

## TENNESSEE COMMISSION OF INDIAN AFFAIRS PUBLIC MEETING

Saturday, March 12, 2005  
TDOT REGION 3 OFFICE BUILDING  
6601 Centennial Blvd.  
Nashville, TN 37243

Present were: Chair Teri Ellenwood, Vice Chair Jimmy Reedy, Secretary/Treasurer Ruth Knight Allen, John Anderson, Van Lynch, Mike Mangrum, and Kippy Vaughn.

Chair Ellenwood called the business meeting of the Tennessee Commission of Indian Affairs to order at 10:35 a.m. Opening Prayer was by Commissioner Lynch. Attorney Ed Harris suggested that public comments be heard earlier in the meeting. Commissioners agreed to the change. There would still be opportunity for public comments at the end of Commission business if time permitted.

Minutes of the December 4, 2004 meeting were distributed as well as were emailed and mailed to Commissioners prior to March 12, 2005. Commissioner Lynch expressed concern regarding the voting on the Peltier Resolution introduced by Commissioner Ellenwood at the December meeting. Chair Ellenwood asked for a vote on whether to revote on the resolution. The vote was 4 to 3 not to revote on the resolution. Chair Ellenwood and member of the public who made the statement, **Vicky Garland**, requested that the paragraph in question be omitted from the minutes. The Commissioners agreed by consensus to move item # 9 to the Recognition Criteria discussion.

### **Motion # 1**

**Commissioner Allen, Secretary, moved that the Minutes of the December 4, 2004 meeting be approved as amended. Seconded by Commissioner Mangrum. Motion Carried.**

Chair Ellenwood read the agenda and it was agreed that the public comments were to be limited to three minutes each.

**Joe White** gave the Commissioners packets of information on the work of the Cherokee of Lawrence County, TN. Museum and Cultural Center. He objected to the three-minute limit in which to explain his position and information. He did relate many details of the work of his organization.

**Doris Trevino** of the Chikamaka asked the members of her group to stand. Most of the audience stood. She requested that the date of "1796" clause be deleted from Motion # 9 during discussion. She approved the passing of the Recognition Criteria except for the date of "1796".

Chair Ellenwood asked Attorney Harris if the state could be responsible for taping the meetings and archiving them and if the state had dubbing equipment. Commissioner Reedy asked if the tapes were the property of the Commission. Attorney Harris said that the secretary is not required to tape the meetings. Commissioner Allen and Attorney Harris suggested that Commissioners have their own tape recorders. Commissioner Allen explained that her taping is to assure accuracy of the minutes, are at her own expense. Chair Ellenwood commented that the public might like to listen to the tapes. She asked for a motion to buy tapes for Commissioner Allen. She suggested that TDEC could hold the tapes for the public. Attorney Harris said the TDEC is not required to be involved to that extent. Discussion followed with Commissioner Mangrum stating that a friend of his could tape for the Commission. Chair Ellenwood appointed Commissioner Mangrum, Chair, Commissioners Reedy, and Vaughn serve on the Audio-recording Committee.

Correspondence was discussed. Chair Ellenwood commented that she did not get mail. Attorney Harris said that he sent any he received to her, but that he remembered that the decision had been to send correspondence to the secretary. Chair Ellenwood admitted that she only goes to her post office box irregularly. After discussion, the original motion was carried to send any correspondence to the secretary for redistribution. **Motion #2 Commissioner Reedy moved that mail be sent to the secretary for redistribution and that a collection be taken up for copying and postage. Seconded by Commissioner Mangrum. Motion carried.** The question of stationary was put on hold because of money shortage. The Commissioners' cards have been printed.

Treasurer Report: Commissioner Allen stated that no other funds had been deposited to the Commission account and that the expenditure would be for the business cards. She will secure the debit amount from the TDEC Accountant for the June meeting report. Money received from public donation for copying and postage was \$126.00. Attorney Harris allowed the funds to be received by Secretary/Treasurer Allen to be used for copying and postage for the Commission.

