

From: Evangeline Lynch <vanlynch38330@hotmail.com>
Subject: communication
Date: Mon, August 3, 2009 1:55 pm
To: Valerie Ohle <vohle@comcast.net>
Cc: tpkunesh@chattanooga.net, mark.james@tn.gov

Dear Ms. Ohle:

It is a requirement that the Genealogy Committee of the TN Native American Convention verify the status of applicants applying for a seat on the Commission of Indian Affairs under Indian Preference.

Ms. Tammera Hicks is seeking Indian Preference based on a card given by the former Commission of Indian Affairs in 1997 as a "listee, 1991 Tennessee state roll."

Please verify through the commission's records on file that her name is, indeed, listed.

Thank you.

Evangeline W. Lynch, secretary, TNNAC

cc: tom kunesh, secretary, TCIA
Mark James, General Counsel

From: vohle@comcast.net
To: vanlynch38330@hotmail.com
CC: mark.james@tn.gov; tpkunesesh@chattanooga.net
Subject:
Date: Sat, 29 Aug 2009

August 27, 2009

Evangeline Lynch, Secretary
TN Native American Convention
73 Baseline Road
Dyer TN 38330

Dear Ms. Lynch:

This is in response to your request for the Commission of Indian Affairs to verify Tamera Hicks as a "listee 1991 Tennessee state roll."

1. The "card" that you reference is presumably a simple 2" x 3.5" printed blue business card that carries no validation date and no signature of the person authorizing the card. (The list and samples of the card can be found online at www.tncia.org/state-list-recgnzd-indvdl4.html) These cards were not designed to be used as secure non-reproducible identification cards or sequentially numbered in their printing, the cards were not kept in a secure, controlled space, and the cards are easily reproduced, making them easily falsifiable. These cards, like all cards of tribal identity/membership, are claims of tribal enrollment and are verified by comparing the card to the actual list of enrolled members. Verification of Tennessee "Recognized Individuals" can be done only by reference to the existing and approved "State List of Recognized Individuals as Indians in Tennessee Only".

2. Neither name "Tamera" nor "Hicks", nor any resident of Chattanooga, appears on the "State List of Recognized Individuals as Indians in Tennessee Only" that was approved by the Commission of Indian Affairs on September 18, 2004 and by the Attorney General on October 17, 2006. Additionally, there is no documentation in the Commission of Indian Affairs' records from 1990 or 1991 that mentions Tamera Hicks.

3. The Tennessee Native American Convention (TNNAC) board should already know that the individual recognition criteria in effect in 1997 was exclusive to

- (a) applicants with a roll number or certificate of Indian blood from a federally-recognized tribe; or
- (b) applicants who were direct descendants of an individual previously recognized as a Native American Indian by the State of Tennessee.

(TCIA Rule 0785-1-.05 RECOGNITION CRITERIA FOR NATIVE AMERICAN INDIAN INDIVIDUALS IN TENNESSEE, effective November 23, 1991)

4. During the 15-month period of August 17, 1990 and November 23, 1991, applicants who were not already tribally-enrolled were required to submit their documentation and obtain the Commission's approval. All applications had to be reviewed by the Commission of Indian Affairs at a Commission meeting for approval. The current Commission has minutes from only a couple of these meetings ("Hicks" is not mentioned), but it has the list of 89 individuals' names and addresses - the "State List of Recognized Individuals as Indians in Tennessee Only" - that were recognized through this process.

5. The name 'Tammera Hicks' does not appear in any form on the 1990-91 list of individuals recognized as Native American Indian in Tennessee, and there is no record of her having been reviewed and approved for recognition by the state Commission of Indian Affairs. Only members of federally-recognized tribes and children of previously-recognized individuals could legitimately receive recognition in 1997. Given that Tammera Hicks is not a member of a federally-recognized tribe or the child of a previously-recognized person, state individual recognition as a Native American Indian was not available to her in 1997, so any "recognition" that she might have received in 1997 would be fraudulent and invalid.

6. Acquisition of a Tennessee individual "Certificate of Indian Recognition" card for personal use without qualifying fully with the criteria in effect at the time is in violation of the state rule 0785-1-.05, and would be considered fraudulent and invalid. Such an act should be reported to the state Attorney General.

If we can be of any further assistance, please let me know.

Valerie Ohle, Chair
TN Commission of Indian Affairs
PO Box 20592
Knoxville TN 37940
865.577.5026
vohle@comcast.net

cc Mark James, TDEC General Counsel
tom kunesh, TNCIA Secretary