally belonging to the Indians in records from 1646 and 1658. It was sold to the state forestry department in 2002 to protect it pending a mechanism to allow the transfer of the title to the Mattaponi Tribe.⁶³[...]</p>
February 7, 2024	<p>HOUSE BILL NO. 1434</p> <p>AMENDMENT IN THE NATURE OF A SUBSTITUTE</p> <p>(Proposed by the House Committee on Agriculture, Chesapeake and Natural Resources on February 7, 2024)</p> <p>(Patron Prior to Substitute--Delegate Hodges)</p> <p><i>A BILL to direct and authorize the Department of Forestry to grant and convey certain tracts of land within Sandy Point State Forest in King William County to the Mattaponi Indian Tribe.</i></p> <p>Be it enacted by the General Assembly of Virginia:</p> <p>1. §1. <i>That in accordance with and as evidence of General Assembly approval, the Department of Forestry (the Department) is hereby authorized to grant and convey tracts of land within Sandy Point State Forest in King William County south of and including Brooks Creek to the Mattaponi Indian Tribe (the Tribe). Such lands may be used to expand the Tribe's reservation in order to sustain the Tribe's culture and population by expanding hunting grounds, agricultural areas, and housing areas for the Tribe's members.</i></p> <p>§2. <i>That in accordance with and as evidence of General Assembly approval, the Department is hereby authorized to grant and convey tracts of land within Sandy Point State Forest in King William County north of Brooks Creek as the Department deems</i></p>

⁶² Virginia House of Delegates, *Amendment in the Nature of a Substitute*, House Bill No. 1434, 2024 Session, proposed on February 7, 2024, accessed October 1, 2024, at: <https://trackbill.com/bill/virginia-house-bill-1434-mattaponi-indian-tribe-dof-to-convey-tracts-of-land-in-sandy-point-state-forest-to-the-tribe/2490174/>

⁶³ Macaulay, David. 2024, "Legislation would give land back to Mattaponi Indian Tribe," *Tidewater Review*. <https://www.dailypress.com/2024/01/29/legislation-would-give-land-back-to-mattaponi-indian-tribe/>.

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	<p><i>suitable. Prior to such conveyance, the Department may enter into discussions with the Tribe, localities, and relevant stakeholders to determine how such tracts of land may be used for the benefit of the public at large.</i></p> <p><i>§3. The granting and conveying of the tracts of land may be made upon terms the Department deems proper, with the approval of the Secretary of Administration, and in a form approved by the Attorney General. The Department may seek the assistance of any other state or federal agency or conservation organization to effectuate the provisions of this act as it deems necessary.⁶⁴</i></p>

Conclusion

The maintenance of tribal property, including roads, the reservation shoreline, and community buildings, and the provision of tribal services, including health services and services geared at securing federal recognition demonstrate the ability of the Mattaponi tribal government to “allocate entity resources” (83.11 (c)(1)(i)(A)). Additionally, such activity is demonstrative of the Tribe’s ability, through the tribal government, to mobilize “significant resources [...] for entity purposes” (83.11 (c)(1)(i)) and maintenance of reservation properties demonstrate the Tribe’s continued occupation and use of “land set aside by a State for the petitioner” (83.11 (c)(1)(vii)).

Maintaining Social Order

During the contemporary period, the tribal government has continued to maintain, enhance, and enforce the laws governing the Mattaponi Indian Tribe and its reservation. The single most impactful governmental action of this period is the development and passage of a formal Tribal Constitution. Additionally, the Tribal Council has worked to keep the peace on the Mattaponi Indian Reservation during a time characterized by conflicts related to the operation of a winery on reservation lands and the emergence of a dissident group. This group, known as the Spirit Crow, claims to represent the Mattaponi Indian Tribe but does not control tribal land, does not perform any sovereign function, does not act on behalf of the enrolled members of the Tribe, and is not recognized by local, state, or federal authorities or neighboring federal and state-recognized tribes as the leadership of the Mattaponi Indian Tribe.

Tribal Laws and Regulations: Formalization of a Tribal Constitution

The work that went into developing the tribal constitution originated as early as 2000⁶⁵ and finally culminated in the passage of a new constitution for the Mattaponi Indian Tribe and Reservation, passed April 29, 2023, and provided as the Tribe’s governing document. The Constitution was a regular topic of tribal meeting minutes during this period (e.g. February 28, 2021; February 35, 2022; July 22, 2022). The Mattaponi Tribal Council also worked with attorneys to establish more formal voting procedures, including developing an election code (e.g. August 19, 2022; March 2, 2023). Finally, the tribal government published the voter roll, or the list of tribal members eligible to vote, and considered challenges from non-residents who believed they should be allowed to vote (March 16, 2023; March 17, 2023; March 20, 2023), ultimately

⁶⁴ Virginia House of Delegates, *Amendment in the Nature of a Substitute*, House Bill No. 1434, 2024 Session, proposed on February 7, 2024, accessed October 1, 2024, at: <https://trackbill.com/bill/virginia-house-bill-1434-mattaponi-indian-tribe-dof-to-convey-tracts-of-land-in-sandy-point-state-forest-to-the-tribe/2490174/>.

⁶⁵ Tribal Meeting Minutes, 26 September 2000, Tribal Government Collection, PDF Page 1.

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upholding their exclusion from the voter rolls due to not being resident on the Reservation and/or not being an enrolled member of the Mattaponi Indian Tribe.⁶⁶

Table C7-13. Maintaining Social Order, 2020-Present: Formalization of a Tribal Constitution.

Date	Excerpt
February 28, 2021	Council Meeting The Council Approved the Constitution. ⁶⁷
February 5, 2022	Council Meeting ██████████ made motion after ratification of constitution the tribe will have an election for Chief Asst Chief and Council within 90 days of ratification of constitution. ██████████ ██████████ 2 nd Motion. Motion Carried. ⁶⁸
March 5, 2022	Tribal Meeting The attorneys discussed and answered tribal members questions about the constitution the tribe is adopting. Council Meeting ██████████ made a motion to draft an election code to have the attorneys draft an election code for the council's consideration. 2 nd by ██████████, Motion Carried. ⁶⁹
June 23, 2022	Council Meeting Address Constitution Questions. Name- Mattaponi Indian Tribe. Trustees- only can be brought in by Chief and Council only. Who will vote on the constitution? Men and Women who are Mattaponi Residents. Outside council seat? No non-residence [<i>sic.</i> residents] can sit on council. ⁷⁰
July 22, 2022	Council Meeting Constitution Review: need to discuss vote procedures. Chief will send final draft copy to all council members to review. ⁷¹
August 19, 2022	Council Meeting Review Constitution - Attorneys are putting together an election code ⁷²

⁶⁶ Like the Pamunkey Indian Tribe, the Mattaponi have historically restricted voting rights to those members living on the Tribe's reservation (see p. 71, Pamunkey Proposed Finding, Office of Federal Acknowledgment, January 16, 2014). This is related to the tribal government's restriction of voice in governance to those resident members who have the most at stake in the area over which it governs, the reservation.

⁶⁷ Tribal Meeting Minutes, 28 February 2021, Tribal Government Collection, PDF Page 111.

⁶⁸ Tribal Meeting Minutes, 5 February 2022, Tribal Government Collection, PDF Page 107.

⁶⁹ Tribal Meeting Minutes, 5 May 2022, Tribal Government Collection, PDF Page 3.

⁷⁰ Tribal Meeting Minutes, 23 June 2022, Tribal Government Collection, PDF Page 20.

⁷¹ Tribal Meeting Minutes, 22 July 2022, Tribal Government Collection, PDF Page 23.

⁷² Tribal Meeting Minutes, 19 August 2022, Tribal Government Collection, PDF Page 26.

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Date	Excerpt
October 6, 2022	Council Meeting Review Constitution – Consensus from Council on Term Limits Review Election Code – another review of the election code with attorneys scheduled on 10/22/22. ⁷³
October 22, 2022	Council Meeting Review of election code – special guests – [Attorneys] ⁷⁴
February 16, 2023	Council Meeting Council set a date for April 29 2023 for the Election posting of candidates. ⁷⁵
March 2, 2023	Council Meeting Chief gives update on Election Board. Reviewed criteria with [REDACTED] and [REDACTED]. This Sunday the eligible voters list will be posted. Constitution election 4/29 ⁷⁶
March 16, 2023	Council Meeting [...] Chief gave an update on the Election Board Challenges were received [challengers named, several not eligible due to non-enrollment] ⁷⁷
March 17, 2023	[Letter to Challengers of Voters List] An in-person meeting will be held on March 20, 2023, at the Tribal Center, beginning at 6:30 P.M. to consider the written challenges to the Voting Members List that you submitted. As noted in the previous communication, the people who may attend the meeting are: <ul style="list-style-type: none"> - Voting members. - A non-Voting member challenging their own exclusion from the Voting Members List. - Witnesses called by a Voting member or a non-Voting member. - Anyone else Council decides is necessary to its consideration of the challenges. Please present a list of any witnesses you intend to call on, no later than 3:00 PM Sunday, March 19, 2023. You must submit your witness list in writing via email to: Mattaponi@Mattaponination.com , or you can put your witness list in the Mattaponi Tribal Mailbox at: 1314 Mattaponi Reservation Circle, by the deadline. The meeting will be conducted in accordance with rules of etiquette that will be announced at the beginning of the meeting. Our goal is to ensure that everyone has an opportunity to express their concerns and is treated with respect. Best Regards,

⁷³ Tribal Meeting Minutes, 6 October 2022, Tribal Government Collection, PDF Page 29.

⁷⁴ Tribal Meeting Minutes, 6 October 2022, Tribal Government Collection, PDF Page 29.

⁷⁵ Tribal Meeting Minutes, 16 February 2023, Tribal Government Collection, PDF Page 61.

⁷⁶ Tribal Meeting Minutes, 2 March 2023, Tribal Government Collection, PDF Page 69.

⁷⁷ Tribal Meeting Minutes, 16 March 2023, Tribal Government Collection, PDF Page 71.

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Date	Excerpt
	<p style="text-align: center;">██████████</p> <p>The Mattaponi Tribal Council⁷⁸</p>
March 20, 2023	<p>Open Meeting</p> <p>The Council will hear challenges who are appealing the Mattaponi voting list for the Constitution.</p> <p>██████████ made his statement ██████████ made his statement ██████████, not present, Council will consider all challenges</p> <p>██████████ Uphold Election Code Denied All Agreed ██████████ Uphold Election Code Denied All Agreed ██████████ Uphold Election Code Denied All Agreed ██████████ Uphold Election Code Denied All Agreed ██████████ Uphold Election Code Denied All Agreed ██████████ Uphold Election Code Denied All Agreed</p> <p>Meeting Adjourned 7:23 pm⁷⁹</p>
March 25, 2023	<p>Council Meeting</p> <p>The Council along with the tribes attorney discussed the voting rights to amend the constitution for residents.</p> <p>The council will amend Article 1 P Voting member</p> <p>II Six month will be taking out and reinstatement in place. The attorneys [sic] will amend.⁸⁰</p>
April 20, 2023	<p>Council Meeting</p> <p>[...] Chief provided info on our constitutional meeting on Saturday, 4/22/2023. How it will flow.⁸¹</p>
April 22, 2023	<p>Tribal Meeting</p> <p>[Attendees]</p> <p>██████████ laid down ground rules and introduced guests.</p> <p>Chief provided how voting will happen. Polls open at 10AM at the Tribal Center.⁸²</p>
April 29, 2023	<p>Certification of Adoption</p> <p>On 4-29, 2023 the Constitution of the Mattaponi Indian Tribe of Virginia was adopted by the Voting Members of the Mattaponi Indian Tribe by a vote of 22 (number) for, and 0 (number) against, and 0 (number) cast ballots found separated or mutilated in an election in which at least thirty (30) percent of the 28 Voting Members cast their ballots in accordance with the provisions of Article XVI of this constitution.</p> <p>Signed: ██████████</p>

⁷⁸ Letter Regarding Challenges to Mattaponi Indian Tribe’s Voters Roll, 17 March 2023, ██████████ Collection, Box 8, Folder 7.

⁷⁹ Tribal Meeting Minutes, 20 March 2023, Tribal Government Collection, PDF Page 72.

⁸⁰ Tribal Meeting Minutes, 25 March 2023, Tribal Government Collection, PDF Page 73.

⁸¹ Tribal Meeting Minutes, 20 April 2023, Tribal Government Collection, PDF Page 77.

⁸² Tribal Meeting Minutes, 22 April 2023, Tribal Government Collection, PDF Page 77.

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Date	Excerpt
	Name [REDACTED] Title Chief ATTEST: [REDACTED] Name [REDACTED] Secretary of the Tribal Council ⁸³

Recently collected oral histories underscore the importance of the Mattaponi Indian Tribe's constitution and how it represents both continuity and a new formalization of tribal laws, which have been maintained, revised, and enforced by the tribal government since well before 1900.

Table C7-14. Maintaining Social Order, 2020-Present: Tribal Laws and Regulations in Interviews.

Interviewee	Date	Description
[REDACTED]	2023	I think we're still trying to keep the traditions and uphold the laws as best to our abilities. Here we have a new constitution that we put into place that gives everyone a voice, which is women and men, which is something that was long overdue. And now it's equality for all, I should say. [...] I think what sets us apart is really just that by living here on the reservation, we are governed by our chief and council, and we make our laws here. We do abide by the laws of the Commonwealth, but yet we have laws here that's unique to the tribe. So, I think that's what makes us different. ⁸⁴
[REDACTED]	2023	[...] And I'm happy that in the constitution it does talk about women voting and the residents voting. And I've learned more because I know that when people say chief, chief of the whole tribe, whether you're in New York or Timbuktu, but still he's the chief. These are the council members of this reservation, so you can't lay laws to people like them in California somewhere, the laws need to be abided by who's here. ⁸⁵ [...]
[REDACTED]	2023	[...] We always had laws down here, bylaws and all, but it was not documented as clearly and for anybody to read like it is now. [...] we've got chief, we've got assistant chief and we've got seven council seats, and nothing gets put in stone till there's a majority vote on it. ⁸⁶
[REDACTED]	2023	[...] It's an organization of our government, has a lot of accountability now with our constitution that has been set into place. And now laws are being put together. ⁸⁷

The adoption of the constitution was also reported in press releases (May 4, 2023) and local newspapers (May 11, 2023).

⁸³ Constitution of the Mattaponi Indian Tribe Certification of Adoption, 29 April 2023, Tribal Government Collection.

⁸⁴ [REDACTED], "Interview: [REDACTED]," by [REDACTED] and [REDACTED], Mattaponi Indian Tribe, July 26, 2023, PDF Page 7, 13.

⁸⁵ [REDACTED], "Interview: [REDACTED]," by [REDACTED] and [REDACTED], Mattaponi Indian Tribe, April 20, 2023, PDF Page 13.

⁸⁶ [REDACTED], "Interview: [REDACTED]," by [REDACTED], Mattaponi Indian Tribe, July 28, 2023, PDF Page 24-27.

⁸⁷ [REDACTED], "Interview: [REDACTED]," by [REDACTED], Mattaponi Indian Tribe, August 22, 2023, PDF Page 16.

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Table C7-15. Maintaining Social Order, 2020-Present: Formalization of Tribal Constitution in Other Media.

Date	Excerpt
May 4, 2023	<p>The Mattaponi Indian Tribe of Virginia held a groundbreaking election on April 29th, 2020, where voting members unanimously elected their first-ever written constitution, drafted with the assistance of mctlaw attorney Derril Jordan. This landmark election represents a significant step towards the Tribe becoming federally recognized. [...] Before the vote on the constitution, the Mattaponi Tribe required an election code. Derril's colleague at mctlaw, attorney Sophie Asher, drafted the Tribe's first election code, paving the way for last week's unanimous vote.</p> <p>The newly adopted Mattaponi constitution serves as the foundation for the Tribe's future, including federal recognition, and it also defines the Tribe's sovereign rights and relationship with the U.S. government. This document is vital for the future success and unity of the Mattaponi people.⁸⁸</p>
May 11, 2023	<p>Residents of the Mattaponi reservation in King William County adopted a written constitution on March 29 that allows woman to vote, but not lineal descendants who live off the reservation. The vote included tribal women for the first time, with 22 of the 28 eligible residents voting. [...]</p> <p>One tradition that the new constitution rejects was the exclusion of women from tribal voting. "Years ago, when the Mattaponi Indian Tribe and Reservation started this process, everyone on Tribal Council agreed that tribal law needed to change, and give Mattaponi women the right to vote," he said in a statement that the tribe released this week about the new constitution.</p> <p>"That particular traditional law was created many generations ago and we did not want to carry it forward."</p> <p>The constitution gives the vote to "any member of the Tribe who is a legal, Mattaponi lineal resident of the Reservation, and is 18 years of age," according to the tribe's statement, which said the constitution keeps the requirement that only reservation residents can vote in tribal elections.⁸⁹</p>

Enforcement of Tribal Laws

The period thus far has demonstrated several instances of Tribal Council acting to enforce tribal laws and control the behavior of individual members, including the procurement of speed limit signs (January 16, 2020), restrictions on a tribal member's attempt to operate a small private hatchery (January 16, 2020), and the approved use of the tribal logo for a headstone (June 23, 2022). Many of the issues revolved around the members of the dissident Spirit Crow group, which tribal members complained regularly engaged in threatening and intimidating behavior on the reservation.

Table C7-16. Maintaining Social Order, 2020-Present: Enforcing Tribal Laws and Regulations in Tribal Meeting Minutes.

Date	Excerpt
January 16, 2020	<p>█████ gave an update on the speed limit signs.</p> <p>[...] █████ told █████ not to put power to the hatchery, by decree of the Chief.⁹⁰</p>

⁸⁸ Nelson, J., "Historic Vote Sees Mattaponi Tribe Adopt First Written Constitution," MCTLaw, 4 May 2023, <https://www.mctlaw.com/indian-law/historic-vote-sees-mattaponi-tribe-adopt-first-written-constitution/>, accessed October 27, 2024.

⁸⁹ Martz, Michael, "Mattaponi Adopt Dueling Tribal Constitutions," *Richmond Times Dispatch* (Richmond, Virginia), May 11, 2023.

⁹⁰ Tribal Meeting Minutes, 16 January 2020, Tribal Government Collection, PDF Page 105.

