

## **TENNESSEE COMMISSION ON INDIAN AFFAIRS PUBLIC MEETING**

Saturday, June 4, 2005  
CHATTANOOGA COMPLEX  
540 McCallie  
Chattanooga, Tennessee

Present were: Secretary/Treasurer Ruth Knight Allen, John Anderson, Van Lynch, and Kippy Vaughn. Vice Chair Jimmy Reedy arrived at 11:15 a.m. Absent were: Teri Ellenwood, who sent word that she is moving and would not be present, and Mike Mangrum.

Chair pro tem Allen called the meeting to order at 10:30 a.m. General Counsel Ed Harris asked for a roll call to assure a quorum was present for business. Opening prayer was by Commissioner Lynch. Commissioners introduced themselves with brief comments.

**Public comments:**

Dr. James Cossingham suggested the Commission propose to legislature raising funds for a budget and asking the state government to match money raised. He reiterated that he is committed to helping the TCIA and that as one of many businessmen; he is interested in helping to raise funds. Dr. Cottingham suggested the TCIA appoint a finance committee.

Minutes of the March 12, 2005 were sent to Commissioners prior to June 4, 2005 for review.

**Motion #1**

**Commissioner Vaughn moved to approve the Minutes. Seconded by Commissioner Lynch.  
Motion carried.**

Treasurers' Report was distributed and explained showing a balance of \$222.95. Expenses of copying and mailing were discussed. Mailing to the lists with no response from addressees is cost prohibitive. Return to sender on mail and non-profit status of the Commission is to be researched with postal service. There was a suggestion to contact the Tennessee Grant Writers to assist with seeking funds.

**Motion #2**

**Commissioner Lynch moved to approve the Treasurers' Report. Seconded by Commissioner Anderson. Motion Carried.**

General Counsel Harris spoke on the request by the Cherokee of Lawrence County for an AG opinion on the Tennessee Recognition Criteria. The opinion stated, in effect, proclamations and/or resolutions, issued prior to the sunsetting of the previous Commission, would not circumvent the Criteria being established by the present Commission. Attorney Harris stated that the Commission has addressed the date change from 1796 to 1900.

Commissioner Lynch reported that the Rules/Bylaws Committee has not met due to her illness and Commissioner Ellenwood's circumstances. She plans to present updated material at the October meeting. Commissioner Lynch commented that Standing Rules are a "work in progress" and can be amended as needed. The Rules and Bylaws should not be lengthy, including the issue of "liability", and need to be condensed. She plans to work on a Policy Statement for the Commission's involvement with regard to resolutions. The Commission is requested to address and/or endorse resolutions of many concerns of the Indian Communities. She suggests that, with the personnel changes within the Commission, the Committees be restructured.

**Commissioner Reports:**

Commissioner Anderson gave a verbal report of events in and around Chattanooga. The opening of the Trail of Tears Passageway was attended by a gathering of Cherokee Chiefs. He recommended that everyone present should go see it. He is pleased that it is wheelchair accessible. The Indian Community is continuing to monitor the Lake Nickajack situation. There is to be a Trail of Tears motorcycle ride to benefit Native American students in Tennessee and Alabama. He held a Meet and Greet last week trying to get more people involved. Commissioner Anderson regrets not having computer access right now. He asked for applause for the group preparing food and drink for this meeting.

Commissioner Lynch: Written and verbal report. She attended the NAIA Pow wow to honor a Navajo Code Talker. Commissioner Lynch plans to visit with the Education Committee Chair to receive responses as to what the Committee would like to see happen. She said that there would be a vacancy on the Textbook Committee in 2007.

Commissioner Vaughn: Written and verbal report. She attended a Boy Scout dinner and went to view Southwest Pointe Camporee. The program featured Plains Indians and stated that she tried to help them know the different tribal customs. Commissioner Vaughn explained the "Trace Program" of seeking Native American foster parents for needy children of Native American heritage. She is working with HUD on housing in the counties and welcomes suggestions and questions. She attended a veterans' program and a State Trooper Memorial Service. Sacred Sites is a program with which she is working.

