

TENNESSEE COMMISSION OF INDIAN AFFAIRS
SPRING MEETING

Saturday, January 31, 2004
Baxter Alternative School
3515 Gallatin Road
Nashville, Tennessee

Commissioner Teri Ellenwood called the meeting to order by agreement of those present. Present were: Commissioners Ellenwood, Evangeline Lynch, Jimmy Reedy, Mike Mangrum, and Ruth Knight Allen. Commissioner John Hedgecoth called that he had van trouble and would arrive later. Commissioner John Anderson was hospitalized in Chattanooga.

Commissioner Ellenwood asked Mr. Eddie Nickens, Commissioner on the former TCIA, to begin the meeting with prayer.

As per the Attorney General's assistant, Sohnia Hong and TDEC's directions, there was to be no policy-making business conducted at this meeting. The agenda was to be limited to introduction of the commissioners, election of officers, and appointment of a rules and procedures committee of three people.

Commissioner Ellenwood's opening statements gave information on the struggle to prepare and lobby the new enabling bill to its passage in May of 2003. She gave a brief history of the process of the election by area caucuses and the Tennessee Native American Convention.

The commissioners introduced themselves with brief comments on their families and background in Native American Indian involvement.

Commissioner Ellenwood called for the election before Commissioner Hedgecoth arrived. She gave a brief description of the officer positions calling attention to the time commitment and that these are not paid positions and called for two sets of nominations. Commissioner Ellenwood asked for nomination for Chair. Commissioner Allen nominated Commissioner Van Lynch. Commissioner Reedy nominated Commissioner Ellenwood. Commissioner Ellenwood reminded speakers to look at the video camera in the back of the room. She asked the nominees to speak for two minutes on why they should be elected.

Commissioner Lynch briefly stated what she believed she could provide as Chair of the Commission and the importance she placed on the support of family and friends. She said that as far as spending time for the day-to-day activities of the position, we housewives and mothers manage time, raise children, budgets, and other administrative duties. As a teacher for her 25-30 year career, she has done some of all that. She does have the gift of time as a retiree to commit to the position. She thanked all for considering her.

Commissioner Ellenwood said she has chaired an Indian Commission before, has been an administrative director, wrote grants, and all kinds of administrative duties. She serves on the International Board for Leonard Peltier and is Secretary of the International Board of Leonard Peltier. She stated that she has a law degree for whatever it is worth. As Commissioner Lynch said of her husband, Commissioner

Ellenwood said she, too, has a husband who is a carpenter and pays for all her involvements. She said this is a holy time for their family and he will be praying for what she is doing. Her kids and family are supportive and she looks to the future for them to make it a better place for them. They are here and she does it for them.

Commissioner Ellenwood passed out slips of paper to write down nominations for Commission officers. Commissioner Lynch said that she had a sealed, witnessed ballot from Commissioner Anderson to submit and asked Attorney Joe McCaleb to speak to the use of ballots. Mr. McCaleb said that the Commissioners were allowed to make the decision of whether to accept the written ballot. Commissioner Ellenwood said that we were getting into issues that she had discussed with attorneys about another event where Commissioner Anderson's absentee vote was not counted. Mr. McCaleb read on procedures how voting could be done and recommended that Commissioner Anderson's ballot be read. Commissioner Ellenwood asked Eddie Nickens, Commissioner on the former TCIA, how absentee voting was handled by the previous Commission. Mr. Nickens said that this kind of issue had never come up with the former Commission. There were no issues that required a tie-breaking vote. When someone was absent, they were just absent. After much discussion by the Commissioners and with public comments, Commissioner Anderson's written ballot was not allowed. Voting was by a show of hands of those present rather than written ballot. Commissioners Allen and Lynch voted for Commissioner Lynch for Chair. Commissioners Reedy, Mangrum, and Ellenwood voted for Commissioner Ellenwood for Chair. Majority vote was for Commissioner Ellenwood to be Chair of the Tennessee Commission of Indian Affairs. Commissioner Ellenwood asked for nominations for Vice-Chair. Commissioner Allen nominated Commissioner Hedgecoth. Commissioner Mangrum nominated Commissioner Reedy. The vote was by show of hands for Commissioner Hedgecoth. Commissioners Allen and Lynch voted for Commissioner Hedgecoth. The vote was by show of hands for Commissioner Reedy. Commissioners Mangrum, Ellenwood, and Reedy voted for Commissioner Reedy for Vice-Chair. Commissioners Allen and Lynch voted for Commissioner Hedgecoth. Majority vote was for Commissioner Reedy for Vice-Chair of the Tennessee Commission of Indian Affairs.