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Date	Excerpt
June 23, 2022	[REDACTED] brought up [REDACTED] (b) (6) wanting to use the tribal logo on his father [REDACTED]'s headstone. Council approves. ⁹¹
June 22, 2023	[ATTORNEY CLIENT PRIVILEGE: Tribal attorney discussed options for addressing the Winery] -Trustees discussion: [REDACTED] - checking for conflicts in serving, [REDACTED] -Chief will reach out. [REDACTED] - Chief needs contact info from [REDACTED] [...] [REDACTED] notified the Council that on Sunday 6/18/2023 [REDACTED] approached [REDACTED] in the yard and told her "pack your Uhaul and move your ass off of here!" ⁹²
August 31, 2023	-The council discussed what needs to be done with [REDACTED]. ⁹³
January 26, 2024	-Trustees are meeting tonight at 7:30 pm to discuss Spirit Crow group and hearing -Received letter from [REDACTED] stating she will not correct her check. Council will send letter explaining how to correct. There has never been a land use tax -Letter from [REDACTED] to cease and desist from slanderous/libelous statements and personal harassment. Referred to attorney and Trustees [...] -Petition office submitted a letter regarding an encounter with [REDACTED]. Letter added to meeting minutes. [REDACTED] will talk to [REDACTED] about the issue. ⁹⁴

Tribal leadership's role in the enforcement of tribal laws and regulations and related mediation of disputes was widely acknowledged throughout the period. Oral histories indicate Tribal Council's central role in mediating conflicts and enforcing the resultant sanctions as well as allocating resources, such as land allotments.

Table C7-17. *Maintaining Social Order, 2020-Present: Enforcing Tribal Laws and Regulations in Oral History Interviews.*

Interviewee	Date	Description
[REDACTED]	December 15, 2022	[...] The biggest conflict I would say that we see within the tribal reservation boundaries is lot disputes. That's been the biggest about where someone thinks their lot lines are or someone wants more land than they have, or someone is cutting my grass or someone planted a tree on my lawn that's not theirs. That's like the biggest dispute. Before I even began in tribal government, I remember a dispute that occurred here between family members regarding lot lines and grass cutting, whose is whose. It's unfortunate. There are a lot of things that happened a lot of people had like, you might call them gentlemen's handshakes, or agreements among themselves while they were alive everything was fine, right. "Yeah, you can put your garden over there." "You can park your truck on this side." "It's my mother, father, daughter, brother, sister, whoever, and it's okay." But when that person passes on, that handshake agreement doesn't mean anything to the

⁹¹ Tribal Meeting Minutes, 23 June 2022, Tribal Government Collection, PDF Page 22.

⁹² Tribal Meeting Minutes, 22 June 2023, Tribal Government Collection, PDF Page 104.

⁹³ Tribal Meeting Minutes, 31 August 2023, Tribal Government Collection, PDF Page 126-127.

⁹⁴ Tribal Meeting Minutes, 26 January 2024, Tribal Government Collection, PDF Page 143-144.

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Interviewee	Date	Description
	August 17, 2023	<p>next person that's taking over, and that's where things get hot, get hostile.⁹⁵ [...]</p> <p>█ And I guess talking about disputes, what are some of the most complex disputes that the council has had?]</p> <p>I really think the boundary lot ones are pretty complex because it gets sensitive especially there's normally like I said everyone's family or related normally it's a brother or sister or it's a closer family tie that is arguing so it becomes very complex from that level because emotions are involved a lot of times there. And so that's a complexity. We have currently a group of individuals from the tribe that are attempting to run their own tribal government on the reservation which, you know, has been very complex in the way we deal with things on council. Council was trying to be understanding of different political views and not wanting to impose different sanctions on people just because they don't think the same way. At the end of the day, as damage starts to be done you know and different things that adds complexity when a group tries to claim they are the rightful government-- which I believe is not something that is not uncommon, there's other tribes that are going through some of the same things some are just louder than others-- and we see this you know right here in our own community so it's something that we definitely see so that's a complex issue. The tribe is still dealing with right now.</p> <p>█ And how are conflicts brought to council?]</p> <p>Normally someone will write a letter or address council. Sometimes informally someone will stop someone and say hey can you guys talk about this so we usually talk about it and ask them to put something in writing you know so we can put it in our minute meetings so it can be documented and so normally it's a letter or someone physically addressing and we document it in our meeting notes of what their grievance or what their issues are.</p> <p>█ And how are they resolved?]</p> <p>Council will resolve them but the council will decide what is the best route, so if its something council can easily resolve like talking to someone else if its going outside of here and getting assistance we'll do that so its only in situations where the council has made a decision and then individuals aren't abiding by that direction that decision is when outside parties like trustees are brought in for resolution or for local authorities. [...]⁹⁶</p>

Coordination with Local Law Enforcement

At times, the tribal government has needed to coordinate with local law enforcement to mitigate conflicts on the Mattaponi Indian Reservation. Oral histories describe coordination with law enforcement, including

⁹⁵ █ "Interview: █ Part One," by █, Mattaponi Indian Tribe, December 15, 2022, PDF Page 13-14.

⁹⁶ █, "Interview: █ Part Two," by █ and █, Mattaponi Indian Tribe, August 17, 2023, PDF Page 13-14.

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the notifications that the tribal government is given when local authorities have reason to enter the reservation.

Table C7-18. Maintaining Social Order, 2020-Present: Coordination with Local Law Enforcement in Oral History Interviews.

Interviewee	Date	Description
[REDACTED]	July 26, 2023	[REDACTED]: What about coordination with state and local law enforcement? We have an agreement with King William County Sheriff that if there's an issue or problem, if they get called, they usually call me and say, hey, I got a call about loud music, you know, you want us to come down? And I'll say, let me go see what's happening, and I'll let you know and I say, hey, kids, just turn the radio down. That's no problem. It's taken care of. But there also have been other issues too, where we had to call 'em in and they've called me too to like if they're gonna serve somebody or summons or something like that, they will call and say, I'm coming to serve someone. I'll say, go ahead. And if it's something going on, usually I'll say, I'll meet you over there and I'll meet them, find out what's happening, and kinda go from there. ⁹⁷
[REDACTED]	July 28, 2023	Yeah, well as far as, to my knowledge our roads are maintained by the state. So that the state, county government, the police, whatever can come through here and make their laps anytime they want, but if they have to come down here to serve a warrant, out of respect, I think they always notify the chief. Let them know what's going on, so that it's not a surprise. And everybody tries to be law abiding. I mean, I can't say everybody ain't gonna not speed every now and then or do something silly. But most, we don't have a whole lot of that going on. ⁹⁸
[REDACTED]	August 17, 2023	[REDACTED]: And what about coordination with state and local law enforcement? So, there's an agreement with the sheriff's office here in King William County that there's any situations that do that happen if someone does want to call the police and if they're called out the sheriff will call or reach out to Chief and make sure it's okay to come down before. Now if someone was murdered or if there was a crime like that they would still call and let him know they are coming but it wouldn't be so much of an ask it would be more of a 'we're coming down', more of a federal level crime or charges, you know, a bigger level. But we have a decent relationship with the sheriff's office, and they understand that sovereignty as well and they do sometimes they respect. I will say it has been more of a challenge lately with some of the things and some changes of hands that within the people that used to be there but yeah, they do still call before they make calls and come down, travel down on the reservation. ⁹⁹

Spirit Crow Group

One of the most pressing issues facing the Tribe in recent years has been the emergence of a small group of dissidents. The dissident group has roots in the removal of its leader, [REDACTED], from the Mattaponi Tribal Council in 2000, following his assault on another tribal member. The Spirit Crow, as this group is known, has leveraged known tribal concerns, such as the prohibition on women's voice and vote

⁹⁷ [REDACTED], "Interview: [REDACTED]," by [REDACTED] and [REDACTED], Mattaponi Indian Tribe, July 26, 2023, PDF Page 20.

⁹⁸ [REDACTED], "Interview: [REDACTED]," by [REDACTED], Mattaponi Indian Tribe, July 28, 2023, PDF Page 25.

⁹⁹ [REDACTED], "Interview: [REDACTED] Part Two," by [REDACTED] and [REDACTED], Mattaponi Indian Tribe, August 17, 2023, PDF Page 13-14.

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in tribal governance, as a pretense to cover the personal grievances that are at the root of the dispute (April 6, 2024). Since pretextual issues like women’s right to vote have been addressed through the constitutional process, the Spirit Crow group has launched false accusations regarding money management at the Tribal Council and sought to intimidate tribal employees and reservation residents.

In March 2022, members of the dissident group purportedly adopted a constitution and elected a tribal council. In October 2022, the Mattaponi Tribal Council circulated a petition establishing that enrolled tribal members living on the reservation and their spouses did not recognize the dissident group as a legitimate government and did not vote in the election (October 2022; April 6, 2023). This petition included signatures from 44 reservation residents, including 28 enrolled tribal members (85%) and 15 non-Mattaponi spouses.

In October 2022, Spirit Crow leader, [REDACTED], opened a winery on the reservation without Tribal Council authorization¹⁰⁰ and without regard to the reservation’s residential nature. In May of 2023, the Tribal Council circulated a petition against the winery, garnering signatures from 38 reservation residents, including 26 enrolled tribal members (79%) and 12 non-Mattaponi spouses (May 2023).

In 2023, the dissident faction submitted an unauthorized Petition for Federal Acknowledgment to the Office of Federal Acknowledgment. The dissident group’s petition fails to present the full breadth of evidence supporting the Tribe’s fulfillment of the seven mandatory criteria for federal acknowledgment (April 6, 2024).

Later, the Mattaponi Tribal Council reminded [REDACTED] that the winery was not permitted (June 15, 2023). Since this time, the dissident group has harassed and intimidated enrolled members of the Mattaponi Indian Tribe and attempted to use local, non-tribal law enforcement and courts to further their aims, though these entities have continued to defer to the Mattaponi’s internal governance structure and respect its sovereignty over the Mattaponi Indian Tribe and Reservation.

In response to these incidents and efforts on the part of the dissident group, the Tribal Council sought the advice of the Tribe’s trustees, who play an advisory role in such issues.¹⁰¹ The Trustees found that the Mattaponi Tribal Council is the duly elected government of the Mattaponi Indian Tribe and recommended that the parties engage in direct conversation with each other (February 9, 2024). The Tribal Council continues to attempt to resolve the issue as is the purview of the tribal government consistent with its sovereign political authority. At the same time, the Mattaponi Tribal Council continues to carry out regular governmental duties, including the allocation and management of land and resources of the Tribe and reservation and acting as the recognized intermediary of the Tribe with the Commonwealth of Virginia and other governmental and non-governmental entities (as discussed further in the section on External Relations, below).

Table C7-19. Maintaining Social Order, 2020-Present: Dissident Spirit Crow.

Date	Description
October 2022	PETITION I am a member of the Mattaponi Indian Tribe and resident on the Mattaponi Indian Reservation. I did not vote in the so-called election held by the Spirit Crow Group on March 26, 2022. I do not recognized [REDACTED] as the new Chief of the Tribe, or [REDACTED] as the new Assistant Chief. Neither do I recognize any of the

¹⁰⁰ Mr. Custalow obtained the license for the Mattaponi Reserve Winery by falsely representing himself as the Chief of the Mattaponi Indian Tribe, which misled Virginia Alcoholic Beverage Control Authority to believe that the Tribe approved of the Winery. The Mattaponi Tribal Council is currently attempting to resolve this issue through the Virginia Alcoholic Beverage Control Authority.

¹⁰¹ It is worth noting that the most recent hearing with the Trustees before 2020 was when [REDACTED] was removed from the Council for assault in 2000 (“Hearing Before the Trustees of the Mattaponi Indian Tribe,” in fax from Brian Skretny, 15 May 2001, [REDACTED] Collection, Box 6, Folder 11, PDF Page 23).

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	<p>other people who were supposedly elected as members of the Tribal Council at that election.</p> <p>I recognize the same Tribal Council serving before March 26, 2022 is still the legitimate Tribal Council of the Mattaponi Indian Tribe. [REDACTED] is the Chief, [REDACTED] is the Assistant Chief, and [REDACTED] are the Tribal Council Members.</p> <p>[44 Signatories, 28 Resident Enrolled Members (of 33 enrolled tribal members living on the Reservation, or 85%), 15 Non-Mattaponi Spouses]¹⁰²</p>
May 2023	<p>PETITION OPPOSING THE MATTAPONI RESERVE WINERY</p> <p>This Petition requests your opposition to the operation of the Mattapony Reserve Winery located at [REDACTED]</p> <p>In October 2022, [REDACTED] was granted a license by the Virginia Alcoholic Beverage Authority to open such winery on his land assignment on the Reservation and is offering alcohol to the public for consumption on the premises. In 2018, [REDACTED] informed the Mattaponi Tribal Council in a regularly schedule tribal meeting that he was going to open a museum – a use to which the Council and Voting members had no objections.</p> <p>Because the Reservation is comprised mostly of residences that are in close proximity to each other, this type of operation poses a major risk to the Reservation lands, and all Tribal citizen and Reservation residents. Concerns include traffic, parking, and public safety. Tribal members are also concerned about any legal implications for the Tribe stemming from the operation of a winery on the Reservation.</p> <p>Accordingly, the undersigned Tribal citizens and Reservation residents are opposed to the operation of this business, especially because it was not approved by Tribal Council and the residents.</p> <p>[38 Signatories, 26 Resident Enrolled Members (of 33 enrolled tribal members living on the Reservation, or 79%), 12 Non-Mattaponi Spouses]¹⁰³</p>
June 15, 2023	<p>To: [REDACTED] From: The Mattaponi Tribal Council RE: Mattapony Reserve Operations</p> <p>This letter is to remind the owner (s) operating Mattapony Reserve, located on the lot assigned to [REDACTED] by The Mattaponi Tribal Council, that this business is not permitted to operate or open to the public at any time. Furthermore, it has been enacted by the Tribal Council that there will be a zero-tolerance policy on June 17, 2023, and will be fully enforced by local, state, and tribal authorities. If you choose not to abide by the ruling of the Tribal Council, you and your gatherers will be removed from the Reservation immediately, and for a period of time determined by the Tribal Council.</p> <p>In order to ensure this is a safe and successful event, we are requesting your cooperation.</p>

¹⁰² Petition Regarding Illegitimacy of Spirit Crow, 2022 ca., [REDACTED] Collection, Box 9, Folder 4.

¹⁰³ Petition Opposing the Mattapony Reserve Winery, April 2022, Mattaponi Indian Tribal Office Collection.

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	Thank you ¹⁰⁴
February 9, 2024	<p>Board of Trustees Recommendations</p> <p>To: [REDACTED]</p> <p>From: [REDACTED]</p> <p>Date: February 9, 2024</p> <p>Re: Grievances against [REDACTED]</p> <p>By letter dated December 12, 2023, and delivered to [REDACTED] on December 22, 2023, the Mattaponi Board of Trustees made the following findings, reissued here as corrected for a date-error in the Board's original findings:</p> <ol style="list-style-type: none"> 1. The Chief of the Mattaponi Indian Tribe is Mark Custalow. The Assistant Chief of the Mattaponi Tribe is Leon Custalow, and the seven Councilmembers are: [REDACTED] and [REDACTED] 2. Chief [REDACTED] and the Mattaponi Tribal Council were duly elected through an on-reservation election on July 22, 2023, under the Mattaponi Indian Tribe's Constitution, which was duly adopted on April 29, 2023. 3. [REDACTED] is not the Chief of the Mattaponi Indian Tribe [REDACTED] [REDACTED] is not the Assistant Chief of the Mattaponi Tribe, and none of the following people Councilmembers of the Mattaponi Indian Tribe: [REDACTED] 4. The off-reservation "election" that took place on March 26, 2022, resulting in the so-called election of [REDACTED], was not called for or sanctioned by the Mattaponi Tribal Council, and therefore was not an official election of the Mattaponi Indian Tribe or a legitimate means to transfer power. <p>Recommendation: The Mattaponi Board of Trustees strongly recommends that the next step to address the ongoing issue involves the involved parties engaging in direct conversations with each other. It is advised that this dialogue occurs without the involvement of a hired mediator who may lack the necessary knowledge of the history, background, and understanding of the tribal culture. Specifically, the mediator may not comprehend the intricacies of the issues at hand. The Trustees emphasize the importance of the next step being a sincere and constructive conversation amongst the parties involved.</p> <p>If the involved parties are not willing to progress collaboratively by working together to resolve the issue through constructive conversation, the Mattaponi Tribal Council has the right to move forward with enforcing alternative measures. However, the Board of Trustees believes that it is crucial for all parties to actively participate in resolving the matter amicably for the well-being of the community.</p>

¹⁰⁴ Letter to Owner of Mattapony Reserve, 15 April 2023, in Tribal Meeting Minutes, Tribal Government Collection.

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	<p>If a sincere and constructive conversation between the parties cannot be held or does not result in a mutually acceptable plan, then the Board of Trustees recommends that the Tribal Council should adopt a resolution that is directed to each Respondent who has not renounced their actions and that includes the following Orders.</p> <p>Upon the recommendation of the Mattaponi Board of Trustees, you are hereby Ordered to recognize, respect, and abide by the following measures:</p> <ul style="list-style-type: none"> • Stop referring to yourself as Chief, Assistant Chief, Council member, or any other title of official government used by the Mattaponi Indian Tribe. • Stop claiming to hold any official position of tribal government with the Mattaponi Indian Tribe. • Stop conducting meetings that purport to be government meetings of the Mattaponi Indian Tribe. • Stop issuing any document, making any post on social media or publishing any webpage that appears to be issued, made, or published by the Mattaponi Indian Tribe. • If asked by any person, including members of the media or any other governmental entity, whether you are the Chief, Assistant Chief, Council member, or any other government official of the Mattaponi Indian Tribe, tell the person: “No.” • Withdraw the Petition for Federal Acknowledgement you signed and submitted to the U.S. Department of Interior, Office of Federal Acknowledgment. • Abide by tribal law and customs, and be a good neighbor.¹⁰⁵
April 6, 2024	<p>Mattaponi Indian Tribal Council Statement</p> <p>Since before the first Jamestown settlers arrived in 1607, the Mattaponi Indian Tribe has governed itself under customs and traditions that have been passed down from one generation to the next. The tribal government, selected by the Mattaponi people pursuant to those customs and traditions, has enjoyed the continuing support of its people and the uninterrupted recognition as the Tribe’s governing body. This has included recognition by the English Crown, the colonial government of Virginia, and the Commonwealth of Virginia since the Treaty of 1646 and the 1677 Treaty of Middle Plantation that established the present-day Mattaponi Indian Reservation.</p> <p>In April 2023, the Tribe adopted a new Constitution. This constitution honors the Tribe’s traditional laws and customs while updating its governing traditions. One of the primary changes under the 2023 Constitution, was granting women the right to vote in tribal elections. As ██████████ stated when the Constitution was adopted, “Years ago, when the Mattaponi Indian Tribe and Reservation started this process, everyone on Tribal Council agreed that the tribal law needed to change and give Mattaponi women the right to vote.” ██████████ further stated, “That particular traditional law was created many generations ago and we did not want to carry it forward.” As a result, all tribal members 18 years and older who reside on the Reservation were eligible to vote for the Constitution. The Constitution was unanimously adopted on April 29, 2023. Under the newly adopted Constitution, Mattaponi women living on the Reservation have run for office and voted in tribal elections.</p> <p>A second important aspect of the new Constitution was the opening of enrollment to all persons who can prove lineal descendance from the tribal base roll of 1910. Since the Tribe began updating enrollment applications in 2022, every new applicant, without</p>

¹⁰⁵ Board of Trustees Recommendation, 9 February 2024, Tribal Office Collection.