Commissioner Allen: Written and verbal report. Commissioner Allen attended meetings of AIA-Millington and the Far Away Cherokee/NAIA-Memphis. AIA-Millington is planning for the two pow wows they hold each year. The Far Away Cherokee is studying Cherokee ways and language as most of the membership is of Cherokee heritage. Commissioner Allen has permission to take two members of the Memphis Kateri Circle of the River to Tucson, AZ in August for the National Tekakwitha Conference. Commissioner Allen, as Grand Representative to Oklahoma in Tennessee was hostess for 42 Oklahoma delegates to the TN Eastern Star Grand Chapter in Memphis in April. She recommended that, as Commissioners, allow yourselves to be introduced at meetings, when possible, to show that the TCIA is involved in citizen activities through its membership. Tennessee was once involved in the Governors Interstate Indian Council, when she was a Commissioner (1984-1990), and she will contact the GIIC to see how to get involved again. Commissioner Allen stated that a communication network is critical for the Commission.

Commissioner Reedy gave a verbal report. Commissioner Reedy stated that public relations are a big problem for the Commission. On the 30<sup>th</sup>, he discussed with Commissioner Lynch that he was going to Oklahoma for the burial of his grandmother and, when he returned his wife was to have surgery. He spoke with Commissioner Ellenwood who is moving and is now a resident of Oklahoma. He said he got a message of condolence from Commissioner Mangrum and was told that due to his other involvements, Commissioner Mangrum would not have time to attend this meeting nor the one in October. Commissioner Reedy indicated that the Commissioner attendance today is probably what we will have until the elections and appointments. He said that, since Commissioner Ellenwood vacated the Chair, he is the Chair until January 2006. Even with his business responsibilities, he will try to perform the duties of Chair. He suggested that the Commission take advantage of the free media since most newspapers will print information and notices. Commissioner Mangrum and he met with Nick Fielder on several archeological issues. He received a packet on pine beetle infestation regarding the introduction of predator or pesticides to control the problem. Commissioner Reedy related several healthcare issues. He said that Commissioner Lynch had a Native American, J.J. Kent, to be with her when she was ill and said the New Mexico has a spiritual assistance program for Native Americans. He said that he could not be involved because of his job with Indian Health Service, but recommends that the Commission pursue this possibility. Commissioner Reedy said he was sorry he was late arriving—he was on "Indian Time".

Joe McCaleb asked Commissioner Vaughn for information on the Indian foster care. Commissioner Vaughn responded that she has identified two families in North Carolina who are qualified as Native American Foster Parents.

Chair pro tem Allen asked Commissioner Reedy to Chair while she gave her Committee of the Whole report. The Committee of the Whole on Recognition Criteria met in Nashville on April 30. The Commissioners have received copies of the written report. The meeting became an information gathering event because there were only three Commissioners present: Commissioners Mangrum, who was asked by Chair of the Committee of the Whole, to pro tem for her, John Anderson, and Allen. Public comment was valuable in the process of readying the Criteria for presenting to state legal and legislature. It is expected to take three to four months after the "Request for Rule" from the Attorney General's office. Reasons for changing the 1796 to 1900 were discussed. Changing the terminology is not to change the content, but is meant to soften the impact and the criticism of "creating another roll" or "trying to make Indians" which the Criteria seems to be drawing. The Commission will rescind the vote on the 1990 Criteria and vote on the Revised when it is ready to submit to legal. General Counsel will provide the format in which to submit the document/s. Until the state of Tennessee has Criteria, the Commission cannot address the issue of cards from another state. Reviewing of present applications and files, security of confidential versus public records, and storage of documents are major issues to be faced. The Commission does not have to "create" new criteria – we need to amend the one that was approved to bring it into the present and suitable for the future.

General Counsel Harris recommended the Commission set up a review and appeals process. Commissioner Reedy questioned the number of appeals allowed. General Counsel Harris stated that the Commissioners would need to set such numbers and dates. The amended Criteria need to be put on disks for presenting to the Attorney General. He will meet with Sohnia Hong for an administrative hearing. The Secretary of State may conduct the meeting with the Commission. The Criteria will then be subject to review in Chancery Court. Senator Harper and Representative Kernal presented a bill to extend the Commission until 2009. General Counsel Harris has not been advised that the Commission would not be extended and his belief is that the Commission has been extended.

Commissioners Lynch, Allen, and Vaughn will work as the Review Committee locating old records and reviewing applicants before responding to each as to previous Indian status.

Commissioner Vaughn reported that she and Commissioner Anderson would be setting up Housing Committee Meetings within their areas.

Commissioner Anderson of the Health Committee will start over with plans for that committee. Commissioner Anderson is reviewing the HUD criteria.

**Resolutions and Proclamations:**

General Counsel Harris presented a Proclamation by Governor Bredesen declaring October as Native American Indian Month in Tennessee. Commissioner Lynch explained that the NAIA pow wow is held in October and usually is issued this proclamation.