Commissioner Reports:

Commissioner Anderson gave a verbal report. He attended the Lord Alderdice event in Nashville, and the Chikamaka Gathering at Lake Nickajack. He recommends a memorial statue to Dragging Canoe. He attended the Friends of the Bend (National Park) meeting sponsoring a May 13 event in Chattanooga featuring Indian artists from Oklahoma, a fireside chat at Audubon Acres gathering and dinner with the artists from Oklahoma.

Commissioner Allen, written report and verbal comments. December attendance at Murphreesboro TNNAC meeting, gave a Native American Community update to Network of Memphis, and the Far Away Cherokee social gathering. January attendance at the Nashville Lord Alderdice event, Genealogy Seminar at the public library in Memphis, and was appointed to a two year term as Eastern Star Grand Representative to Oklahoma in Tennessee. February, with daughter, Shelley, visited with Kateri Circle of Houma, LA who helped us host the National Kateri Tekakwitha Indian Conference in Memphis in 1998. Served corn soup and fry bread to the Public Relations Department of the City of Memphis and updated them on the Commission's status. She attended the Far Away Cherokee meeting and explained the opening of the TNNAC nomination process. Copy attached to original Minutes.

Commissioner Lynch, written report and comments. Due to her surgery and complications, her activities have been limited. She stated that some of her activities are in response to her personal responsibilities to her community invitations as well as her duty as a commissioner. She attended the January meeting of the TNNAC Board. Though she was ill and could not attend the Advisory Council meeting of the State Archaeological Commission, January 21-22. She encouraged all to include these meetings in their schedule to make their own unique contributions to the dialog. She attended the Lord Alderdice Nashville event, January 25 and was instrumental in the planning of that event. In February, She attended the Native American Day at UTM, which is turning out to be an annual affair. This year, the day was dedicated to her. Copy attached to the original Minutes.

Commissioner Ellenwood, stated she would fax her written copy to the secretary and gave a verbal report. She attended the Diversity Fair in Newport, the Lord Alderdice event, and the Anderson County White Buffalo Creed Band Meet & Greet. She spoke of the possibility of drafting documents for HIS clinic, housing, and scholarships. Commissioner Ellenwood began reading the Commission Policy Statement regarding the display of human remains. She asked Vice-chair Reedy to finish reading the policy statement, as she needed to take her children out of the room. Attorney Harris asked that the heading to the statement not include the TDEC, only the Commission of Indian Affairs as the author. This amendment was made. The Commission previously approved this document and a copy of the document is attached to the original Minutes. Commissioner Ellenwood mentioned the request by Representative Kernell for the Indian communities to recommend persons for commemoration in some way by the state. She asked Commissioner Allen to act as liaison with ACTIA on the project.

Commissioner Reedy gave a verbal report. His duties with IHS now include Maine, Florida, and Texas and limit his involvement in Tennessee. He considers it a worthwhile effort or he would have given up a long time ago. He was unable to attend the Lord Alderdice event, spoke with the Two Rivers Coalition and SLCMDC at a joint meeting in the Governor's office about organizations in Tennessee fraudulently obtaining money for CDIB cards. He attended the Birchwood-Sand Crane days and was three weeks in Cherokee, NC. He was MTSU powwow arena director.

Commissioner Vaughn gave a verbal report. Her activities include speaking at schools on Indian affairs. He met with Lee Vest's group on their Recognition Criteria concerns and talked with CNO about their concerns for recognition.

Commissioner Mangrum gave a verbal report. He has been working with rangers down at the Mound Bottom site on a monthly gathering. He has met with some Choctaw women about health concerns and with Oklahoma for a facility like the one in Dickson, TN. He attended the Alderdice event, Tommy Veal's meeting with archaeologists, and The Two Rivers Gathering.

Commissioner Ellenwood inquired as to the disposition of written reports of the Commissioners. Commissioner Allen replied that they are filed in the individual Commissioners file folders kept with the Commission records.

Commissioner Mangrum opened discussion on the subject of motions and resolutions presented by the public for Commission consideration and action.