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	<p>exception, who has proven that they descend lineally from a tribal member listed on the 1910 base roll has been enrolled in the Tribe without regard to their racial or ethnic composition.</p> <p>The right to vote in tribal elections under the 2023 Constitution is limited to enrolled tribal members who are of at least 18 years of age and who are residents of the Reservation. The Mattaponi Indian Tribe is a sovereign government, not a fraternal or non-profit organization. Like all sovereign governments, the Tribe's sovereign authority to make and enforce its laws extends to a distinct territory, which in the case of the Tribe, is the Reservation that was established by the 1677 Treaty of Middle Plantation and any lands that may be added to it. Because the Tribal Council governs and makes laws for the Reservation, the Tribe has decided at this time to limit the rights to vote and run for office to tribal member residents who will be directly affected by the decisions of the Tribe's elected governing body.</p> <p>In about 2021, a dissident faction within the Tribe, sometimes referred to as the Spirit Crow Group, began to oppose the legitimate Tribal Council. In May 2022, that group adopted a constitution and subsequently held an election off the Mattaponi Indian Reservation, purportedly for the purpose of electing a tribal council. Since that time, this small faction has held itself out to be the Tribe itself, and its leaders have held themselves out to the elected leaders of the Tribe. Specifically, [REDACTED] has repeatedly held himself out to be the Tribal Chief, and his sister, [REDACTED], has held herself out to be the Assistant Chief. These actions have caused confusion for tribal members and descendants and the general public. They are a detriment to the Tribe and its efforts to be respected as a member of the family of sovereign governments in the Commonwealth.</p> <p>This faction cites several issues as its primary areas of disagreement with the legitimate Tribe and Tribal Council. They say that they are in favor of granting women the right to vote in tribal elections, the enrollment of descendants without regard to their racial composition, and the right of all members to vote without regard to whether they reside on the Reservation. Regarding the first two issues—the right of women to vote and the enrollment of all descendants without regard to racial or ethnic composition—the Tribal Council is in complete agreement. The 2023 Constitution approved by the Tribe grants women the right to vote and entitles all descendants to enroll in the Tribe. With regard to enrollment, no person who meets the descendency criterion has been denied the right to enroll.</p> <p>The voting body of the Mattaponi Indian Tribe has always been made up exclusively of residents of the Mattaponi Indian Reservation. The Tribal Council and members who voted to adopt the Constitution in 2023 have continued this tradition with an understanding that reservation resident members are the people directly impacted by the decisions made by the Tribal Council. The Council and resident members do not think that the Reservation and the everyday lives of its residents should be governed by people who do not live on the Reservation and who will not have to abide each and every day by the rules they make. This is an issue over which the Tribe and the Spirit Crow group have a difference of opinion, and about which the Council and Reservation residents have made a reasonable choice. This difference of opinion is not a justification for this faction abandoning and destroying the Tribe simply because they cannot get their way.</p> <p>The Spirit Crow faction repeatedly states that its leadership was elected in the first leadership election in more than 40 years. Such representations are false and ahistorical, disregarding as they do the history and customs of the Tribe that they claim to value so much. Before the adoption of the 2023 Constitution, the Tribe did not hold regularly scheduled elections. Tribal leaders were, nonetheless, elected by resident tribal members. Tribal leaders always served with the consent of resident tribal members and</p>

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	<p>could be removed if they were not adequately serving the Tribe. Spirit Crow's insinuations to the contrary are false, self-serving, and disrespectful to their elders. They suggest that Indian tribes must imitate and parrot the rules and regulations of the dominant Anglo-American society in order to be considered legitimate. Such a position assumes the superiority of the non-Native society and is thus racist and culturally chauvinistic.</p> <p>We can only wonder whether the Spirit Crow group understands tribal sovereignty and self-determination. In any event, the Tribe has exercised its sovereignty and right to self-determination by choosing to update customs and traditions through its adoption of a new constitution. This Constitution allows for staggered term elections every two years. Such election practices were adopted to ensure that the Tribe retains the institutional knowledge held by its leaders and necessary to assure continued good governance.</p> <p>Ironically, ██████████ served as a member of the Tribal Council which he now claims is illegitimate. In 2001, ██████████ was removed from the Tribal Council due to unacceptable behavior. ██████████ violently assaulted another tribal member (his uncle) with a wooden club over a property dispute. The Tribal Council conferred with the Tribe's Trustees, who hosted a hearing for ██████████ and recommended his removal from Council, which the Tribal Council considered and ultimately enforced. It seems that ██████████ current opposition to the Tribe's traditional government and the Trustees traces its origins to his removal from the Council because of this vicious attack on a fellow tribal member.</p> <p>The current Tribal Council, led by ██████████ and ██████████, has been working hard to move the Tribe forward. The 2023 Constitution was drafted and placed before tribal voters under their leadership. The Tribe received a grant from the Administration for Native Americans ("ANA"), an agency within the United States Department of Health and Human Services. The purpose of the ANA grant is to assist the Tribe in preparing its petition for federal recognition under the regulations of the United States Department of the Interior at 25 Code of Federal Regulations Part 83. The Tribe has been working hard on that petition and will be submitting a fully-documented petition to the Office of Federal Acknowledgment ("OFA") at the Interior Department by the Fall of this year.</p> <p>The Tribe, under the leadership of the Chief and Assistant Chief, has also received grants from the National Oceanographic and Atmospheric Administration ("NOAA") within the United States Department of Commerce and from the United States Department of Housing and Urban Development ("HUD"). The NOAA grant is focused on the restoration of the habitat of the Mattaponi River where it runs through the Reservation. The HUD grant is pursuant to HUD's Community Development Block Grant Program ("CDBG") for Indian Tribes and Alaska Native Villages Program. Under this grant, the Tribe will provide housing rehabilitation assistance to tribal members living on and off the Reservation.</p> <p>██████████ and ██████████, and the Tribal Council are recognized as the Tribe's leaders by the Commonwealth of Virginia. The Commonwealth has never tried to dictate or influence the means by which the Tribe selects its leaders and governs itself, and there is no reason for it to withdraw its government-to-government relationship with the Tribe simply because the Spirit Crow faction has decided that it doesn't want to honor the Tribe's custom and traditions.</p> <p>Attorneys for the Spirit Crow faction recently appeared before the King William County Board of Supervisors and provided a written statement outlining their purported concerns. The statement is riddled with half-truths and outright fabrications. First, the statement refers to a recent Tribal Council resolution issued to ██████████ and</p>

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	<p>other members of his group as a “gag order” that seeks to prohibit them from exercising their “right to speak out against the current leadership and advocate for a free and fair election of the chief and Tribal Council in which ALL members of the Mattaponi Tribe and Nation can participate.” The Tribal Council Resolution, a copy of which is attached to this statement, does not attempt to restrict the Spirit Crow group and its leaders from criticizing tribal leadership or from advocating for fair elections, or for any other position for which they may wish to advocate. Instead, the Resolution, in line with the recommendations of the Tribe’s Trustees, generally directs the Spirit Crow group to cease from referring to themselves as the Chief, Assistant Chief, and Council members or other tribal officials. It also directs them to cease to hold themselves out to the public as representatives of the Tribe or to represent that its meetings are meetings of the Tribe. It also directs them to withdraw the petition that they submitted to OFA for federal recognition in January 2023 because it is not the official petition of the Tribe. Moreover, although the faction rightfully considers federal recognition to be an important tribal goal, the petition they submitted is wholly inadequate to the requirements for federal acknowledgment and may jeopardize the Tribe’s chances to achieve such recognition. In short, nothing on the face of the Resolution directs the Spirit Crow faction to cease their opposition to the persons whom they acknowledge to be the Tribe’s “current leaders” or to otherwise refrain from discussing issues of concern to the Tribe and its members.</p> <p>The statement prepared by the Spirit Crow faction contains a deliberate fabrication that the “current leaders” of the Tribe want to exclude legitimate descendants. As discussed above, the 2023 Constitution opens enrollment to all tribal descendants without regard to racial or ethnic composition. The statement by the faction’s legal counsel is not only untrue, but also scandalous and libelous and made with a careless disregard for the truth.</p> <p>The statements about the right of women to vote and the eligibility of members to vote regardless of residency have been addressed above.</p> <p>The statement that the Tribal Council wants a “homeowners association” is almost comically inapposite. Likewise, the assertion that the Chief should serve as the “elected national leader of all members of the Mattaponi Nation” suggests that the faction’s legal counsel is in need of a civics lesson. Congress does not enact, and the President does not enforce, laws that govern the every-day activities of United States citizens that live abroad. As discussed above, the Tribe is a sovereign government with jurisdiction to govern a defined area. Its governing body makes laws to govern the people that live within that territory and the activities that take place there. The Reservation is the Tribe’s homeland and not only the seat of its government but also the cradle of its culture. The Spirit Crow faction would turn the Tribe into a mere special interest group untethered to the Reservation and land that has helped the Tribe to maintain its sovereignty and culture and weather the onslaught of non-Native encroachment and hegemony for over 400 years.</p> <p>The statement prepared by the faction’s counsel also refers to several incidents that have taken place on the Reservation over the last several years. The faction has recorded tribal meetings without letting people know that they were doing so. Regardless of whether legal, we think a person has a right to know that their words are being recorded and can be played back to anyone anywhere and taken out of context. The faction has publicized deceptively cut media to misrepresent events and individuals in the past. The Spirit Crow faction seems too ready to rely on the laws of outsiders and is oddly out of touch with the values and sensibilities of their fellow tribal and family members. The group’s actions have often gone beyond public debate and protests and have frequently crossed into attempts to intimidate members of the Mattaponi community with the threat of violence and personal harm.</p>

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	<p>The statement also addresses the winery opened on the Reservation by [REDACTED] and his wife [REDACTED] [REDACTED] misrepresented himself as the Chief when applying for his license from the State Alcoholic Beverage Control Authority (“VA ABC”). Moreover, the winery was opened without the knowledge or consent of the Reservation community, who were falsely informed that the facility [REDACTED] [REDACTED] planned to open was a Museum and Cultural Center. The Tribal Council has not bullied anyone into cancelling events at the winery, but it has informed members of the public and various organizations that events at the winery were not sanctioned by the legitimate Mattaponi Tribal Council. Upon learning this fact, some of those groups chose not to attend the event.</p> <p>Finally, the Spirit Crow statement says that the Tribe has rejected [REDACTED] request for professional mediation. This statement ignores the fact, set forth in the Tribal Council Resolution, that the Council twice attempted to arrange a meeting with [REDACTED] and his group to discuss the issues of contention. [REDACTED] and his group rejected both invitations.</p> <p>In the end, there is only one issue that the Spirit Crow faction and its leaders have identified about which it and the Tribal Council disagree; the question as to whether off-Reservation members should be able to vote and run for tribal office. The Tribal Council has made a reasonable decision to restrict the rights to hold office and vote to Reservation residents. That decision can and should be revisited in the future after the Tribe has more experience with governance under the newly adopted Constitution. The fact that the Spirit Crow faction persists in its virulent opposition to the Tribal Council despite the agreement between the Council and the faction that women should (and now do) have the right to vote and that tribal membership should be (and is) based on lineal descendency and no other racial or ethnic factor, suggests that [REDACTED] and his group have ulterior motives that have nothing to do with what is best for the Mattaponi Tribe and its members.¹⁰⁶</p>

Conclusion

The evidence above demonstrates the ability of Tribal Council to exert “strong influence on the behavior of individual members, such as the establishment or maintenance of norms or the enforcement of sanctions to direct or control behavior” (83.11 (c)(2)(i)(C)) and political authority in the face of “internal conflicts” (83.11 (c)(1)(v)) within the Tribe. It also illustrates the mechanisms by which the Tribe can “allocate entity resources,” (83.11 (c)(2)(i)(A)), “settle disputes,” (83.11 (c)(2)(i)(B)), and/or “organize or influence economic subsistence activities” (83.11 (c)(2)(i)(D)).

Political Participation

Since 2020, community members have continued to participate in the Tribe’s political processes. Political participation is indicative of the significance of the actions of the Mattaponi Tribal Council hold for tribal members. In this period, political participation includes attendance in Town and Council meetings and elections, including the passage of a tribal constitution. Tribal minutes also document members putting their names forward for enrollment.

Meeting Attendance

During this period, tribal leaders and tribal members actively participated in political processes through Council Meetings every third Thursday of the month and Town Meetings with residents every second

¹⁰⁶ “Mattaponi Indian Tribal Council Statement,” 6 April 2024, Tribal Government Collection.

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Thursday of the month. Aside from established meetings, the Tribal Council meets as necessary throughout the month.¹⁰⁷ Beginning in early 2020, town meetings were paused due to the COVID-19 pandemic, though the Tribal Council still met periodically. Town meetings resumed in 2023 with all lineal reservation residents of age being able to attend and participate in the meetings.

Table C7-20. Political Participation, 2020-Present: Meeting Attendance.¹⁰⁸

Date	Type of Meeting	Number of Participants
January 16, 2020	Town Meeting	18
February 5, 2021	Council Meeting	9
February 28, 2021	Council Meeting	9
February 5, 2022	Council Meeting	9
March 5, 2022	Tribal Meeting	23
April 12, 2022	Council Meeting	7
May 19, 2022	Council Meeting	7
June 23, 2022	Council Meeting	7
July 22, 2022	Council Meeting	6
August 19, 2022	Council Meeting	8
September 17, 2022	Council Meeting	7
October 6, 2022	Council Meeting	8
October 22, 2022	Council Meeting	7
December 9, 2022	Council Meeting	8
December 22, 2022	Council Meeting	5
January 3, 2023	Council Meeting	7
January 10, 2023	Council Meeting	9
January 19, 2023	Council Meeting	6
February 8, 2023	Council Meeting	8
February 16, 2023	Council Meeting	8
March 2, 2023	Council Meeting	8
March 16, 2023	Council Meeting	6
March 19, 2023	Council Meeting	7
March 20, 2023	Open Meeting	22
March 25, 2023	Council Meeting	7
April 3, 2023	Council Meeting	8
April 15, 2023	Council Meeting	5
April 20, 2023	Council Meeting	8
April 22, 2023	Tribal Meeting	12
April 29, 2023†	Constitution Ratification Vote	22
May 3, 2023	Council Meeting	9
May 6, 2023	Council Meeting	4
May 12, 2023	Council Meeting	8
May 18, 2023	Council Meeting	8
May 25, 2023	Council Meeting	7
June 8, 2023	Council Meeting	8
June 13, 2023	Council Meeting	6
June 15, 2023	Council Meeting	8
June 22, 2023	Council Meeting	5

¹⁰⁷ ██████████, "Interview: ██████████ Part Two," by ██████████ and ██████████, Mattaponi Indian Tribe, August 17, 2023, PDF Page 7.

¹⁰⁸ Attendance in the meetings outlined in this table are noted in the meeting minutes which are all part of the Tribal Government Collection.

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Date	Type of Meeting	Number of Participants
June 29, 2023	Council Meeting	9
July 6, 2023	Council Meeting	8
July 13, 2023	Council Meeting	7
July 20, 2023	Council Meeting	8
July 22, 2023†	Tribal Council i	28
August 17, 2023	Council Meeting	8
August 31, 2023	Council Meeting	8
September 14, 2023	Council Meeting	6
September 21, 2023	Town Meeting	19
September 30, 2023	Council Meeting	6
October 11, 2023	Council Meeting	9
October 19, 2023	Town Meeting	17
October 27, 2023	Council Meeting	8
November 16, 2023	Town Meeting	16
November 30, 2023	Council Meeting	6
December 9, 2023	Council Meeting	7
December 27, 2023	Council Meeting	8
January 10, 2024	Council Meeting	9
January 18, 2024	Town Meeting	15
January 26, 2024	Council Meeting	8
February 15, 2024	Town Meeting	19
February 22, 2024	Council Meeting	9
March 2, 2024	Council Meeting	8
March 15, 2024	Council Meeting	8
March 28, 2024	Council Meeting	8
April 12, 2024	Council Meeting	6
April 18, 2024	Tribal Meeting	13
April 23, 2024	Council Meeting	8

†Signifies meetings at which the community was asked to vote on a particular issue including formal elections.

Voting and Elections

Two important votes took place during this time. The first was the adoption of the Constitution, discussed above, and the second was the election of the inaugural Tribal Council under the new constitution. In January 2023, the election code was finalized detailing the voting process moving forward (January 12, 2023). Public announcements were sent out to residents describing the nomination and election processes (July 6, 2023). Councilman [REDACTED] described the nomination process:

This last election I had to sign my name listing the fact that I was seeking a council position or continuation of council position cause I've been on council prior to this previous election and had a number of people sign off stating that they supported my election.¹⁰⁹

After the election took place on July 22, 2023, the official election results were posted on the community building door (July 22, 2023).

¹⁰⁹ [REDACTED], "Interview: [REDACTED]," by [REDACTED] and [REDACTED], Mattaponi Indian Tribe, December 13, 2023, PDF Page 2.

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Table C7-21. Political Participation, 2020-2024: Voting and Elections.