Commissioner Ellenwood nominated Commissioner Allen for Secretary. Commissioner Reedy nominated Commissioner Lynch. Commissioner Lynch declined. Commissioner Allen was unopposed for the position of Secretary.

Commissioner Ellenwood said that a committee of three to draft rules and procedures was to be selected and asked for suggestions. There being none, Commissioner Ellenwood appointed Commissioners Lynch, Allen, and herself are on the Rules and Procedures Committee.

Commissioner Ellenwood said that she would speak to the AG opinion. She had spoken with Fran Wallace who said that the AG was running behind on a lot of opinions for groups. Commissioner Ellenwood suggested that the three officers make arrangements to visit Governor Bredeson within the next week. She said that the sunset bill is already in. Commissioner Ellenwood related that Representative Mike Kernell had Attorney Fred Stanbrook write a caption bill regarding some changes to TNNAC, which she would address. She said that she had just gotten it. She told of a

couple of opponents and one legislator who has a letter he drafted to go to the AG regarding TNNAC. Commissioner Ellenwood said that she knows that we are going to have to “tweak” TNNAC and a couple of other issues in the legislation. The time is drawing near (on the caption bill) like next Thursday, if we are going to be sunsetted anyway. She said that she would call the one legislator, a Republican, in East TN, and schedule a sit down with him to discuss amendments regarding TNNAC. She said that she hopefully could get him not to send the letter to the AG’s office. Commissioner Mangrum asked what were the issues. Commissioner Ellenwood said one of the big ones, which came up in ways and means, was oversight. There is no oversight for TNNAC. There is no one they are answerable to. They would like to see that in the legislation. She says she has heard different suggestions like the Commission itself, TDEC, or the state election commission. She said that she is just putting it all out there. Her suggestion is the state election commission to be the umbrella in case of challenge. She said that one reason she supports this is that the people need to nominate and elect those who serve them and to make TNNAC better. Another complaint she said she has heard is about the convention. She said that a lot of folks want to just have their local caucuses and not the convention. She says now we need to take control of the parameter of the box. She said that people are watching what we are doing, even her friends in Oklahoma.

Comments from the audience:

Commissioner Mangrum commented that serving on the Commission should not be so stressful.

Commissioner Reedy said that he wishes we could get more people involved. He said it is not his position to run people down to get them to vote. There are only enough to fill this room of the 40,000 the census reported. He wants to see better health care, a database, and grave preservation.

Commissioner Hedgecoth arrived and reported that his oil pump had gone out, but he had gotten a ride in. Commissioner Ellenwood said that there was about to be a discussion on TNNAC, but she would catch him up while the next speaker was talking.

Mr. Jerry Lynch spoke on what he had learned in his 48 years as a minister. He said that when people begin nit picking, and writing insulting emails, it only gets worse. He said that if we would all work together, we’d shock the state. He said he learned that you could never please everybody. You have to please yourself and the Great Spirit. We have to work together.

Commissioner Lynch admitted that Mr. Lynch was a hard act to follow. She said that she was still learning from him how to get along with people and how to love the unlovable. She said she would like to see us have a working relationship with the Advisory Council. She encouraged us to go through the Broader Commission to see the ten committees. There is a lot to be accomplished that we are not going to accomplish in the next few months before being sunsetted. Some are attainable. Some are working quietly on the issues already. She’d like us to take a good look at which ones are attainable. She said she is still an educator. She goes into schools and stays all day. She visits civic groups . She would like to have some of us on state textbook committees. She says it is fairly easy to get on one. There needs to be updated

literature in the curriculum. As for TNNAC, she said she has been to two and they work wonderfully. Wonderful things are happening in the election process. If it needs work; then we will work on it together. She said you (the Indian communities) should hold us accountable for what we were elected.