**Motion # 3 Commissioner Mangrum moved that suggestions/resolutions present by or from the public be tabled unless presented in writing 30 days before a public meeting. Seconded by Commissioner Reedy. Motion carried.**

Attorney Harris distributed copies of the AG and TDEC's opinion on the letter to TNNAC to investigate election issue. The opinion as stated indicated that the Commission has no authority to require TNNAC to comply with an investigation of themselves and would have a bad effect on relations with TNNAC. Copy attached to original Minutes.

**Motion #4 Commissioner Reedy moved that Chair Ellenwood write a letter to TNNAC requesting TNNAC to investigate the election issue and respond with letters absolving Commissioners Reedy, Lynch, and former Commissioner Hedgecoth's area of any wrong doing during the elections of 2003. Seconded by Commissioner Vaughn. Motion carried.**

Commissioner Ellenwood's condensed and edited version of the original letter composed during the lunch break was not accepted.

**Motion #5 Commissioner Mangrum moved that the Commission's letter to the TNNAC Board to investigate all metro and Grand Division's alleged 2003 fraudulent elections be tabled until the June 4, 2005 Commission meeting. Seconded by Commissioner Allen. Motion carried.**

Discussion on legality of TNNAC/TCIA actions by TNNAC representatives, audience, and Commissioners was led partly by Vice-Chair Reedy during absence of Chair Ellenwood.

**Motion #6 Commissioner Mangrum moved that the Commission would write a general letter requesting TNNAC indemnification for Commissioner Reedy, Lynch, and Hedgecoth. Seconded by Commissioner Allen. Motion Carried.**

**Motion #7 Commissioner Allen moved that Commissioners Lynch and Ellenwood write a letter to the TNNAC Board requesting indemnification for Commissioners Reedy, Lynch, and Hedgecoth. Seconded by Commissioner Vaughn. Motion carried.**

Chair Ellenwood read from her list of issues for consideration to present at the Sunset Hearing of the Commission.

**Motion #8 Commissioner Mangrum moved that the Commission address the Sunset legislation. Seconded by Commissioner Reedy. Vote not finished.**

Discussion among Commissioners and audience was held on the outlined Sunset issues. **Tom Kunesh** requested that Commissioners abide by the same rules as the Indian Community to post agenda items so that the Indian people could consider the issues before the meetings for study and input.

**Vote on Motion #8**

**Commissioners Mangrum and Reedy-for; Commissioner Vaughn-abstain, needs more time to study; Commissioners Allen, Lynch and Anderson-against; Chair Ellenwood vote only to break tie. Motion failed-3 to 2.**

**Motion #9 Commissioner Mangrum moved that the Commission request from the Sunset Review true enforcement authority to investigate authenticity of situations involving Indians and groups representing themselves as Indian organizations. Seconded by Commissioner Vaughn. Motion Carried.**

More discussion on the possible changes to the Commission bill at the Sunset Hearing including comments from the audience.

**Motion #10 Commissioner Allen moved that there not be any changes proposed to the Commission Bill at the present time. Seconded by Commissioner Lynch. Commissioners Allen, Lynch and Anderson-for; Commissioners Mangrum and Reedy- against; Commissioner Vaughn- abstained. Chair Ellenwood no vote. Motion carried 3 to 2.**

**Motion #11 Commissioner Mangrum moved to table any other requests for amendments until the June meeting. Seconded by Commissioner Allen. Motion carried.**

There was further discussion for the benefit of the new Commissioner Vaughn to hear issues.