Date	Excerpt
January 12, 2023	<p>Wingapo, Mattaponi Indian Tribal Citizens, [...]</p> <p>The Mattaponi Indian Tribal Council has great news to share with out Citizens. After a very detailed process and review, the Mattaponi Indian Tribe’s Election Code was enacted and adopted on Tuesday, January 10, 2023, by the Tribal Council. This was an important step in moving forward with adopting out Mattaponi Indian Tribal Constitution, because the Election Code will govern how we vote on the Constitution, as well as for the Council Elections that will follow. The Election Code establishes a formal process that allows additional transparency and equity in our election processes moving forward. [...] ¹¹⁰</p>
July 6, 2023	<p>Dear Mattaponi Tribal Community,</p> <p>This letter provides information on the Election Day voting process. The Election Day community meeting will be at the Community Center. It will begin promptly at 4:00 PM on July 22, 2023. Please plan to arrive early.</p> <p>The attached list of Candidates for Chief, Assistant Chief and Tribal Council has been approved by the Election Board.</p> <p>Only Election Board Members, Voting Members, aides for disabled voters, and security are allowed to enter the Community Center for the Election. An Election Board Member will meet each Member at the door and check your name with the approved Voting Member List. You will then place your initials next to your name and go into the building. Shortly after 4:00 PM, an Election Board Member will begin the meeting. Each Candidate will have five minutes to speak before the voting begins and then the Voting Members will have an opportunity to ask questions of the Candidates. Voting will begin after questions are done. The meeting will conclude when people have finished voting and the votes have been counted by the Election Board.</p> <p>Election results will be announced at the Election. Those persons elected to office will take an oath of office and will be installed at the next regularly scheduled Tribal Council meeting.</p> <p>We look forward to this next step in the Mattaponi Election process.</p> <p>Sincerely,</p> <p>The Mattaponi Tribal Election Board ¹¹¹</p>
July 22, 2023	<p>This Notice is to certify the results of the Mattaponi Tribal Election held on July 22, 2023, the first election held under the new Constitution that was adopted on April 29th, 2023.</p> <p>Below are the official results: Chief- [REDACTED] Assistant Chief- [REDACTED]</p> <p><u>Mattaponi Tribal Council members are:</u> [REDACTED]</p>

¹¹⁰ Announcement of Finalized Election Code, 12 January 2023, [REDACTED] Collection, Box 8, Folder 5.

¹¹¹ Publication of Candidates, 6 July 2023, [REDACTED] Collection, “Elections” folder.

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Date	Excerpt
	<p>██████████</p> <p>The Mattaponi Tribal Election Board</p> <p>/s/ ██████████</p> <p>/s/ ██████████¹¹²</p>

The Oath of Office, a feature that constitutes a throughline in tribal governance since the early 1900s, was transformed into a formal written statement that elected council members must sign, and which reads:

I [insert leadership name], solemnly swear (or affirm) that I will faithfully execute the office of Tribal Council of the Mattaponi Indian Tribe, and will to the best of my ability, preserve, protect, and defend the Constitution of laws of the Mattaponi Tribe. I further swear (or affirm) that I shall ensure that I will act with integrity, uphold tribal traditions, ensure protections of our tribal elders and those who cannot care for themselves, and continuously work to create a prosperous future for the next generation of Mattaponi descendants.¹¹³

Assignments of Responsibility

In addition to the participation of tribal leaders like the Tribal Council, tribal members on and off the Council were appointed to take positions of responsibility over important tribal activities and events. In recent years, this has included the appointment of Council members to oversee grants administered by the Tribe (February 28, 2021). It also included appointment to the Election Board, convened as a part of the constitution (March 2, 2023; June 8, 2023).

Table C7-22. Political Participation, 2020-Present: Assignments of Responsibility in Tribal Meeting Minutes.

Date	Excerpt
February 28, 2021	The Council approved the Resolution for the SEDS Grant appointing ██████████ and ██████████ to Administer the Program, approved by all Council Members. ¹¹⁴
March 2, 2023	<p>- Chief gives update on Election Board. Reviewed criteria with ██████████ and ██████████. This Sunday the eligible voters list will be posted.</p> <p>-Constitution election 4/29</p> <p>-Council finalized voting members list.¹¹⁵</p>
June 8, 2023	<p>-Resolution to replace ██████████ from Election Board. ██████████ resigned from his board position.</p> <p>██████████ made a motion that adopt Resolution 005 appointing ██████████ to Election Board and accepting ██████████ resignation. Seconded by ██████████. Motion carried.¹¹⁶</p>

¹¹² “Official Publication of Election Results,” 22 July 2023, ██████████ Collection, Folder “Elections.”

¹¹³ Tribal Meeting Minutes, 17 August 2023, Tribal Government Collection, PDF Page 114.

¹¹⁴ Tribal Meeting Minutes, 28 February 2021, Tribal Government Collection, PDF Page 111.

¹¹⁵ Tribal Meeting Minutes, 2 March 2023, Tribal Government Collection, PDF Page 69.

¹¹⁶ Tribal Meeting Minutes, 8 June 2023, Tribal Government Collection, PDF Page 90.

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Membership

The Mattaponi Indian Tribe’s enrollment process requires renewals, and a part of the Tribe’s federal recognition efforts has been the update of tribal enrollment to ensure that all members records are accurate and complete. The process, following that of previous periods, took up a significant amount of Tribal Council’s time, with renewals and new enrollments discussed regularly throughout the period.

Table C7-23. Political Participation, 2020-Present: Memberships and Votes in Tribal Meeting Minutes.

Date	Excerpt
October 6, 2022	<p>█ joined the meeting from the Petition Office to review tribal enrollment. Renewals-█ █ █ made motion to approve renewals and new members. Seconded by █ █.¹¹⁷</p>
March 2, 2023	<p>█ joined to present new enrollment requests: New-█ █. Renewal-█. -█ made a motion, seconded by █ that we approve enrollment for the names above. - Carried- unanimous. -█ shared an event in Philadelphia in the summertime. To offer enrollment opportunities for our tribal members who live up North.¹¹⁸</p>
June 22, 2023	<p>-Reviewed 4 renewal enrollment applications and 1 new enrollment. New: █ Renewal █ -Motion made by █ seconded by █ to accept 4 renewals and 1 new enrollment. *motion carried, unanimous.¹¹⁹</p>
August 31, 2023	<p>█ read the names of new: █ New One Year (1A) 8-31-23, █ - under 12 age, █ - under 12 age, █ - under 12 age. █ made a motion to accept above to receive tribal cards, █ I 2nd motion. Motion passed.¹²⁰</p>
January 26, 2024	<p>-New Tribal card application-█. Motion made by █, 2nd by █ to approve █ enrollment *motion carried- unanimous.¹²¹</p>

Conclusion

The participation of community members in town meetings to discuss important information, elect tribal leaders, and vote on a new constitution is indicative of the Tribe’s ability to “mobilize significant numbers of members” for group purposes (83.11 (c)(1)(i)), that members “consider issues acted upon or actions taken by entity leaders or governing bodies to be of importance” (83.11 (c)(1)(ii)), and that there is “widespread knowledge, communication, or involvement in political processes by many of the entity’s members” (83.11 (c)(1)(iii)). Additionally, the practice of elections ensures a “continuous line of entity leaders” and demonstrates the existence of a “means of selection” by entity members (83.11 (c)(1)(viii)). Further, the continued maintenance of the tribal enrollment process demonstrates the tribal government’s ability to “allocate entity resources” (83.11 (c)(2)(i)(A)) and exert influence “on the behavior of individual

¹¹⁷ Tribal Meeting Minutes, 6 October 2022, Tribal Government Collection, PDF 29.

¹¹⁸ Tribal Meeting Minutes, 2 March 2023, Tribal Government Collection, PDF Page 64.

¹¹⁹ Tribal Meeting Minutes, 22 June 2023, Tribal Government Collection, PDF Page 103-104.

¹²⁰ Tribal Meeting Minutes, 31 August 2023, Tribal Government Collection, PDF Page 126-127.

¹²¹ Tribal Meeting Minutes, 26 January 2024, Tribal Government Collection, PDF Page 143-144.

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members, such as the establishment or maintenance of norms or the enforcement of sanctions to direct or control behavior” (83.11 (c)(2)(i)(C)).

External Relations

From 2020 to the present, the tribal government has continued government-to-government relationships with federal, state, local, and federally recognized Indian tribal authorities, particularly in its pursuit of the status of federal recognition. The Tribal Council has also been a participant in consultation to protect tribal interests with regard to natural and cultural resources and intervened to ensure the tax status of tribal citizens. Tribal leadership also represented the Tribe in outside events including ceremonial events, intergovernmental events, and the continuation of the Tribe’s annual tax tribute.

Protection of Indian Status

As throughout the 20th century, the Mattaponi Tribal Council has continued to advocate for and protect the Indian status afforded to members of the Mattaponi Indian Tribe. These efforts have included the Tribal Council’s continuing pursuit of federal recognition, as evidenced by its Fully Documented Petition for Federal Acknowledgment. The Tribe’s efforts in this regard are central to efforts to protect and enhance tribal sovereignty and self-determination and have the support of the Commonwealth of Virginia as well as neighboring Indian tribes and other institutional partners. In addition, the Council has worked to represent tribal interests, safeguarding tribally important cultural and natural resources through consultation with federal agencies. Finally, the Tribe has continued to work to ensure certain tax exemptions afforded tribal members were honored.

Federal Acknowledgment

In 2020, the Mattaponi Tribal Council obtained an Administration for Native Americans grant to aid in the development of a fully documented petition for federal acknowledgment, which enabled it to set up an office dedicated to gathering the documentation required. Federal recognition is important for tribal sovereignty and self-determination, allowing tribes to better preserve tribal history and culture, serve the tribal community, and pursue a better future for the Tribe and its citizens. The Mattaponi Tribal Council recognizes the import of fully establishing its government-to-government relationship with the United States. As a part of this process, the Mattaponi Tribal Council solicited support from local Commonwealth officials and the Governor of Virginia as well as its neighboring tribes, many of which recently attained federal recognition. Governor Glenn Youngkin has provided support to the Tribe’s efforts (September 9, 2024). Likewise, the chiefs of all seven federally recognized tribes in Virginia have offered their support: Chief Stephen Adkins of the Chickahominy Indian Tribe (October 1, 2024), Chief Joanne Howard of the Chickahominy Indian Tribe – Eastern Division (October 18, 2024), Chief Diane Shields of the Monacan Indian Nation (October 18, 2024), Chief Keith Anderson of the Nansemond Indian Nation (October 21, 2024), Chief Robert Gray of the Pamunkey Indian Tribe (October 24, 2024), Chief Anne Richardson of the Rappahannock Indian Tribe (October 21, 2024), and Chief W. Frank Adams of the Upper Mattaponi Tribe (October 16, 2024). Additionally, Chief Charles Bullock of the Patawomeck Indian Tribe of Virginia has offered his support to the Tribe’s efforts (August 20, 2024). Other organizations and individuals offering letters of support include Rick Tatnall of the Pocahontas Project (October 21, 2024) and the Bishop of Virginia, The Rt. Rev. E. Mark Stevenson (October 22, 2024). These letters not only demonstrate the support of these entities for the Tribe’s petition, but they also illustrate these entities and individuals continued recognition of the Mattaponi Tribal Council, currently led by Chief Mark T. Custalow, as the government of the Tribe.

Table C7-24. External Relations, 2020-Present: Federal Acknowledgment.

Date	Excerpt
August 20, 2024	Dear Chief K. Denise Litz, Indian Affairs Division:

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Date	Excerpt
	<p>We would like to express our sincere support for the Mattaponi Indian Tribe and Reservation in their petition for federal acknowledgement. The history and culture of the Mattaponi Tribe is well known throughout the region, as they are one of the two Virginia Indian tribes that have maintained reservation land since the seventeenth century. Our ancestors interacted with each other regularly in the distant past, but in the past century our bonds were cemented by the marriage of Chief O.T. Custalow (Mattaponi) to Elizabeth Newton (Patawomeck).¹²² Our communities have maintained important relationships on both personal and governmental levels and because of this we wholeheartedly endorse their petition for federal acknowledgement.</p> <p>Respectfully, Chief: Charles Bullock¹²³</p>
September 9, 2024	<p>Dear Assistant Secretary Newland,</p> <p>On behalf of the Commonwealth of Virginia, I write to support the Mattaponi Indian Tribe’s petition for federal acknowledgement. Over the four hundred years since the first permanent English settlement at Jamestown, Virginia’s native people have contributed greatly to the vitality of both the Commonwealth of Virginia and the nation and continue to do so.</p> <p>The Commonwealth of Virginia and the Mattaponi have engaged in a tenured, well-documented relationship for over 346 years. The Mattaponi agreed to the Articles of Peace with the European colonists in 1646 – later ratified in 1677. In 1658, an act of the General Assembly established the Mattaponi Reservation along the banks of the Mattaponi River in King William County, Virginia.</p> <p>Since 1646, the Mattaponi people have fulfilled their treaty obligations by presenting an annual tribute to the Governor of Virginia to secure our Government-to-Government relationship. I look forward to the 347th Tribute ceremony this November to further honor this sacred agreement.</p> <p>The Mattaponi Indian Tribe is governed by a Chief, Assistant Chief, and seven-member Council. My office has enjoyed a productive working relationship with Chief Mark T. “Falling Star” Custalow over the last three years, and I look forward to continuing to work with Chief Custalow in the future.</p> <p>Thank you for your consideration, Regards Glenn Youngkin¹²⁴</p>
October 1, 2024	<p>Dear Assistant Secretary – Indian Affairs, Bryan Newland</p> <p>As Chief of the Chickahominy Indian Tribe, I am both humbled and honored to submit a letter of support for the Mattaponi Indian Tribe and Reservation’s Federal Recognition Petition project in King William County, Virginia. Very soon, the Mattaponi Tribe will be submitting their Petition to the Office of Federal Acknowledgment for approval.</p> <p>For the Mattaponi Indian Tribe and its people, the petition for sovereignty through the Federal Recognition process relies on substantial evidence and documentation, in support of becoming a Federally Recognized Tribe. In this respect, the archives and history of the Mattaponi Tribe and its people is also the history of the Commonwealth of Virginia. The</p>

¹²² Elizabeth Newton is listed in the Mattaponi Indian Tribe’s genealogy as Non-Indian because the Mattaponi Indian Tribe does not have full genealogical documentation establishing her lineage. She is, however, regarded by the Mattaponi and Patawomeck tribes as Patawomeck and is generally regarded as a connection between the two tribes.

¹²³ Letter: Chief Charles Bullock to Bryan Newland, 20 August 2024, Mattaponi Indian Tribe Private Archive.

¹²⁴ Letter: Governor Glenn Youngkin to Bryan Newland, 9 September 2024, Mattaponi Indian Tribe Private Archive.

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Date	Excerpt
	<p>Mattaponi Tribe is one of two reservations in the State of Virginia on lands that were reserved for the tribe in colonial treaties. Over the past 346 years the Mattaponi tribe has maintained their treaty relationship, initiated with the 1646 Articles of Peace, continued with 1677 treaty of middle plantation, with lands further preserved by a 1658 Act of the General Assembly. As a Federal Recognized Tribe and Chief of the Chickahominy Tribe, I fully support the approval of the Mattaponi Tribes' Federal Recognition submission and look forward to a successful outcome for Chief Mark T. Custalow, the Mattaponi Tribe, and its citizens.</p> <p>Best Regards, Chief, Stephen R. Adkins Chief of the Chickahominy Tribe¹²⁵</p>
October 16, 2024	<p>Dear Assistant Secretary – Indian Affairs, Bryan Newland</p> <p>As Chief of the Upper Mattaponi Indian Tribe, I am honored to submit a letter of support for the Mattaponi Indian Tribe and Reservation's Federal Recognition Petition.</p> <p>As a state recognized tribes for many years, the Mattaponi Indian Tribe has a long history and tribal evidence, in support of becoming a Federally Recognized Tribe. The Mattaponi Tribe and its people have a long-standing relationship with the Federal Recognized tribes here in Virginia and the Commonwealth of Virginia.</p> <p>As a Federally Recognized Tribe, and Chief of the Upper Mattaponi Tribe, I fully support the approval of the Mattaponi Tribes' Federal Recognition submission and look forward to a successful outcome for Chief Mark T. Custalow, the Mattaponi Tribe, and its citizens.</p> <p>Best Regards, Chief, W. Frank Adams Chief of the Upper Mattaponi Tribe¹²⁶</p>
October 18, 2024	<p>Dear Assistant Secretary – Indian Affairs, Bryan Newland</p> <p>As Chief of the Monacan Indian Nation, I am honored to submit a letter of support for the Mattaponi Indian Tribe and Reservation's Federal Recognition Petition project in King William County, Virginia. Very soon, the Mattaponi Tribe will be submitting their Petition to the Office of Federal Acknowledgment for approval.</p> <p>For the Mattaponi Indian Tribe and its people, the petition for sovereignty through the Federal Recognition process relies on substantial evidence and documentation, in support of becoming a Federally Recognized Tribe. In this respect, the archival and history of the Mattaponi tribe and its people is also the history of the Commonwealth of Virginia. The Mattaponi Tribe is one of two reservations in the State of Virginia on lands that were reserved for the tribe in colonial treaties.</p> <p>Over the past 346 years the Mattaponi tribe has maintained their treaty relationship, initiated with the 1646 Articles of Peace, continued with 1677 treaty of middle plantation, with lands further preserved by a 1658 Act of the General Assembly. As a Federal Recognized Tribe and Chief of the Nation, I fully support the approval of the Mattaponi Tribes' Federal Recognition submission and look forward to a successful outcome for Chief Mark T. Custalow, the Mattaponi Tribe, and its citizens.</p>

¹²⁵ Letter: Chief Stephen R. Adkins to Bryan Newland, 1 October 2024, Mattaponi Indian Tribe Private Archive.

¹²⁶ Letter: Chief W. Frank Adams to Bryan Newland, 16 October 2024, Mattaponi Indian Tribe Private Archive.