Commissioner Allen said that in 1983 there were approximately 5,600 Indians listed for Tennessee. In the last census, 40,000 were willing to list themselves as Indian. We definitely need to secure TNNAC and the Advisory Council as part of our election process. We need all the help we can get. We have come a long way and have a long way to go. Trust and respect have to be earned, not given. Once it is shaken, it is hard to regain credibility. Your life has to reflect the respect you want. When you change people's thinking, you change how they act. I agree with Commissioner Lynch, gentle education, not drubbing people's noses in it, will succeed in change. There are those who do not want the Commission to succeed. Trust, respect, and credibility—we have to earn it. Right now it is badly shaken.

Commissioner Hedgecoth said he was sorry to be late. To a couple of Mr. Dale Mitchell's comments, he agreed that some things need to be "tweaked" with TNNAC, but it has been working. He asked Ellenwood if the complaints to the legislators were from one or two people making a lot of complaints or people all over the state. Commissioner Ellenwood responded that she knows only one in the Western part and that is Representative Kernell. She said he is a personal friend of hers. In the East, there is a Republican who has drafted a letter to be sent to the AG regarding TNNAC. She said the complaints she hears are from people who do not have computers, don't like them, and don't have email. Mr. Joe McCaleb asked who the Republican legislator is. Commissioner Ellenwood said it is Doug Overby. Mr. McCaleb asked if he could go with her to see him. Commissioner Ellenwood said that there were already other people going with her—that they had to be very professional with these people.

Commissioner Ellenwood said she wanted to read some of the caption bill. Mr. Dale Mitchell said that we have been talking for about an hour and discussed everything but that. Are we saying that there is to be a governing body for TNNAC? Commissioner Ellenwood responded that they are going to define in the legislation what areas the Commissioners represent. Metro and the counties they touch. Define that Grand Division Commissioners represent all the other counties. There is an issue about tying non-elected people to another office on the Advisory Council. The Advisory is to have no authority in regard to the Commission. Registered voter not required and go by the policies of the state election commission. Commissioner Ellenwood said that Representative Kernell and Attorney Fred Stanbrook had drafted the bill. She said that everyone knew that the bill needed to be "tweaked" before the sunset review in July. Commissioner Ellenwood stated her friendship with Representative Kernell. Mr. McCaleb said he knows Representative Kernell, too. Commissioner Ellenwood said that she is on a different level with Representative Kernell and Attorney Stanbrook. Commissioner Allen asked who has been working with her (Commissioner Ellenwood) on the bill. Commissioner Ellenwood said that Attorney Standbrook sent her the copy she has and said that we need to listen. Commissioner Allen said, "no, we need to know who is doing what". Commissioner Ellenwood said Attorney Standbrook drafted it.

Mr. Tom Kunesh questioned Commissioner Ellenwood about her prior knowledge of the changes proposed in the caption bill and her introducing it at this meeting. He said that the changes involved TNNAC, and as Chair of TNNAC, he had no knowledge of such a

bill. He reminded her that the agenda did not call for introducing the bill or bring up the letter to the AG by Doug Overby. Mr. Kunesh said she was assuming an awful lot since there were to be no policy options when none of the other Commissioners knew anything about what she is doing, either. Nothing should have been brought up without prior knowledge of the other Commissioners.

Commissioner Ellenwood said that she had just gotten it on Thursday. Mr. Kunesh reminded her that there had been time to get a copy to the other Commissioners.

Comment from David Walker, "Normally, I do not agree with Mr. Kunesh, but on this I object to your (Commissioner Ellenwood) bringing these items up without anyone, except you knowing about them.

Commissioner Mangrum made a motion to adjourn. (Second was not heard on tape.) Further comments from the audience were suspended.

Commissioner Ellenwood asked Mr. Eddie Nickens to say closing prayer.

Meeting adjourned.

Ruth Knight Allen, Secretary