**Motion #12 Commissioner Reedy moved not to deal with the issue of dismissal of a Commissioner for two missed meetings in a year. Seconded by Commissioner Vaughn. Motion carried.**

**Motion #13 Commissioner Mangrum moved not to deal with the issue of Indian Preference clause of the Commission Bill. Seconded by Commissioner Vaughn. Commissioners Ellenwood and Reedy-against; Commissioners Mangrum, Vaughn, Allen, Lynch, and Anderson-for. Motion carried 5 to 2.**

**Motion #14 Commissioner Mangrum moved not to deal with the issue of other methods of nominating candidates for the Commission than through TNNAC. Seconded by Commissioner Allen. Motion was discussed.**

**Motion #15 Commissioner Mangrum moved to table the requests for amendments to the Commission Bill until the June 4, 2005 meeting. If the Sunset Committee has not brought legislation by June, there would be time to study and have public input to bring it up at the June meeting. Seconded by Commissioner Allen. Motion carried.**

**Motion #16 Commissioner Reedy moved that the Commission try to find the information that was submitted for the 89 individuals with State Recognition Cards, who were grandfathered at a previous meeting. If the information cannot be found, that the Commission reconsider the vote to grandfather their recognition. Seconded by Commissioner Mangrum. Motion carried.**

**Motion #17 Commissioner Mangrum moved to amend Motion #9 of the March Minutes to change the date listed from 1796 to 1900. Commissioner Lynch added to the Motion #17 the reasoning for the requested date change. Seconded by Commissioner Reedy. Motion carried.**

Discussion followed on Recognition Criteria with audience and Commissioner participation. Commissioner Mangrum stated that the meeting in Nashville with the ACTIA Recognition Committee, October 23, 2004, allowed audience participation.

**Motion #18 Commissioner Allen moved that the Commission reinstate the 1990 Recognition Criteria. Seconded by Commissioner Lynch. Commissioners Allen, Anderson, Lynch, Vaughn, and Mangrum-for; Commissioner Reedy-against. Chair Ellenwood no vote. Motion carried 5 to 1. Chair Ellenwood wants it on the record that she does not approve of the vote.**

Commissioner Mangrum asked Attorney Harris how long could it take for the Recognition Criteria to be confirmed by the present legislature and legal department. Attorney Harris said it could be as long as three or four months after they receive the documents from the Commission. Commissioner Ellenwood recommended developing policies and procedures for reviewing material presented to the Commission for recognition. Attorney Harris recommended that the Commission focus on the Criteria issues.

Commissioner Lynch, Chair of the Committee of the Whole on Recognition Criteria, suggested a meeting with the ACTIA Recognition Committee and the Committee of the Whole in April. Commissioner Mangrum was asked to secure the TDOT location in Nashville for April 30.

Chair Ellenwood said that some legislators have asked why Tennessee should recognize another state's cards. She asked Attorney Harris to request the AG Opinion. There was extensive discussion among the Commissioners and audience.

**Motion #19 Commissioner Mangrum moved to request the AG for an opinion on Tennessee accepting another state's recognition card. Seconded by Commissioner Reedy. Motion carried.**

Commissioner Lynch, Chair of the Standing Rules and Bylaws Committee, distributed copies of the Standing Rules. She reminded the Commissioners that the Standing Rules and Bylaws documents at this point are a work-in-progress. She read items and secured agreement and/or discussion on Standing Rules. She pointed out such items as:

1. Agenda items 11 days and in writing in advance of meetings
2. Meetings can be called and scheduled by a majority of Commissioners
3. Officers serve at the discretion of the Commission with instructions on voting
4. Audience input time limits
5. Commissioners give a copy of Commissioner Report to the secretary before or at the meetings
6. (Omitting) Rule to remove Commissioners (Commissioners are appointed)
7. (Tabled) Define inappropriate behavior of a Commissioner
8. Attendance/Absences
9. (Redundant)
9. (New) New agenda items from the public should be posted 30 days prior to meetings.
10. Commissioners bringing up items at a meeting, item subject to layover till next meeting.

Audience discussion again reminded that agenda should be posted prior to meetings.

Attorney Harris asked that a motion be made regarding Standing Rules 1-10.

**Motion #20 Commissioner Allen moved that Standing Rules 1-10 be approved. Seconded by Commissioner Reedy. Motion Carried.**

Commissioner Lynch stated that Standing Rules could be easily amended, but that much more care must be used with Bylaws to assure they state what the Commission needs. The Bylaws draft has been taken from the wording in the Commission Bill and is still being formulated.