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Date	Excerpt
	<p>Best Regards, Diane Shields Tribal Chief¹²⁷</p>
October 18, 2024	<p>Dear Mr. Newland</p> <p>I am honored to support the Mattaponi Indian Tribe and Reservation for their process of seeking Federal Acknowledgement.</p> <p>They have been a vital and strong component to our tribal communities. It has been a pleasure to know these peoples for my lifetime and learn their history through powwows and shared events with all our tribes.</p> <p>I have been pleased to have the opportunity to get to know Chief Mark Custalow as I navigate my new position as chief of Chickahominy Indian Tribe Eastern Division.</p> <p>Sincerely Joanne Howard Chief¹²⁸</p>
October 21, 2024	<p>Dear Mr. Newland:</p> <p>As chief of the Nansemond Indian Nation, I am honored to submit a letter of support for the Mattaponi Indian Tribe and Reservation’s Federal Recognition Petition project in King William County, Virginia. Very soon, the Mattaponi Tribe will be submitting their Petition to the Office of Federal Acknowledgement for approval.</p> <p>For the Mattaponi Indian Tribe and its people, the petition for sovereignty through the Federal Recognition process relies on substantial evidence and documentation, in support of becoming a Federally Recognition Tribe. In this respect, the archival and history of the Mattaponi Tribe and its people is also the history of the Commonwealth of Virginia. The Mattaponi Tribe is one of two reservations in the State of Virginia on lands that were reserved for the tribe in colonial treaties. Over the past 346 years the Mattaponi tribe has maintained their treaty relationship, initiated with the 1646 Articles of Peace, continued with 1677 treaty of middle plantation, with lands further preserved by a 1658 Act of the General Assembly.</p> <p>As a federally recognized tribe and chief of the Nansemond Indian Nation, I fully support the approval of the Mattaponi Tribe’s Federal Recognition submission and look forward to a successful outcome for the Chief Mark T. Custalow, the Mattaponi Tribe, and its citizens.</p> <p>Sincerely, Keith F. Anderson Tribal Chief¹²⁹</p>
October 21, 2024	<p>Dear Assistant Secretary Newland,</p> <p>On behalf of the Rappahannock Tribe, I write to offer our full support to the Mattaponi Indian Tribe & Reservation as they seek federal recognition. The Mattaponi Indian Tribe is a documented independent and self-governing native community that is recognized by the state of Virginia and deserves recognition on the federal level as well. It is our hope that you</p>

¹²⁷ Letter: Chief Diane Shields to Bryan Newland, 18 October 2024, Mattaponi Indian Tribe Private Archive.

¹²⁸ Letter: Chief Joanne Howard to Bryan Newland, 18 October 2024, Mattaponi Indian Tribe Private Archive.

¹²⁹ Letter: Chief Keith F. Anderson to Bryan Newland, 21 October 2024, Mattaponi Indian Tribe Private Archive.

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Date	Excerpt
	<p>support the Mattaponi Indian Tribe in their fight to attain federal recognition moving forward.</p> <p>Sincerely,</p> <p>G. Anne Richardson Chief of the Rappahannock Tribe¹³⁰</p>
October 21, 2024	<p>Dear Mr. Newland,</p> <p>I am writing today in support of the petition for federal recognition of the Mattaponi Indian Tribe located in the County of King William, Virginia. Since its inception in 2020 The Pocahontas Project has been proud to call the Mattaponi Indian Tribe a friend and a partner, working closely with the Mattaponi Tribal Council, Chief Mark T. “Falling Star” Custalow and Lois “Morning Glory” Custalow Carter on many projects. From the beginning of our relationship I have been aware the Tribe is working diligently to compile a fully documented petition for federal recognition, choosing the process that requires the full demonstration of its history. I understand this is a significant process given the history of the Mattaponi Indian Tribe is so long and deeply intertwined with the history of the Commonwealth of Virginia and the United States of America.</p> <p>While the history of the Mattaponi extends for thousands of years, the history the Department of the Interior is interested in essentially begins with first contact between the Tribe and English settlers. Officially, the Tribe’s 346 year relationship with the Commonwealth of Virginia General Assembly through the 1677 Treaty of Middle Plantation, with lands defined by a 1658 Act of the Virginia General Assembly, make the Mattaponi one of two reserved Tribes in Virginia on lands reserved for the tribe in colonial treaties. They are the only reserved Tribe in the commonwealth without federal recognition.</p> <p>As I am sure you are aware, the Commonwealth of Virginia has made the process of presenting the Mattaponi petition very difficult, especially starting one hundred years ago with its Racial Integrity Act. Despite these challenges the Mattaponi Indian Tribe has persevered and the Pocahontas Project believes the tribe is worthy of recognition by the government of the United States of America. Thank you for your time and consideration of their petition.</p> <p>Rick Tatnall The Pocahontas Project¹³¹</p>
October 22, 2024	<p>Dear Mr. Newland:</p> <p>I am writing to express my strong support for the Mattaponi Indian Tribe’s petition for federal acknowledgment, which they plan to submit within the next 30 days. As one of the only two recognized Tribes in Virginia with reserved lands established through colonial treaties, the Mattaponi holds a unique and significant place in our nation’s history. Unfortunately, they remain the only reservation Tribe in the Commonwealth without federal acknowledgement.</p> <p>Over the past several years, the Tribe has worked diligently to compile a thoroughly documented petition, demonstrating their rich history and longstanding relationship with the United States. This commitment to transparency and documentation reflects the Tribe’s deep respect for their heritage and their determination to uphold the treaties that have shaped their existence for over 346 years, beginning with the 1646 Articles of Peace and continuing through the 1677 Treaty of Middle Plantation.</p>

¹³⁰ Letter: Chief G. Anne Richardson to Bryan Newland, 21 October 2024, Mattaponi Indian Tribe Private Archive

¹³¹ Letter: Rick Tatnall to Bryan Newland, 21 October 2024, Mattaponi Indian Tribe Private Archive

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Date	Excerpt
	<p>The Mattaponi Indian Tribe is governed by a Chief and Council, with Chief Mark T. “Falling Star” Custalow currently leading the Tribe. Under his guidance, the Tribe has maintained its cultural traditions and strengthened its community ties, all while navigating the complex landscape of federal recognition.</p> <p>My relationship with the Mattaponi has been profoundly enriching, particularly through initiatives like the Pocahontas Project, which aims to honor and preserve the Tribe’s cultural legacy. I have witnessed firsthand the Tribe’s resilience and dedication to their people and heritage.</p> <p>I urge you to give full consideration to their petition for federal acknowledgment. The recognition of the Mattaponi Indian Tribe is not only a matter of justice but also an essential step in honoring the treaties that have been in place for centuries.</p> <p>Thank you for your attention to this important matter. Should you require any further information or if you would like me to provide additional context, please do not hesitate to contact me.</p> <p>Sincerely, The Rt. Rev. E. Mark Stevenson Bishop of Virginia¹³²</p>
October 24, 2024	<p>Dear ASIA Bryan Newland,</p> <p>As Chief of the Pamunkey Indian Tribe, I am honored to submit a letter of support for the Mattaponi Indian Tribe’s Federal Acknowledgement Petition. As we understand, the Mattaponi Tribe will soon be submitting their petition to the Office of Federal Acknowledgment.</p> <p>Both the Mattaponi Tribe and Pamunkey Tribe have occupied what remains of our traditional lands for more than 10,000 years. Those remaining lands, now called “reservations” are the two oldest reservations in the United States as recognized by treaties between our tribes and the Crown of England first signed in the 17th century and now recognized and honored by both our tribe with the Commonwealth of Virginia. The distance of only 7 miles between our two reservations speaks to the close relationship between our people and our tribes and a frequently overlapping history. We believe that the Mattaponi Indian Tribe’s petition for acknowledgement as a sovereign Indian Tribe relies on the substantial evidence and documentation that will support all acknowledgement requirements.</p> <p>As the elected representatives of a Federal Acknowledged Tribe, my Tribal Council and I fully support the approval of the Mattaponi Tribes’ Federal Acknowledgement petition and look forward to a successful outcome for the Mattaponi Tribe and its citizens.</p> <p>On behalf of the Tribal Council, Chief Robert Gray¹³³</p>
October 24, 2024	<p>Commonwealth of Virginia Office of the Lieutenant Governor [...]</p> <p>Dear Assistant Secretary Newland</p> <p>I am pleased to provide my letter of support for the Mattaponi Indian Tribe and Reservation’s Federal Recognition Petition project in King William County, Virginia.</p>

¹³² Letter: Rt. Rev. E. Mark Stevenson to Bryan Newland, 22 October 2024, Mattaponi Indian Tribe Private Archive.

¹³³ Letter: Chief Robert Gray to Bryan Newland, 24 October 2024, Mattaponi Indian Tribe Private Archive.



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Date	Excerpt
	<p>The Mattaponi Indian Tribe’s petition contains substantial evidence and documentation in support of becoming a Federally Recognized Tribe.</p> <p>I further offer that the history of the Mattaponi Tribe is, without question, also part of the history of the Commonwealth of Virginia. The Mattaponi Tribe is one of two reservations in the Commonwealth of Virginia on lands that were reserved for the tribe in colonial treaties. Over the past 346 years the Mattaponi tribe has maintained their treaty relationship, initiated with the 1646 Articles of Peace and continued with the 1677 Treaty of Middle Plantation, with lands further preserved by a 1658 Act of the General Assembly.</p> <p>I write with great admiration for the friendship the Commonwealth shares with Chief Mark T. Custalow, the Mattaponi Tribe, and its citizens, and again express my support for the approval of the Mattaponi Tribes’ [sic] Federal Recognition submission.</p> <p>Sincerely, Winsome Earle-Sears</p>

Safeguarding Natural and Cultural Resources

The Mattaponi Tribal Council sought to protect natural and cultural resources throughout this period, participating in several consultation activities related to federally funded development with potential environmental impacts on the reservation and on various cultural resources of significance to the Tribe. Participation in such consultation is an important expression of tribal sovereignty and self-determination. Recent consultations have included notice for comment from the Department of Environmental Quality on a proposed project that would affect air quality (February 5, 2021), Virginia Department of Military Affairs timber harvest and wildfire management practices (August 29, 2022; September 27, 2022), environmental assessment of armored multi-purpose vehicles (October 6, 2022), bioarchaeological findings at Jamestown (November 1, 2022), and a cultural resources management plan with the Warrenton Training Center. These letters further demonstrate the engagement of state and federal agencies with the Tribe as a tribal government with standing to participate in consultation under Section 106 and NAGPRA, showing those agencies’ recognition of the Mattaponi Tribal Council as the government entity representing the interests of the Mattaponi Indian Tribe.

Table C7-25. External Relations, 2020-Present: Safeguarding Cultural and Natural Resources.

Date	Excerpt
February 5, 2021	<p>Dear Chief Custalow,</p> <p>You requested that [the Department of Environmental Quality] notify you of the opportunity to comment on proposed major stationary source permits.</p> <p>The Blue Ridge Regional Office of the Virginia Department of Environmental Quality has made a preliminary determination concerning the application for a Title V Federal Operating Permit for Volvo Group north [sic, North] America LLC, pursuant to 9 VAC 5, Chapter 80, Article 1 of the <u>Virginia Regulations for the Control and Abatement of Air Pollution</u>.</p> <p>[...]</p> <p>Sincerely, </p> <p>For </p>

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Date	Excerpt
	Air Permit Writer ¹³⁴
August 29, 2022	<p>Commonwealth of Virginia Department of Military Affairs Adjutant General's Office [REDACTED]</p> <p>The Honorable [REDACTED] [REDACTED], Mattaponi Indian Tribe</p> <p>[...]</p> <p>[REDACTED]</p> <p>The Virginia Department of Military Affairs-Virginia Army National Guard (VDMA-VaARNG) has proposed a timber harvest for Fiscal Year (FY) 2023 at Maneuver Training Center (MTC) Fort Pickett in Dinwiddie and Nottoway counties, Virginia. In reference to Section 106 of the National Historic Preservation Act, as amended, and its implementing regulation, 36 CFR Part 800 (Protection of Historic Properties), the VDMA-VaARNG has determined that this action constitutes an undertaking and therefore invites the Mattaponi Indian Tribe to review and provide comments in accordance with 36 CFR Part 800 2(c)(2)(5). [...]¹³⁵</p>
September 27, 2022	<p>Commonwealth of Virginia Department of Military Affairs Adjutant General's Office [REDACTED]</p> <p>Subject: Maneuver Training Center (MTC) Fort Pickett Integrated Wildland Fire Management Plan</p> <p>Mattaponi Indian Tribe Attention: The Honorable [REDACTED]</p> <p>[...]</p> <p>The Honorable [REDACTED],</p> <p>The Virginia Department of Military Affairs-Virginia Army National Guard (VDMA-VaARNG) is preparing an Integrated Wildland Fire Management Plan (IWFMP), for Maneuver Training Center (MTC) Fort Pickett, located in Nottoway, Brunswick and Dinwiddie counties, Virginia. In reference to Section 106 of the National Historic Preservation Act, as amended, and its implementing regulation, 36 CFR Part 800 (Protection of Historic Properties), the VDMA-VaARNG has determined that this action constitutes an undertaking and therefore invites the Mattaponi Indian Tribe to review and provide comments in accordance with 36 CFR Part 800 2(c)(2)(5). [...]¹³⁶</p>
October 6, 2022	Commonwealth of Virginia Department of Military Affairs Adjutant General's Office

¹³⁴ Letter [REDACTED] to [REDACTED], 5 February 2021, [REDACTED] Collection, Box 4, Folder 11.

¹³⁵ Letter: Department of Military Affairs to [REDACTED], 29 August 2022, [REDACTED] Collection, Box 8, Folder 4.

¹³⁶ Letter: Department of Military Affairs to [REDACTED], 27 September 2022, [REDACTED] Collection, Box 8, Folder 4.

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Date	Excerpt
	<p>[REDACTED]</p> <p>Subject: National Environmental Policy Act Document Review</p> <p>[...]</p> <p>Dear Honorable [REDACTED],</p> <p>In accordance with the National Environmental Policy Act Implementing Regulations (40 CFR Parts 1500-1508), the United States Army has prepared a Programmatic Environmental Assessment (PEA) for the stationing and fielding of the Armored Multi-Purpose Vehicle (AMPV) to appropriate Active and Reserve Component (AC and RC, respectively) Army units and National Guard units, hereafter referred to as the AMPV PEA. [...]¹³⁷</p>
November 1, 2022	<p>Jamestown Rediscovery Historic Jamestowne</p> <p>[REDACTED] Mattaponi Indian Tribe</p> <p>[...]</p> <p>Dear [REDACTED],</p> <p>I write to let you know that Jamestown Rediscovery (Preservation Virginia) has recently gathered preliminary aDNA results from the remains of dogs, recovered from James Fort 1607-1617 contexts, that cannot be excluded as indigenous. [...]¹³⁸</p>
February 15, 2023	<p>Chief Mark Custalow Mattaponi Indian Tribe</p> <p>[...]</p> <p>Dear [REDACTED],</p> <p>In compliance with U.S. Army (Army) Regulation (AR) 200-1 and Department of Defense Instruction 4715.16, Warrenton Training Center (WTC) is in the process of preparing an integrated Cultural Resources Management Plan (CRMP) for WTC Stations A, B, and C in Fauquier County and Station D in Culpeper County, Virginia. Because precontact Native American artifacts and sites have been identified at WTC, we are requesting consultation with the Mattaponi Indian Tribe as part of the ICRMP process.</p> <p>[...]</p> <p>Sincerely,</p> <p>[REDACTED] Cultural Resource Manager Chief WTC Environmental Safety Office¹³⁹</p>
April 21, 2023	<p>Honorable [REDACTED] West Point, Virginia</p> <p>Dear Honorable [REDACTED],</p>

¹³⁷ Letter: Department of Military Affairs to [REDACTED], 6 October 2022, [REDACTED] Collection, Box 8, Folder 4.

¹³⁸ Letter: Preservation Virginia to [REDACTED], 1 November 2022, [REDACTED] Collection, Box 8, Folder 4.

¹³⁹ Letter: [REDACTED] to [REDACTED], 15 February 2023, [REDACTED] Collection, Box 8, Folder 4.

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Date	Excerpt
	<p>On behalf of the Commonwealth of Virginia, I am announcing a Tribal Consultation on the forthcoming broadband funding that will be allocated to the Commonwealth of Virginia through the Broadband Equity, Access, and Deployment (BEAD) Program, as well as programs under the Digital Equity Act by the Infrastructure Investment and Jobs Act (IIJA). [...]</p> <p>My administration, through DHCD, is committed to holding this consultation to ensure that Tribal Governments provide input in the development of these plans and future broadband programs. This letter serves as an invitation for you and/or a representative from your Tribal Government to join and participate in discussions. [...]</p> <p>Sincerely,</p> <p>Glenn Youngkin¹⁴⁰</p>

Tax Exemption

In the 2020s, the Mattaponi Indian Tribe requested a ruling from the Virginia Department of Taxation to ensure the tax status of tribal members employed by the Tribe and working on the Mattaponi Indian Reservation. The Tribe argued, based on 1677 treaty and a similar ruling in favor of the neighboring Pamunkey Indian Tribe, that tribal members pursuing economic activities on the reservation should not be subject to state income tax regardless of whether they reside on the reservation. The actions of Mattaponi leadership to safeguard tribal tax exemption are documented in the table below.

Table C7-26. External Relations, 2020-Present: Tax Exemption.

Date	Excerpt
February 16, 2023	<p>[REDACTED], Commissioner Virginia Department of Taxation [REDACTED]</p> <p>RE: Request for Ruling for Individual Income Tax State status</p> <p>Dear [REDACTED]:</p> <p>The Mattaponi Indian Tribe is seeking a ruling regarding the taxability of income earned by enrolled Tribal members who are employed by the Tribe and work on the Mattaponi Indian Reservation. [...]</p> <p>The Tribe is requesting a ruling on whether income earned by a member of the Tribe who is also an employee working on the Reservation is taxable in Virginia if that member does not reside on the reservation. [...]</p> <p>The Pamunkey Indian Tribe received a ruling from your office on March 6, 2019. The ruling states that a “member of the Tribe who resides on the reservation and earned income from an occupation pursued on the reservation is unquestionably not subject to state tax.” That ruling notes that the “Department has consistently ruled that a member of a tribe is exempt from taxation from pursuits engaged on their tribe’s reservation. As long as an individual is a bona fide member of the Tribe and the income is derived from activities pursued on that tribe’s reservation, the income is exempt from Virginia income tax.”</p>

¹⁴⁰ Letter: Gov. Glenn Youngkin to [REDACTED], 21 April 2023, [REDACTED] Collection, Box 8, Folder 4.