**Motion #3**

**Commissioner Vaughn moved that the Commission accept Governor Bredesen's proclamation. Seconded by Commissioner Reedy. Motion carried.**

Don Merslak presented the Resolution Number 1-98 of the Governors' Interstate Indian Council regarding Native American Mascots. He had mailed each Commissioner a packet of materials including a video made by students of a Wisconsin high school. David Teat, Chair of the Advisory Council on Tennessee Indian Affairs, added ACTIA's Resolution on the same subject. The Commission is requested to advocate the elimination of Native American Indian mascots and symbols in Tennessee.

**After discussion among Commissioners and with public comment, the Mascot Resolution was tabled until the October 8, 2005 meeting for further review and rewording.**

Attorney Joe McCaleb presented a Resolution to oppose the removal of prehistoric Indian burials on the Prehistoric Later Middle Archaic-Middle Woodland archaeological sites, 40W131, 40M132, and 40WM365, one of two locations of this nature left in Williamson County. Attorney McCaleb explained the impact such removals would have on Native American history. He requested that the Commission write a letter to Commissioner Gerald Nicely commending him for an alternate route for SR 840. He asked the Commission to recommend that TDOT include Native American input in a Rule Making Process. He further recommended attendance at the TDOT July public meeting. Commissioner Reedy asked for suggestions on how to influence TDOT or TDEC to meet with the Commissioners. General Counsel Harris cautioned the Commissioners to attend the meetings and to use diplomacy. Discussion continued.

**Motion #4**

**Commissioner Reedy moved acceptance of the Resolution, and that the Tennessee Commission on Indian Affairs strongly opposes removal of prehistoric Indian burials on Williamson County's archaeological sites. Seconded by Commissioner Anderson. Motion carried.**

The Little Cedar Mountain Resolution was passed at the December 4, 2004 meeting and the recommendation of the Commission is to send copies to tribal chiefs and THPOs stating the Commission's concerns.

The Resolution to create Tennessee Sacred Places Prayer Day 2005 was submitted by ACTIA for consideration by the Commission.

**Motion #5**

**Commissioner Vaughn moved that the Commission accept the Resolution to Create a Tennessee Sacred Sites Pray Day 2005. Seconded by Commissioner Reedy. Motion carried.**

The Resolution to be presented for Recognition of Tennessee Historic Tribes is still in question as to accuracy of tribes listed. ACTIA will continue to update the resolution before presenting it to the legislature.

Commissioner Reedy suggested changing the wording to "acknowledging" rather than "recognizing" to correspond with the proposed changes in the Criteria. Commissioner Reedy indicated he would talk with Senator Harper and Representative Kernel for their support.

Dates and places for the next two meetings were discussed. The October 4, 2005 meeting will be in Knoxville. Commissioner Vaughn will secure the place. The December 3, 2005 meeting will be in Memphis and Commissioner Allen will secure the place.

When Commissioner Ellenwood resigned as Chair, Commissioner Reedy, Vice Chair, assumed the duties of Chair.

**Motion #6**

**Commissioner Vaughn moved that Commissioner Reedy be elected to finish Commissioner Ellenwood's term as Chair. Seconded by Commissioner Anderson. Motion carried.**

**Motion #7**

**Commissioner Reedy moved to appoint Commissioner Lynch Acting Vice Chair for the remainder of his Vice Chair term. Seconded by Commissioner Anderson. Motion carried.**

Public donations to Commission funds of \$110.00 was given to and signed for by General Counsel Ed Harris for deposit in the TCIA Account in Nashville.

**Announcements:**

Commissioner Lynch spoke of a planned August 20<sup>th</sup> meeting in Nashville by the Celtic Christians. Flyers were available on pow wows.

Tom Kunesh reminded that the Metro Caucuses were to be held and the TNNAC Convention will be at Little Cedar Mountain Park September 25<sup>th</sup>.

Commissioner Allen mentioned that she would like to begin a TCIA newsletter. She mailed two issues of *The Shield* with the previous TCIA, but the acting director did not continue the newsletter. General Counsel stated that the Commission's non-profit status could possibly qualify for reduced mail rates. A \$10.00 annual subscription fee was suggested for quarterly mailings.

Chair pro tem Allen expressed appreciation for the generous hospitality of the hosting committee.

Closing prayer was by Commissioner Lynch

Commissioner Reedy moved to adjourn. Seconded by Commissioner Anderson. Motion carried

Meeting adjourned 2:25 p.m.

Ruth Knight Allen, Secretary/Treasurer