Chair Ellenwood called for brief comments from the audience before adjournment. Commissioner Anderson asked consideration for shortening the six to eight hour Commission meetings. Attorney Harris commented that some of the issues passed in this meeting may accomplish shorter meetings.

**Lance Davis:** "I appreciate the efforts of the Commissioners. The work of the Four Winds Organization has received favorable comments on emails and should be reintroduced on its own merits." Commissioner Ellenwood reminded that Commissioner Vaughn brought the Four Winds Resolution and that Commissioner Mangrum did not know Commissioner Vaughn had introduced the resolution.

**Joe McCaleb:** "It is good to have a full slate of Commissioners present. I would like to see the audience comments at the beginning of the meetings rather than the end for the Commissioners to hear what their constituents have on their minds. They (the audience) can be asked to speak on the topics on the agenda, again, showing the need for an agenda to be posted prior to meetings. Of course, there are likely to be exceptions to be added or tabled for a later meeting. John (Anderson) is right. The meetings are too long. Have a sign in sheet for the order of speaking to the Commission."

**David Teat:** "Commissioners, all I want to say is thank you for your hard work and encourage you to continue."

**Commissioner Vaughn:** "I do want to say, for the record, that Commissioner Mangrum did not know about the it (the resolution for Four Winds). When Commissioner Ellenwood mentioned Four Winds to me, I was interested in programs that involve children and help our children."

**Donna Bivens:** "I want to thank the Commissioners, too."

**Lydia Salvador:** "As for the Four Winds, if it helps one child's life it is worth it. If tribes all over the country commend them, surely our Commission can do that also. I think they should be recognized for the work they do. I hope they work with girls, too." Commissioner Mangrum replied that a girls' facility will be opening in Kansas.

**Amy Clark:** "I'd like to commend Commission for its work and I'd like to see some abused women's programs."

**Dennis Pirelli:** no comment

**Shelley Allen:** "I commend you for a meeting that did not end in a fight-fist fight, I mean. You just need to keep communication among yourselves open. Respect each other. If you have a problem with someone, discuss it with that person and not on email before God and the whole world. Pick up a phone or email that person personally. Y'all had a great meeting today."

**Joe White:** "I'm Joe Sitting Owl White. Thank you for what you've done today. The TCIA would never have been sunset in the first place if there had been a state recognized Indian tribe. If we want to keep our TCIA, we are going to have to have a state recognized tribe. That is what the legislature in Nashville wants. We are losing jobs everyday, educational opportunities missed, and medical needs go unattended. We have people in our tribe who need medical care. Recognized tribes qualify for Indian Health Service. We have the fall season coming up. If we do not act before then, those opportunities are lost. One of our tribe has to move up North to have a lump taken care of. I don't think you realize how important it is to have a state recognized tribe. I have tried to give examples of what can be accomplished. We've come a long way. There is still a long way to go. I'd like to see you go into emergency session on this recognition. Let's get this done."

**Tom Kunesh:** "I'd like to see an agenda go out in advance, at least 10 days in advance. There was only one issue that was known about by the public in advance. All of the other stuff discussed was not proposed in advance. The public did not have time to discuss and arrive at possible solutions for you guys to work on. That's it. You could have time for solutions to be worked out ahead of time that would shorten the meetings. Put out an agenda, hold yourselves to the agenda, and not accept new, unknown, items."

**Wally Leary:** (spoke softly-not all picked up by tape) "moved from Minnesota to Chattanooga. I'm proud to be Cherokee..."

No more comments from the audience.

Attorney Harris asked who are on the Agenda Committee. Commissioner Allen responded that the Agenda Committee members are: Commissioner Reedy, Chair, and Commissioners Ellenwood, Vaughn, and Allen. Attorney Harris recommended that the Committee members could work together to get out a proposed agenda prior to meetings.

Commissioner Mangrum moved to adjourn. Seconded by Commissioner Anderson. Meeting adjourned 4:40 p.m.

Ruth Knight Allen, Secretary/Treasurer