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Date	Excerpt
	<p>We are grateful for your timely consideration of this request. Please reach out me directly if you have questions or need clarification.</p> <p>Sincerely,</p> <p>██████████ Mattaponi Indian Tribe¹⁴¹</p>
February 2, 2023	<p>Good afternoon, ██████████</p> <p>Per our conversation earlier this morning, attached are the documents from the Commonwealth of Virginia, signed by Nicole Brenner and Tax Commissioner Craig Burns in 2019 declaring that Pamunkey Indian Tribe and Reservation is exempt from paying state taxes based on the stated analysis and criteria. The Mattaponi Indian Tribe and Reservation is also requesting clarification that this ruling applies to the Mattaponi Indian Tribe and Reservation here in King William County, Virginia. [...]</p> <p>We would like confirmation back from the Tax representative that [the] Mattaponi Reservation is also subject to the same ruling as Pamunkey Reservation. [...]</p> <p>Thank you again for your support.</p> <p>██████████ [on behalf of ██████████] ¹⁴²</p>
March 29, 2023	<p>Commonwealth of Virginia Department of Taxation</p> <p>██████████ Mattaponi Indian Tribe ██████████</p> <p>Re: Ruling Request Individual Income Tax</p> <p>Dear ██████████</p> <p>This will acknowledge your letter dated March 16, 2023 in which you have filed a ruling request on behalf of the Mattaponi Indian Tribe.</p> <p>I will review the facts in this case and contact you about any questions. The Tax Commissioner will advise you of his decision regarding this ruling request. [...]</p> <p>Sincerely,</p> <p>██████████ Director Appeals and Rulings¹⁴³</p>
May 24, 2023	<p>Dear ██████████:</p> <p>This will respond to your letter in which you seek a ruling regarding the taxability of income earned by members of the Mattaponi Indian Tribe (the "Tribe") who do not reside on their reservation but who earn income from employment on the reservation.</p> <p style="text-align: center;">FACTS</p>

¹⁴¹ Letter: ██████████ to ██████████, Virginia Department of Taxation. February 16, 2023. Personal Collection of ██████████

¹⁴² Email Chain: ██████████, Mattaponi Indian Tribe, and ██████████, Virginia Department of Taxation. 2 February 2023 to 17 February 2023, Personal Collection of ██████████, PDF 5. Please note that this email correspondence includes relevant responses from the Commonwealth, available for review on site.

¹⁴³ Letter: ██████████, Director of Appeals and Rulings, to ██████████ of the Mattaponi Indian Tribe, 29 March 2023, Collection of ██████████, Box 8, Folder 4.

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Date	Excerpt
	<p>The Tribe is an Indian tribe with a reservation located in Virginia. Several members of the Tribe do not reside on the reservation, but they are employed by the Tribe and work on the reservation. [...]</p> <p style="text-align: center;">DETERMINATION</p> <p>[...] In an effort to bring more clarity to issues surrounding the state income taxation of Tribe members, the following scenarios may be useful:</p> <ul style="list-style-type: none"> • If an individual is a bona fide member of the Tribe and earns income from activities pursued on their Tribe's reservation, the income is exempt from Virginia income tax regardless of whether the individual lives on or off the reservation. • If an individual is a bona fide member of the Tribe and earns income from activities pursued off their Tribe's reservation, the income is subject to Virginia income tax regardless of whether the individual lives on or off the reservation. <p>[...]</p> <p>Sincerely,  Tax Commissioner¹⁴⁴</p>
June 22, 2023	-Received tax bill for 33 acres of land owned by Reservation  will talk to Commissioner of Revenue to change status to tax exempt. ¹⁴⁵

Tribal Representation

Throughout this period, Mattaponi tribal leaders represented the Tribe in conjunction with leaders from the other state recognized tribes. In many instances, the Chief was asked to represent the Tribe at regional events, such as William and Mary's Charter Day Ceremony (January 26, 2024). That such representation was presented to Council for discussion is indicative of the weight the Tribal Council and the community puts on tribal leaders' representation of the Tribe in relation to the public.

Table C7-27. External Relations, 2020-Present: Ceremonial Representation in Tribal Meeting Minutes.

Date	Excerpt
January 26, 2024	William and Mary is having a charter day ceremony on 2/9/24. Other tribes and dignitaries will be there. VIMS will hold luncheon as well same day ¹⁴⁶

Further evidence of leaders' representation of the Mattaponi Indian Tribe in ceremonial events includes their participation, alongside other Virginia tribes, in Indigenous Peoples' Day events (October 12, 2021; October 15, 2024). Chief Custalow also joined with other leaders of Virginia's tribes to share an intertribal meal to discuss tribal issues at the Governor's mansion (April 18, 2023).

Table C7-28. External Relations, 2020-Present: Ceremonial Representation in Newspapers and Letters.

Date	Excerpt
October 12, 2021	<p>Elliott, with representatives of the Mattaponi, Patowomeck and Cheroenhaka tribes, stood with Mayor Levar Stoney on Monday to commemorate the first people to ever walk the lands of America.[...]</p> <p>The fact that we are celebrating Indigenous Peoples' Day and not Columbus Day at this museum and in this city speaks volumes as to how far we've come," [Richmond Mayor] Stoney said during Monday's ceremony. "And that is why today, on the second Monday in</p>

¹⁴⁴ Letter: , Virginia Department of Taxation, to , 24 May 2023, Personal Collection of 

¹⁴⁵ Tribal Meeting Minutes, 22 June 2023, Tribal Government Collection, PDF Page 103-104.

¹⁴⁶ Tribal Meeting Minutes, 26 January 2024, Tribal Government Collection, PDF Page 143.

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Date	Excerpt
	<p>October, we rightfully acknowledge and celebrate the founding people of this great land, our Indigenous people, and thank them for their contributions. As most of you know, the first people to populate the land that now comprises the city of Richmond were members of multiple tribes, including the Pamunkey, the Nottoway, the Mattaponi, the Upper Mattaponi and the Nansemond Indian Nation, each with their own diverse histories and diverse cultures," Stoney said Monday.¹⁴⁷</p>
<p>April 18, 2023</p>	<p>Chief Custalow,</p> <p>Thank you for taking the time to travel to the Executive Mansion so we could gather around the table and share a meal together. The First Lady and I thoroughly enjoyed our time learning more about your tribe's history, and efforts to preserve and perpetuate your culture and traditions for future generations.</p> <p>[...]</p> <p>Very Sincerely,</p> <p>Glenn Youngkin¹⁴⁸</p>
<p>October 15, 2024</p>	<p>Five wooden boards line a chain-link fence at Powhatan Hill Park in Richmond's East End. Each features a white letter written on a bright background. It reads: Peace.</p> <p>That was the message nearly a dozen of Virginia's tribes sought to convey Monday afternoon as they welcomed descendants, community members and local, state and federal political officials to celebrate Indigenous Peoples Day.</p> <p>The holiday recognizes the original inhabitants of North America and is observed by some in lieu of Columbus Day. Virginia has 11-state recognized Native American tribes.</p> <p>"We're all proud of our heritage. We're all proud of what we are. All proud of the contribution that we have made to what is now the United States of America," said Upper Mattaponi Tribal Chief Frank Adams. "It gladdens my heart that I should come and see so many of these folks that have come to learn, to communicate, talk to us, listen to our stories - and our complaints - it's a good day."</p> <p>At one end of Powhatan Hill Park on Monday, near the playground where young children took turns swinging and sliding, a few tribal members set up a makeshift kitchen. The smell of dough frying mingled with the smell of meats and spices.</p> <p>When they announced the first batch of frybread and Indian tacos were ready, a line began to form and continued in the hours following.</p> <p>On the other end of the park, a game of shinny - a traditional Native sport similar to field hockey - starts up, with participants welcoming folks both young and old. Wooden sticks strike against one another as one player dives for the ball.</p> <p>While the event's organizers welcomed hundreds to the park to enjoy traditional Virginia</p>

¹⁴⁷ Nocera, J. "City officials, tribal representatives gather to celebrate Indigenous peoples," *Richmond Times Dispatch* (Richmond, Va), October 12, 2021. See also: Staff, "Correction," *Richmond Times Dispatch* (Richmond, Va), October 13, 2021.

¹⁴⁸ "Letter: Governor Glenn Youngkin to Chief Mark Custalow, 18 April 2023," [REDACTED] Collection, Box 8, Folder 4.

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Date	Excerpt
	Native cuisine, sport and culture, it also served as a way to honor the Virginia's federally recognized tribes while denouncing Columbus Day. ¹⁴⁹

Annual Tax Tribute

The Mattaponi and Pamunkey tribes present an annual tribute to the Governor of Virginia in lieu of taxes. This practice dates to the treaties of 1646 and 1677 which established that the Tribe's tribute obligation and Virginia's reciprocal obligations.¹⁵⁰ The event has continued throughout the contemporary period, though the 2020 event was limited by the pandemic and was not covered by journalists.¹⁵¹

Table C7-29. Annual Tax Tributes, 2020-Present.

Date	Excerpt
November 25, 2021	[...] According to the terms of a 1677 peace treaty, members of the Mattaponi and Pamunkey tribes deliver slaughtered animals to the governor before each Thanksgiving in exchange for not paying taxes. On Wednesday, tribal leaders, who didn't immediately respond to requests for comment, met with Gov. Ralph Northam, the 344th time the ritual has been performed." Mattaponi Chief ██████████ (center right) stands with Gov. Ralph Northam as his tribe pays their annual tax tribute to Virginia at the Executive Mansion on Wednesday. ¹⁵²
November 24, 2022	"Our hearts are heaving and broken yet again...we are focused on supporting families, families that today face unthinkable reality,' a solemn Gov. Youngkin said Wednesday, at the start of the traditional presentation of tribute from the Mattaponi and Pamunkey tribes to celebrate the 1677 Treaty of Middle Plantation. 'Over the past 345 years, Virginia, the Mattaponi, the Pamunkey, have had various times of grief not unlike today,' Youngkin said. ¹⁵³
January 7, 2023	Gov. Glenn Youngkin's administration says it continues to recognize ██████████ who appeared on behalf of the tribe when it presented its annual tax tribute of deer to the governor in November. He said he also appeared on behalf of the tribe in a meeting with other tribal chiefs on Friday. "There has been no change in who we recognize as chief of the Mattaponi," Secretary of the Commonwealth Kay Coles James said Thursday. ¹⁵⁴
November 22, 2023	Turkey may be the symbol of Thanksgiving in the U.S., but in Virginia, the first sign of the holiday is usually two deer laid before the steps of the Executive Mansion. For the 346th year, the Mattaponi and Pamunkey tribes presented the state's governor with an annual tribute of game as part of a ceremony that dates back to treaties signed in 1646 and 1677. "It is an honor to be here today to continue our government-to-government relationship with the commonwealth of Virginia and to continue this tradition that's been going on for many,

¹⁴⁹ Holter, E., "Indigenous Peoples Day celebrated in Va. - Virginia Native tribes share culture, history for Indigenous Peoples Day," *Richmond Times Dispatch*, October 15, 2024.

¹⁵⁰ Vaughan, A. T., *Early American Indian Documents: Treaties and Laws, 1607-1789 4* (Maryland: University Publications of America, 1983), 82-87 [PDF 57-59].

¹⁵¹ The 2020 event observed social distancing requirements and was not public (Personal Communication, Tribal Council, October 23, 2024). Oral history interviews detail regular involvement of tribal members in the annual tribute, including the interviews provided by ██████████ and ██████████

¹⁵² Staff, "Annual tribute," *Richmond Times Dispatch* (Richmond, Va), November 25, 2021.

¹⁵³ Ress, D., "Mattaponi, Pamunkey make their annual tribute," *Richmond Times Dispatch* (Richmond, Va), November 24, 2022.

¹⁵⁴ Martz, M., "1 tribe, 2 competing realities, in quest for federal recognition," *Richmond Times Dispatch* (Richmond, Va), January 7, 2023.

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Date	Excerpt
	many years," said Mattaponi Chief Mark Custalow Wednesday before presenting Gov. Glenn Youngkin with a seven-point buck shot on the tribe's reservation in King William County. ¹⁵⁵
November 23, 2023	<p>Two Native American tribes continues a 346-year-old tradition in front of the Executive Mansion in Richmond on Wednesday.</p> <p>The Mattaponi and Pamunkey tribes delivered game and gifts to Gov. Glenn Youngkin and first lady Suzanne Youngkin for the annual Tax Tribute Ceremony, a custom that precedes the birth of the United States by almost a century.</p> <p>Mattaponi ██████████ said that the name of the ceremony is somewhat misleading, as the offerings his tribe brings to the governor are not in lieu of taxes. Instead, his people are honoring a centuries-old commitment, and cementing the government-to-government relationship between his tribe and the commonwealth through a show of represent [<i>sic</i>], Custalow said.</p> <p>"We take the first things from our forests and waters during this season and present them to the governor," he said.</p> <p>[...] Custalow said the ceremony is also an opportunity to teach the tribe's youngest members about its history and tradition.</p> <p>The 1677 Treaty of Middle Plantation stipulated that tribal signatories would send a delegation to pay tribute to the governor "at this place of his Residence." At the time, the governor was a representative of the English crown, but the tradition continued.¹⁵⁶</p>

Conclusion

The Mattaponi Tribal Council's consistent representation of the Tribe in consultations, events, and at the annual tax tribute demonstrate its role in "representing the entity in dealing with outsiders in matters of consequence," (83.11(c)). The Tribal Council's efforts towards federal acknowledgment and advocacy for tribal sovereignty in terms of the Tribe's recognition status and well as tax exemptions are indicative of its ability to allocated entity resources, including tribal leaders' time, for group purposes (83.11 (c)(2)(i)(A)) and to organize shared or cooperative labor (83.11 (c)(2)(i)(D)). That tribal members regularly engaged in the federal petition process, as discussed above, and appealed to Tribal Council with questions about issues such as tax exemption demonstrates the import tribal members' attribute to "issues acted upon or actions taken by entity leaders" (83.11(c)(1)(ii)) and tribal members "knowledge, communication, or involvement in political processes" 83.11(c)(1)(iii).

Evidentiary Applicability

The evidence presented above demonstrates that the Mattaponi Indian Tribe fulfills Criterion 83.11 (c)(1) and (c)(2) for the period from 2020 to 2024. Additionally, the evidence from meeting minutes and primary and secondary sources show that the Tribe fulfills Criterion 83.11 (c)(2) at a high level and thus should be interpreted to meet Criterion 83.11 (b)(2)(v) for the same period.

¹⁵⁵ Vogelsong, Sarah. 2023, "For 346th year, Virginia tribes present governor with a tribute of game," *Virginia Mercury*. <https://virginiamercury.com/2023/11/22/for-346th-year-virginia-tribes-present-governor-with-a-tribute-of-game/>.

¹⁵⁶ Swenson, Ben. 2023, "Mattaponi and Pamunkey tribes carry on annual tradition with gifts to governor," *Tidewater Review*. <https://www.dailypress.com/2023/11/23/mattaponi-and-pamunkey-tribes-carry-on-annual-tradition-with-gifts-to-governor/>.

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D. Criterion 83.11(d): Governing Document

1. Introduction

The Mattaponi Indian Tribe meets the criterion 25 CFR 83.11 (d), which requires that it provide the entity's governing document and membership criteria. The Mattaponi Indian Tribe has retained self-governance since before the Tribe's participation in the Treaty of 1646 and the guarantee of its land base in 1658. The Tribe has retained independent control over its reservation since this time. By 1900, the Mattaponi Indian Tribe had a Tribal Council which administered the Reservation, providing allotments to tribal members and exercising authority through the tribal government. Meeting minutes and other governmental documents provide evidence of the Tribe's governing procedures, including its membership criteria. Written versions of early governing documents were recorded and later copied which is indicative of the Tribe's political authority throughout the 20th century (as discussed in the section on Political Authority, above), and written statements describing past procedures and membership criteria are presented below. In 2000, the Tribe embarked on an effort to revise and renew the constitution, which culminated in the Tribe's current Governing Document.¹ This document was adopted on April 29, 2023, by a unanimous vote.

2. Past Governing Documents

The first laws of the Tribe that still exist today were recorded in 1914 and then copied and preserved around the middle of the 20th century.² The existence of tribal laws is confirmed by historical records³ and ethnographic fieldnotes⁴ and is clear from tribal meeting minutes included in the petitioner's presentation of evidence in fulfillment of criterion 25 CFR 83.11 (c). These written and customary laws included membership criteria based on descendancy.

3. 2023 Constitution

The process to draft and adopt a constitution began in 2000.⁵ The Council met with an attorney to explore creating a constitution to serve as "a legal document between officers of the Tribe and the people who elected the official" and codify the "rules the Tribe uses to make decisions."⁶ During the period between 2000 and 2022, the Tribe intermittently worked on the constitution, revising the enrollment criteria around 2014.⁷ In early 2022, the constitution draft was completed and reviewed by the Tribe's attorneys⁸ which opened a yearlong revision period, addressing needs such as clarified rules for Trustee engagement, voting rights,⁹ and development of an election code.¹⁰ By January of 2023, the Council moved to appoint an Election Board.¹¹ In March 2023, the Tribe circulated a Mattaponi Resident Members Voting List and

¹ Tribal meeting minutes are discussed in detail in the section on Political Authority, above.

² Law Ledger, ██████████ Private Collection.

³ See, for example: Governor Davis, Westmorland, Executive Papers, Accession 21567a, State Government Records Collection, Library of Virginia, Richmond, Virginia, Box 19, Folder 3, PDF Page 1; Staff, "Letter from Asst. Chief Custalow," *The Tidewater Review* (West Point, Virginia), February 13, 1930; Custalow, Chief Geo. F. "Brief "History" of Mattaponi Reservation," *The Tidewater Review* (West Point, Virginia), January 13, 1938.

⁴ Rountree, Helen C. Fieldnotes, 1969-1973, Helen C. Rountree Papers, National Anthropological Archives, Smithsonian Institution, Washington, D.C., Box 2, Folder "Fieldnotes 1969-1973," PDF Page 4; Rountree, Helen C. Fieldnotes, April 1986-December 1986, Helen C. Rountree Papers, National Anthropological Archives, Smithsonian Institution, Washington, D.C., Box 3, Folder "Fieldnotes April 1986-December 1986," PDF Page 5.

⁵ Tribal Meeting Minutes, 26 September 2000, Tribal Government Collection, PDF Page 1.

⁶ Council Meeting with ██████████ on Writing Constitution, 27 October 2000, Tribal Government Collection, PDF Page 1.

⁷ ██████████, "Interview: ██████████ Part Two," by ██████████ and ██████████, Mattaponi Indian Tribe, August 17, 2023, PDF Page 10.

⁸ Council Meeting Minutes, 5 March 2022, Tribal Government Collection, PDF Page 3.

⁹ Council Meeting Minutes, 23 June 2022, Tribal Government Collection, 2022-Current Notebook. PDF Page 20.

¹⁰ Council Meeting Minutes, 5 March 2022; Council Meeting Minutes, 23 June 2022; Council Meeting Minutes, 22 October 2022; Tribal Government Collection, PDF Pages 3, 20, and 30.

¹¹ Council Meeting Minutes, 19 January 2023, Tribal Government Collection, PDF Page 38.

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publicized the procedure for challenging inclusions and exclusions to the list.¹² Challenges to the list were decided by the Council on March 20, resulting in an eligible voting body of 28 eligible voting members. Of these, 22 participated in the constitutional ratification at which the constitution was unanimously adopted.¹³ The constitution was formally ratified on April 29, 2023. The constitution is attached as a part of the Supporting Documentation to this section.

4. Summary

The Tribe fulfills criterion 25 CFR 83.11 (d) and has provided its governing document and membership criteria in a copy of its 2023 constitution, which formalizes and continues the Mattaponi Indian Tribe's written and customary law as outlined in the Political Authority section, above.

¹² Council Meeting Minutes, 2 March 2023, Tribal Government Collection, PDF Page 68; Mattaponi Tribal Council, "Tribal Notice," 10 March 2023.

¹³ Election Board Certification of Constitution Ratification, 29 April 2023, Tribal Government Collection.

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E. Criterion (e): Descent from Historical Indian Tribe

1. Introduction

*The Mattaponi Indian Tribe is the successor of the historical Mattaponi Indian Tribe documented beginning in 1607. The current membership descends from the Mattaponi Indian Reservation community as documented in historical lists including an 1868 list of reservation residents and the 1870 U.S. census. The community outlined by these lists constitutes the *Historical Indian Tribe* for the purposes of the Tribe's Petition for Federal Acknowledgment. The individual ancestors listed on the Tribe's 1910 base roll,¹ which is used for the purposes of its membership criteria, relate directly to these lists. The documentary record demonstrates the direct descent of the contemporary Mattaponi Indian Tribe from the *Historical Indian Tribe*. Moreover, the genealogical evidence indicates that 100% of enrollees directly descend from a documented historical Mattaponi individual on one of the above-named lists, thus fulfilling criterion 83.11 (e).*

2. Current Membership List

Summary

The current membership list of the Mattaponi Indian Tribe is included in the Appendix for Section IV, Part E. The Tribal Roll includes 381 individuals, clustered in King William County, Virginia, where the Tribe's state reservation is located. Approximately 9% of Mattaponi members reside on the Mattaponi Indian Reservation. King William County is home to 20% of current Mattaponi enrollees, and 71% of all Mattaponi people reside in the state of Virginia. The density map below illustrates the residence pattern of currently enrolled tribal members living in Virginia by county, with King William County appearing as the most populated area.



Figure E-1. Density Map of Mattaponi Residency by County

¹ The Base Roll is available in the Appendix to Section IV, Part E.

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Current Membership List Preparation

The Mattaponi Indian Tribe has regularly maintained an enrollment list in the modern period. In 2020, the petitioner received an Administration for Native Americans grant to develop its Petition for Federal Acknowledgment. Since then, the Tribe has been updating membership files for all enrolled tribal members to ensure a standardized approach to enrollment documentation. The maintenance of the Tribe's enrollment list and related membership files as well as the addition of newly enrolled members are managed by the Tribe's Enrollment Specialist, who provides research and genealogical assistance to existing and potential members and prepares new applications for Tribal Council's review and approval.

As a part of the Tribe's recent efforts to standardize the enrollment process, the Enrollment Specialist reached out via phone, email, and social media to lineal descendants who had not yet completed updated enrollment applications. The Enrollment Specialist then provided them with up-to-date information on the enrollment process along with a list of documentation needed to complete their file. The Mattaponi Petition Office provided in-person assistance to tribal members and lineal descendants who needed to update their enrollment file or submit a new application for enrollment. In-person enrollment consultation was generally offered on dates that coincided with Mattaponi community events, such as Homecoming and Powwow to reach the out-of-state tribal members and lineal descendants who attend these events. The Tribal Office's Monthly Newsletter highlighted these events and provided the Enrollment Specialist's contact information so that individuals could seek assistance in filling out the forms as needed.²

Summary of Enrollment File Contents

The Enrollment Specialist creates physical and digital files for each enrolled member of the Mattaponi Indian Tribe. Each Enrollment file includes:

- **Enrollment Form:** Each member must submit a signed enrollment form with their personal information and a *Statement of Unique Membership* acknowledging *voluntary and unique membership* in the Mattaponi Indian Tribe.³
- **Individual History Chart:** Each enrolled member works alone or with the Enrollment Specialist to complete an Individual History Chart (BIA Form 8304, OMB Form No. 1076-0104) which outlines the individual's immediate family.
- **Ancestry Table:** Each enrolled member works alone or with the Enrollment Specialist to complete the Ancestry Table. The Individual(s) completing this table list the full name, Enrollment ID number (if applicable), date of birth, place of birth, date of death, and place of death for their Mattaponi Ancestors for 4 generations.
- **Ancestry Chart:** The Enrollment Specialist completes an Ancestry Chart (BIA Form 8305, OMB Form No. 1076-0104) for each enrolled member's file. This chart is used to demonstrate Mattaponi Lineage. The Ancestry Chart will list the full name, date of birth, place of birth, date of marriage, place of marriage, date of death, and place of death for their parent, grandparents, and great-grandparents.
- **Birth Certificate:** Each enrolled member must submit a copy of their birth certificate to establish their Mattaponi parentage. The birth certificate is also used as proof of an individual's age and identity. While certified copies are preferred, most files contain photocopies or images of the original.

² Personal communication, [REDACTED] (Petition Office Director) and [REDACTED] (Enrollment Specialist), August 1, 2023.

³ See the Appendix to Section IV, Part E for a sample application. Individual completed enrollment files will be made available for OFA review.

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- **Second Proof of Identity:** Each enrolled member is asked to provide a copy of a photo ID such as a driver's license, school ID, or passport so each file will have a secondary form of identification to accompany the individual's birth record.⁴
- **Marriage Record, Divorce Records, Adoption Papers, and Name Change Documents:** Each enrolled member should provide documentation of life events and name changes. Such records are included in the member's file.
- **Previous Tribal Cards:** When submitting enrollment information, Tribal members are asked to provide copies of previous tribal cards or letters (if applicable) stating that they are enrolled members of the Mattaponi Indian Tribe.⁵
- **Ancestor Report:** An Ancestor Report generated from the Tribe's Family Tree Maker database to demonstrate descent from the Historic Indian Tribe. The Ancestor Report references all individuals from whom a tribal member descends and provides source information on the records documenting descent. Digitized copies of materials referenced in the Ancestor report are available in the Tribe's Family Tree Maker database. A second copy of each document is also stored in separate digital files based off the type of vital record.

Please note that enrollment files retain mistakes made by the applicant on the original applications (e.g. incorrect ancestor birthdates, places of birth, years with transposed digits). Accurate information is in the Tribe's Family Tree Maker database along with the vital records and other documentary evidence establishing the correct information.

3. Past Membership Lists

Until recently, the Mattaponi Indian Tribe did not retain a standing Tribal Roll. Meeting minutes in earlier periods show the Tribal Council making determinations regarding membership for those individuals who sought reinstatement and allotment on the Mattaponi Indian Reservation. From about the 1970s, the Tribal Council issued letters to individual tribal members, often in response to requests related to work-related activities, scholarship opportunities, or miscellaneous use, certifying the individual's affiliation with the Mattaponi Indian Tribe. The letter listed the individual's parents, grandparents, and great-grandparents, affirming the individual's lineal descent.⁶ Historical documents including censuses and other records from the late 1800s and early 1900s were utilized to substantiate lineal descent.

In the 1990s and early 2000s the Mattaponi Tribal Council kept a book which held enrollment applications of non-residents, while the records of resident tribal members were retained in the Tribe's tax book. Pending Enrollment applications would be brought to tribal meetings to be discussed, evaluated for eligibility, and voted on by the voting members of the Mattaponi Indian Tribe. Once approved, an individual would be given a Mattaponi tribal card. Non-resident Tribal Cards denoted the members status as a non-resident.

Prior to this grant project, the Tribe maintained its active enrollment in an Excel spreadsheet that included members names and addresses. Over time, the process was further formalized and potential enrollees were required to provide official documentation offering genealogical evidence and proof of their own identity, such as birth certificates, drivers licenses, marriage licenses, and death certificates.⁷ After 2016, Councilman Brandon Custalow implemented further revisions to the enrollment process and began creating physical files for individual members. The current active enrollment is the contemporary iteration of any

⁴ Please note enrolled members under the age of 18 may not have another form of identification.

⁵ In periods before Mattaponi leaders issued cards, notably the 1970s and 1980s, Chiefs would issue letters to certify that an individual was a member of the Tribe.

⁶ See sample letters in the Appendix related to this section.

⁷ Personal communication with [REDACTED], Mattaponi Indian Reservation, August 17, 2023.

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earlier tribal rolls and has supplanted them. Active members are Mattaponi lineal descendants with complete membership files and who are in compliance with Tribal Law.

4. Identify Specific Ancestors of Historical Lists

The Mattaponi Indian Tribe's current enrollment traces back to two lists dating to the late-1800s.⁸ These consist of the 1868 List of Chiefs and Headman⁹ developed by Tribal leadership for the Governor of Virginia and the 1870 US Census of Indians Not Taxed in King William County.¹⁰ The Tribe currently uses a list derived from these two lists as part of its enrollment criteria.¹¹ Historical evidence from various sources demonstrates the continuity of the individuals on these lists Indian status and Mattaponi tribal affiliation. The entirety of the petitioner's contemporary membership descends directly from individuals on these lists. These lists constitute the historical Mattaponi Indian Tribe.

Evidence Documenting Descent from a Historical Tribe

A variety of vital records and additional sources have been utilized to document the descent of the Tribe's current enrollment from the historical Indian tribe. These sources demonstrate parent-to-child relationships between each generation that link ancestors to contemporary tribal members.¹²

Documentary Sources

1. Federal Census Records from 1830 through 1950
 - 1.1. Census enumeration of King William County identifying residents of the Mattaponi Indian Town, Mattaponi Indian Reservation, or having a separate grouping of Mattaponi families under a list labeled "Indians"
 - 1.2. Other Virginia counties with enumerated Mattaponi individuals include: Gloucester, Henrico (Richmond), New Kent.
 - 1.3. Other state census records with enumerated Mattaponi individuals include: Pennsylvania, New Jersey, North Carolina, New York, and Ohio
2. Records of Selective Service System
 - 2.1. World War I
 - 2.2. World War II
 - 2.3. World War II Old Man's Draft Cards
3. Baptismal Records
 - 3.1. Virginia
 - 3.2. Pennsylvania
4. Marriage Records
 - 4.1. Virginia State Bureau of Vital Statistics (1853-1935, 1884-1943, and 1944-1981)

⁸ Please note that the Mattaponi Indian Tribe's Constitution refers primarily to a 1910 roll, for the purposes of this petition the petitioner has defined the historical Indian tribe using earlier lists, keeping with OFA regulations that define "historical" as "before 1900" (CFR 83.1).

⁹ "A List of the Chiefs, Headmen, and members of the Mattaponi Indian Tribe situated in the County of King William and State of Virginia," by Elston Major, April 1868, Governor Wells, Henry H., Executive Papers, Accession 43756, State Government Records Collection, 1868-1869, Library of Virginia.

¹⁰ 1870 U.S. Federal Census: Virginia, King William County, West Point, Indians, Ninth Census of the United States, National Archives and Records Administration, Washington D.C.; The 1880 Census omitted the Mattaponi and Pamunkey Indian Reservations, demonstrating that enumerators clearly viewed the communities as "Indians Not Taxed" and thus not subject to enumeration. The 1890 Census was burned and relevant records, if they did exist, no longer exist.

¹¹ See 1910 Roll in the Appendix related to this section.

¹² Such documentary sources have been cited in the FTM and GEDCOM files submitted with this petition. Media are attached to the FTM version available to OFA for review alongside the Tribe's enrollment files.

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- 4.2. Pennsylvania
- 4.3. California
- 4.4. Delaware
- 4.5. New Jersey
- 4.6. North Carolina
- 4.7. South Carolina
- 4.8. Florida
- 4.9. Minnesota
- 4.10. Missouri
- 4.11. Nevada
- 4.12. New York
5. Divorce Records
 - 5.1. Virginia State Bureau of Vital Statistics
 - 5.2. Florida
 - 5.3. Minnesota
 - 5.4. Montana
6. Birth Records
 - 6.1. King William County Birth Registers (1853-1911)
 - 6.2. Birth Records from the Virginia State Bureau of Vital Statistics
 - 6.3. Pennsylvania
 - 6.4. New Jersey
 - 6.5. California
 - 6.6. North Carolina
 - 6.7. Louisiana
 - 6.8. Maryland
 - 6.9. Nevada
 - 6.10. Tennessee
7. Death Records
 - 7.1. King William County Death Registers (1853-1911)
 - 7.2. Virginia State Bureau of Vital Statistics
 - 7.3. Pennsylvania
 - 7.4. Delaware
 - 7.5. Maryland
 - 7.6. New Jersey
 - 7.7. *Find a Grave* headstone information and images of Ancestor graves
 - 7.8. Obituaries collected on Ancestry.com and Newspapers.com
8. School Records, including Monthly Teacher Reports for the Mattaponi Indian School from the Indian School Files at the Library of Virginia
9. Photographs of past and present tribal members collected from personal collections of Tribal Citizens
10. Virginia Name Change Petition Documents
11. 1855 Trustee Meeting – Establishment of Indian Blood from the King William County Court House

Historical Mattaponi Indians with Currently Enrolled Descendants

The following individuals, who were members of the Historical Indian Tribe, have currently enrolled descendants.

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Table E-1. Current Membership Descent from Historical Mattaponi Tribal Members.

Name	DOB	Enrolled Descendants
Eliza Major (Allmond) [Allman/Aldman]	c. 1811	381
Adaline Nancy Allmond (Custalow) [Allman/Aldman]	c. 1843	348
John Baylor Allmond [Allman/Aldman]	c. 1847	27
Mary Eliza Allmond (Langston) [Allman/Aldman]	c. 1854	48
Junius Christopher Custalow [Junious Castelo]	c. 1862	30
George Forrest Custalow Sr. [George E. Castelo/Epharis]	c. 1865	284

Eliza Major (b. 1811 – d. 1891)

Eliza Major married Thornton Allmond, Sr. (I-?), around 1830. They had 6 daughters (Betsy Allmond [REDACTED], Elizabeth Allmond [REDACTED], Frances Ellen Allmond [REDACTED], Adaline Nancy Allmond [REDACTED], Mary C Allmond [REDACTED], and Mary Eliza Allmond [REDACTED]) and 4 sons (William Allmond [REDACTED], Thornton Allmond, Jr. [REDACTED], John Baylor Allmond [REDACTED], and Alexander Richard Allmond [REDACTED]).

In 1855, the trustees for the Mattaponi Indian Tribe held a meeting to discuss a dispute between Eliza Allmond (Major) and other residents of the Reservation. The purpose of the meeting was to identify and “determine who are Indians or descendants of Indians or legally married to Indians or descendants.” The meeting notes affirm that Eliza Allman (Allmond) is Mattaponi and “established her title to the Mattaponi Indian Town.”¹³

In 1870, Eliza Allmond (Major) was enumerated as the head of household and listed as the fourth family on the United States Federal Census in the West Point Township along with her daughter, Mary C Allmond. This census has a separate section labeled “Indians” apart from the original West Point Township Census.¹⁴

After the death of her husband, Thornton Allmond, Sr., it is noted that Eliza was “reserved” a wood yard located in Mattaponi Indian Town.¹⁵

Adaline Nancy Allmond (b. 1843 – d. 1882)

Adaline Nancy Allmond married Norman Custalow (Pamunkey) around 1858. They had 4 sons (Junius Christopher Custalow [REDACTED], George Forrest Custalow, Sr. [REDACTED], Solomon Dewey Custalow, Sr. [REDACTED], and Norman Custalow [REDACTED]) and 5 daughters (Alice F Custalow [REDACTED], Mary C Custalow [REDACTED], Nannie Custalow [REDACTED], Eliza S Custalow [REDACTED], and Addie Custalow [REDACTED]).

In 1870, Adaline Custalow (Allmond) was listed as the head of household of the first family on the United States Federal Census in the West Point Township along with her children, Alice, Mary, Junius, Eliza, and

¹³1855 Trustees Meeting (King William County Court House), Establishment of Indian Blood, King William County, Indian Town, Eliza Major, 1799-1887.

¹⁴US Decennial Census (Washington DC, National Archives and Records Administration), 1870, Virginia, King William County, West Point Township, Indians, Page 1 (PDF Page 1), House 4, Line 13.

¹⁵Chancery Records (Library of Virginia), [REDACTED], Virginia, King William County, 1892, 1909-003, Folder 1, Case file #32, Page 67.

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George.¹⁶ Adaline Custalow (Allmond) is listed in a separate section labeled “Indians Not Taxed” in the original West Point Township Census.

John Baylor Allmond (b. 1847 – d. 1896)

John Baylor Allmond married Mary Catherine Sampson (Pamunkey) around 1870. They had 5 sons (Kalie Gustin Allmond [REDACTED] William Thomas Allmond [REDACTED] John Wallace Allmond [REDACTED] Arthur Governor Allmond [REDACTED] and Lucian Baily Allmond [REDACTED] and 2 daughters (Luzelia Allmond [REDACTED] and Martha Allmond [REDACTED])

In 1870, John Allmond was enumerated as the head of household and listed as the third family on the United States Federal Census in the West Point Township along with his sister, Mary E Allmond. This census is separated by labeling “Indians” from the original West Point Township Census.¹⁷

John Allmond is cited as being chief of the Mattaponi Indian Tribe in the Allmon v Langston case (1878-1909). It is asked, “5Q What position do and did you hold at Mattaponi Indian Town at that time. A- Chief of the Town.”¹⁸ He served as chief of the Mattaponi Indian Tribe in 1892 until his death in c1896.

Mary Eliza Allmond (b. 1854 – d. 1928)

Mary Eliza Allmond married John H Langston (Pamunkey) in March 1879. They had 6 sons (Otto T Langston [REDACTED] McGuire Langston [REDACTED] Ulysses Grant Langston [REDACTED], Mantley Henry Langston [REDACTED] Theodore John Langston [REDACTED] and Alexander Langston [REDACTED] and 4 daughters (Florence Hunter Langston [REDACTED] Nora L Langston [REDACTED] Mary Wilton Langston [REDACTED] and Eliza Langston [REDACTED])

In 1870, Mary Eliza was enumerated as the head of household and listed as the third family on the United States Federal Census in the West Point Township along with her brother, John Allmond. This census is separated by labeling “Indians” from the original West Point Township Census.¹⁹

In 1892, Mary Eliza Langston (Allmond) appeared in the King William Chancery records in an estate dispute with her siblings over the settlement of their father’s will. This case ultimately was found in favor of Mary Eliza Langston (Allmond) in which she retained a lot, including a wood yard, in Mattapony Indian Town given to her by her father, Thornton Allmond.²⁰ Mary Eliza and her family resided in that home until her death in 1928.

¹⁶ US Decennial Census (Washington DC, National Archives and Records Administration), 1870, Virginia, King William County, West Point Township, Indians, Page 1 (PDF Page 1), House 1, Line 1.

¹⁷ US Decennial Census (Washington DC, National Archives and Records Administration), 1870, Virginia, King William County, West Point Township, Indians, Page 1 (PDF Page 1), House 3, Line 12, Indian Inhabitants in West Point Township.

¹⁸ [REDACTED] etc., King William County Chancery Causes 1878-1909, Library of Virginia, King William County Circuit Court, Richmond, Virginia.

¹⁹ US Decennial Census (Washington DC, National Archives and Records Administration), 1870, Virginia, King William County, West Point Township, Indians, Page 1 (PDF Page 1), House 3, Line 11.

²⁰ Chancery Records (Library of Virginia), [REDACTED], Virginia, King William County, 1878, 1909-003, Folder 1, Case file #32, Page 356.

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Junius Christopher Custalow (b. 1862 – d. 1938)

Junius Custalow married Florence A. Harris (I-?) on December 28, 1892, in King William County, Virginia.²¹ They had 7 sons (Enoch C Custalow [REDACTED], Saul T Custalow [REDACTED], Christopher Custalow [REDACTED], Sednoe Mekinley Custalow [REDACTED], Lighthizer Custalow [REDACTED], Buck Custalow [REDACTED], and Melvin Lee Custalow, Sr. [REDACTED] and 3 daughters (Francis A Custalow [REDACTED], Hattie B Custalow [REDACTED] and Ida B Custalow [REDACTED]).

In 1870, Junius Christopher Custalow was listed in the first family on the United States Federal Census in the West Point Township along with his mother, Adaline Custalow (Allmond) and siblings, Alice, Mary, George, and Eliza. This census has a separate section labeled “Indians” apart from the original West Point Township Census.²²

George Forrest Custalow Sr. (b. 1865 – d. 1949)

George Forrest Custalow, Sr., married Emma Levina King (I-?) on May 23, 1889, in Richmond, Virginia.²³ They had 5 sons (George Forrest Custalow, Jr. [REDACTED], Norman Custalow [REDACTED], Otha Thomas Custalow [REDACTED], Harvey Nathaniel Custalow [REDACTED], and Daniel Webster Custalow [REDACTED]) and 6 daughters (Annie Levina Custalow [REDACTED], Pearl B Custalow [REDACTED], Alease Custalow [REDACTED], Viola E Custalow [REDACTED], Dorothy Ida Custalow [REDACTED], and Anna Missie Custalow [REDACTED]).

In 1870, George Forrest Custalow, Sr., was listed in the first family on the United States Federal Census in the “Indians Not Taxed” section of the West Point Township along with his mother, Adaline Custalow (Allmond), and siblings, Alice, Mary, Junius, and Eliza.²⁴

In 1895, George Custalow Sr. appeared in a Chancery case in King William County over a land dispute with another Mattaponi tribal member, Austin Key, on the Mattaponi Reservation which led to mediation by the tribe’s trustees. George Custalow Sr. was described as a member of the Mattaponi Indian Tribe, born on the Mattaponi Indian Reservation where he resided during that time.²⁵

5. Summary/Analysis of Petitioner’s Descent from Historical Mattaponi Indian Tribe

As summarized above, 100% of current Mattaponi enrollees descend from documented members of the Historical Indian Mattaponi Tribe, and each enrolled member can document their lineage according to the standards outlined in the “Summary of Enrollment File” section of Part E. The petitioner therefore fulfills Criterion (e) “by demonstrating descent from a historical Indian tribe.”

²¹ Virginia Marriage Records (Commonwealth of Virginia), Virginia Marriage License, King William County, [REDACTED].

²² US Decennial Census (Washington DC, National Archives and Records Administration), 1870, Virginia, King William County, West Point Township, Indians, Page 1 (PDF Page 1), House 1, Line 4.

²³ Virginia Marriage Record (Commonwealth of Virginia), Virginia Marriage Register, Hanover County, [REDACTED].

²⁴ US Decennial Census (Washington DC, National Archives and Records Administration), 1870, Virginia, King William County, West Point Township, Indians, Page 1 (PDF Page 1), House 1, Line 6.

²⁵ Chancery Records (Library of Virginia), [REDACTED], Property Native Americans, Virginia, King William County, 1895, Box 4, Page 1.

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F. Criterion (f): Unique Membership

The Mattaponi Indian Tribe's (Petitioner's) membership is composed principally of persons who are not members of any federally recognized Indian tribe.

The Mattaponi Indian Tribe's enrollment criteria do not allow dual enrollment. All members are required to sign a statement attesting to their unique and voluntary membership as a part of their enrollment application.¹

¹ Please see Enrollment Applications in Membership Files.

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G. Criterion (g): Termination

Neither the Mattaponi Indian Tribe (the petitioner) nor its members are the subject of congressional legislation that has expressly terminated or forbidden the Federal relationship.

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V. ERRATA

I. Tribal Resolutions and Administrative Correspondence

Letter	Page & Location	Original Text	Corrected Text
Mattaponi Tribal Council to the Assistant Secretary -- Indian Affairs	Letter certifying "Original Documented Petition Submission"	Council: Micheal A. 'Tony' Waldrop, Jr.	Council: Michael A. 'Tony' Waldrop, Jr.
Mattaponi Tribal Council to the Assistant Secretary -- Indian Affairs	Letter certifying "Certification of Membership List"	Council: Micheal A. 'Tony' Waldrop, Jr.	Council: Michael A. 'Tony' Waldrop, Jr.

II. Historical Tribe

Time Period	Page & Location	Original Text	Corrected Text
Historical Tribe	Page 9, FN 25	Powhatan Foreign Relations, ed. Helen C. Rountree, (Virginia: University Press of Virginia, 1933), 150 [PDF 83].	Powhatan Foreign Relations, ed. Helen C. Rountree, (Virginia: University Press of Virginia, 1993), 150 [PDF 83].
Historical Tribe	Page 14, FN 40	Obert, Dominion and Civility, 186 [PDF 14].	Oberg, Dominion and Civility, 186 [PDF 14].
Historical Tribe	Page 23, FN 69	Journal of the House of Delegates for the Commonwealth of Virginia, November 30, 1812 (Richmond, Virginia: Samuel Pleasants, 1828) 11 [PDF 18]	Journal of the House of Delegates for the Commonwealth of Virginia, November 30, 1812 (Richmond, Virginia: Samuel Pleasants, 1828), 12 [PDF 19].
Historical Tribe	Page 26, FN 80 Page 27, FN 83	Senate of Virginia, "An Act Concerning Indian Lands in King William County," Senate of Virginia: Bills Referred to the House of Delegates, 1852-1861, LVA Accession 29185, Box 1, Folder 1852/1853. Library of Virginia, Richmond, VA.	PDF of this original document currently not available.
Historical Tribe	Page 41, FN 126	Acts and Joint Resolutions, Amending the Constitution of the General Assembly of the State of Virginia, United States: D. Bottom, 1894.	<i>Acts and Joint Resolutions Passed by the General Assembly of the State of Virginia, During the Session of 1893-94.</i> Richmond, Virginia: J. H. O'Bannon, Superintendent of Public Printing, 1894.

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III. Mandatory Criteria

a. Criterion (a)

Time Period	Page & Location	Original Text	Corrected Text
1970-1979	Page (a)-128	(e.g., September 7, 1978; June 27, 1979,	(e.g., September 7, 1978; June 27, 1979)
1980-1989	Page (a)-159	(e.g., May 12, 1983; June 20, 1984; November 25, 1987)	(e.g., May 12, 1983; June 20, 1984; November 25, 1987)
1980-1989	Page (a)-169	Butler, Kathy. "Tribal Diaries." <i>Newport News Daily Press</i> (Newport News, VA), December 12, 1985.	Butler, Kathy. "Tribal Diaries." <i>Newport News Daily Press</i> (Newport News, VA), December 15, 1985.
2010-2019	Page (a)-243	Staff (2012). "Guide To Powwow Country Calendar of Events". <i>Windspeaker</i> .	Staff, "Guide to Powwow Country Calendar of Events," <i>Windspeaker</i> , June 2012.

b. Criterion (b)

Time Period	Page & Location	Original Text	Corrected Text
1920-1939	(b)-43, FN 82	US Decennial Census (Washington DC, National Archives and Records Administration), 1940, Virginia, Pennsylvania, Philadelphia Magisterial District 51-328, Sheet 8B, House 2604, Lines 41-43.	US Decennial Census (Washington DC, National Archives and Records Administration), 1940, Pennsylvania, Philadelphia Magisterial District 51-328, Sheet 8B, House 2604, Lines 41-43.
1920-1939	(b)-44, FN 95	US Decennial Census (Washington DC, National Archives and Records Administration), 1930, Pennsylvania, Philadelphia, Philadelphia Magisterial District 51-928, Sheet 2B, House 2618, Lines 53-56.	US Decennial Census (Washington DC, National Archives and Records Administration), 1930, Pennsylvania, Philadelphia, Philadelphia Magisterial District 51-923, Sheet 2B, House 2618, Lines 53-56.
1920-1939	(b)-60, FN 161	Official Program of the Yorktown Sesquicentennial, Yorktown Sesquicentennial Association, Virginia: Lewis Printing Co. Inc., 1931, 37	Official Program of the Yorktown Sesquicentennial, Yorktown Sesquicentennial Association, Virginia: Lewis Printing Co. Inc., 1931, 37
1920-1939	(b)-71, FN 205	Journal of the Senate of the Commonwealth of Virginia Begun and Held at the Capitol in the City of Richmond on Wednesday, January 8, 1930 (Richmond: Division of Purchase and Printing, 1930), 233.	Journal of the Senate of the Commonwealth of Virginia Begun and Held at the Capitol in the City of Richmond on Wednesday, January 8, 1930 (Richmond: Division of Purchase and Printing, 1930), 228.
1940-1999	Throughout	Elizabeth Newton [b.1918 – d.2007, NI]	Elizabeth Newton [b.1918 – d.2007, Patawomeck] – Received proof of tribal affiliation on 10/25/2024
1960-1979	(b)-199, FN 193	List of Graduates for the Year 1962, Administrative Files: Annual Reports. Indian School Files, 1936-1968 (Accession 29632), State Government Records Collection. Library of Virginia, Richmond, Virginia, Box 1, Folder 2.	List of Graduates for the Year 1964, Administrative Files: Annual Reports. Indian School Files, 1936-1968 (Accession 29632), State Government Records Collection. Library of Virginia, Richmond, Virginia, Box 1, Folder 2.

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Time Period	Page & Location	Original Text	Corrected Text
1960-1979	(b)-217, FN 265	Staff, "Indian Church Sets Home-Coming," <i>The Tidewater Review</i> (West Point, VA), August 22, 1963; Staff, "UPI- haliwa," <i>The Herald Citizen Tri-County Shopper</i> (Woodstock, IL), January 28, 1970.	Staff, "Indian Church Sets Home-Coming," <i>The Tidewater Review</i> (West Point, VA), August 22, 1963; Staff, "UPI-Mattaponi," <i>The Herald Citizen Tri-County Shopper</i> (Woodstock, IL), January 28, 1970.
1960-1979	(b)-221, FN 288	Staff, "Colored News," Rappahannock Record (Kilmarnock, VA).	Staff, "Colored News," Rappahannock Record (Kilmarnock, VA), November 22, 1962.
1980-1999	(b)-253	December 12, 1985.	December 15, 1985.
1980-1999	(b)-254, FN 20	Butler, K., "Tribal diaries," <i>Newport News Daily Press</i> , (Newport News, VA), December 12, 1985.	Butler, K., "Tribal diaries," <i>Newport News Daily Press</i> , (Newport News, VA), December 15, 1985.
1980-1999	(b)-294, FN 280	Coleman, B., "Indians," <i>Suffolk News-Herald</i> , (Suffolk, VA), September 8, 1989.	Coleman, B., "Nansemond Indians' Fall Festival Set for Saturday," <i>Suffolk News-Herald</i> (Suffolk, VA), September 8, 1989.
2000-2019	(b)-303, FN 2	Latane III, L., "Indian Chief Remembered," Glo-Quips (Gloucester, VA), April 1, 2003.	Latane III, L., "Indian Chief Remembered," Glo-Quips (Gloucester, VA), April 17, 2003.
2000-2019	(b)-329, FN 181	Staff, "Guide to Powwow Country Calendar of Events," <i>Windspeaker</i> . 2016.	Staff, "Guide to Powwow Country Calendar of Events," <i>Windspeaker</i> , June 2016.
2000-2019	(b)-333, FN 199 & 200	¹⁹⁹ Hugh Spain, "Mattaponi Share Heritage," <i>The Smithfield Times</i> (Smithfield, VA), October 16, 2002. See also: Staff, "School Notes," <i>The Smithfield Times</i> (Smithfield, VA), October 16, 2002. See also: Hugh Spain, "Mattaponi Share Heritage," <i>The Smithfield Times</i> (Smithfield, VA), October 16, 2002.	¹⁹⁹ Hugh Spain, "Mattaponi Share Heritage," <i>The Smithfield Times</i> (Smithfield, VA), October 16, 2002. See also: Staff, "School Notes," <i>The Smithfield Times</i> (Smithfield, VA), October 16, 2002.
2000-2019	(b)-334, FN 205	Coll Thrush, <i>Indigenous London</i> (New Haven, CT: Yale University Press, 2016), 28.	Thrush, Coll, <i>Indigenous London</i> (New Haven, CT: Yale University Press, 2016), 28.
2000-2019	(b)-334, FN 208	Fahrenthold, D. A. (2006), "Old Indian language sees new life," <i>The Herald News</i> (Passaic, NJ).	Fahrenthold, David A., "Old Indian Language Sees New Life," <i>The Herald News</i> (Passaic, New Jersey), December 14, 2006.
2000-2019	(b)-338, FN 226	Sunray, C., "Indian Country Influenced by Attitudes from the Old South," <i>Indian Country Today</i> , Digital.	Sunray, C., "Indian Country Influenced by Attitudes from the Old South," <i>Indian Country Today</i> , Digital, February 11, 2015.

IV. Criterion (c)

Time Period	Page & Location	Original Text	Corrected Text
1900-1919	Page (c)-25, FN 88	("The Constitution of the United States: A Transcription,"	("The Constitution of the United States: A Transcription,"

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 Errata

Time Period	Page & Location	Original Text	Corrected Text
		https://www.archives.gov/foundingdocs/constitution-transcript).	https://www.archives.gov/founding-docs/constitution-transcript).
1940-1959	Page (c)-76, FN 23	Governor Stanley to Senator H. Byrd, 20 November 1957, Administrative: Memos. Indian School Files, 1936-1968 (Accession 29632), State Government Records Collection, Library of Virginia, Department of Education, Richmond, Virginia, Box 1, Folder 17, PDF Page 4.	Mattaponi Meeting, 23 May 1950, Administrative: Memos. Indian School Files, 1936-1968 (Accession 29632), State Government Records Collection, Library of Virginia, Department of Education, Richmond, Virginia, Box 1, Folder 17, PDF Page 4.
1960-1979	Page (c)-142, FN 109	Staff, "Indians Give Traditional Gifts to Holton," The Danville Register (Danville, Va), November 22, 1973. See Also: Staff, "Nobody's perfect," The San Francisco Examiner (San Francisco, Ca), November 22, 1973; Staff, "About People," Paterson News (Paterson, NJ), November 23, 1973; Jackman, F., "Capitol Stuff," The Odessa American (Odessa, Texas), November 27, 1973. Staff, "Nobody's perfect," The San Francisco Examiner (San Francisco, Ca), November 22, 1973; Staff, "About People," Paterson News (Paterson, NJ), November 23, 1973; Jackman, F., "Capitol Stuff," The Odessa American (Odessa, Texas), November 27, 1973.	Staff, "Indians Give Traditional Gifts to Holton," The Danville Register (Danville, Va), November 22, 1973. See Also: Staff, "Nobody's perfect," The San Francisco Examiner (San Francisco, Ca), November 22, 1973; Staff, "About People," Paterson News (Paterson, NJ), November 23, 1973; Jackman, F., "Capitol Stuff," The Odessa American (Odessa, Texas), November 27, 1973. [removed repeated sources]
1980-1999	Page (c)-167, FN 108	Staff, "Dr. Lin Custalow," Glo-Quips (Gloucester, Va), March 23, 1999.	Staff, "Dr. Lin Custalow," Glo-Quips (Gloucester, Va), September 9, 1999.
2000-2019	Page (c)-206, FN 105	Whitehead, B., "Newport News begins new negotiations for reservoir," Indian Country Today, Digital, May 1, 2004.	Whitehead, B., "Newport News begins new negotiations for reservoir," Indian Country Today, Digital, March 1, 2004.
2000-2029	Page (c)-182	Interviewee column currently reads: George Wahunsonacock Custalow	Interviewee: Jack Custalow