

TENNESSEE COMMISSION ON INDIAN AFFAIRS PUBLIC MEETING

Saturday, March 4, 2006
Old Hickory Utility District Community Center
1050 Donaldson Avenue
Old Hickory, Tennessee

Present were: Doris Trevino, Chair, Secretary/Treasurer Ruth Knight Allen, Niles Aseret, and Kippy Vaughn. Quorum present.

Absent were: Vice Chair, Evangeline Lynch, in the hospital,
Jimmy Reedy, Arena Director at Murphreesboro Powwow
Jeanie Walkingstick King, Death in family

Meeting Called to order by

Chair Doris Trevino at 10:40 a.m. and reminded anyone wishing to speak to sign the register.

Opening prayer was by **Jeremy Meeks**

Minutes of the December 3, 2005 were reviewed. **Secretary/Treasurer Allen** asked that the Minutes be approved.

Motion #1

Commissioner Vaughn moved that the Minutes be approved. **Seconded by Commissioner Aseret.**
Motion carried.

Treasurer's Report was distributed and explained showing a balance of \$175.70. **Secretary/Treasurer Allen** asked that the Treasurer's Report be approved.

Motion #2

Commissioner Vaughn moved that the Treasurer's Report be approved. **Seconded by Commissioner Aseret.**
Motion carried.

Chair Trevino explained that due to weather hazard the Public Hearing on the Recognition Criteria was cancelled and that the first part of this meeting will be the Public Hearing. After which the business portion of the Commission would be conducted without public comment.

Public Hearing on Recognition Criteria

Speakers were given instructions to stay on the topic and speak for three minutes. General public comments would be at the end of the Commission business session.

Vicky Garland: Introduced herself as Vice Chair of TNNAC. She stated that the poll of the TNNAC delegates on two questions were together and would not take long to read: Middle Tennessee—Yes to need for Recognition Criteria. Voted "No" to changing the number of nominees from two to one. She explained the process for changing a TNNAC rule. West Tennessee—Yes to need for Recognition Criteria. Criteria need to be strict as ACTIA's proposal. No to changing the number of nominees from two to one. East Tennessee—Yes to need for Criteria. No to changing nominees from two to one. TNNAC—Yes to some kind of Recognition Criteria to stop people from going around the Commission to the Legislature for recognition. No to changing the nominees from two to one.

Joe White: Introduced himself as Joe Sitting Owl White and that he objected to the three-minute limit to the comments. He read excerpts from letters regarding the requests from the Lawrence County Cherokees for recognition. He criticized former Commissioner Ellenwood at length for her involvement during the Lawrence County Cherokee quest for recognition.

Lee Vest: Asked that he speak later during the regular public comment.

Perry Ramsey: Also, said he would speak later.

Tom Vest: Gave his time to **Joe White** who continued his comments against Commissioner Ellenwood and inaction of the Commission of Indian Affairs. He stated that he would file a formal request that the Justice Department investigate the Commission. He insisted that the Commission assume its authority to grandfather the Lawrence County Cherokee as a tribe. He said that the Commission would be Sunset this time.

Commissioner Allen reminded him that the subject being discussed was the Recognition Criteria.

Commissioner Vaughn assured Mr. White that the business regarding recognition affirmed by this Commission had been approved by the previous Commission and was not new business. She stated that, since his group had not been dealt with before the sunset of the previous Commission, nothing could be done until new rules are approved. **Chair Trevino** cautioned that his threats were not appropriate and that she did not believe any of the Commissioners have personal agendas, which would keep them from doing their job.

Herstle Cross: Read a letter that he submitted to the Commission on their acceptance as a recognized group. Observations on what a "tribe" is was read and examples given. DNA testing was mentioned as part of recognition.

Commissioner Aseret: Stated that he is Navajo. He explained his becoming involved in Indian activities in Tennessee. He urged all the Indian people to communicate with each other and help each other. He said he is new, but he is here to help. He said he will bring up another issue later.

Chair Trevino: Said she had asked Attorney Joe McCaleb and ACTIA Chair, David Teat to help with legal information regarding the Recognition Criteria. She said she had listened to comments for two years on the need for a recognition criteria and that there has to be a cut off point. She assured that the Commissioners will view the facts, make decisions and be willing to make changes as necessary. She said that the typo of the date 1796 was corrected and that the responses, at least, showed that people were reading the criteria. She encouraged that we all be willing to accept disagreement. Chair Trevino stated that Attorney McCaleb did research on the suggestion that a criteria item on Indian Gaming be included. The result was that only Federally recognized tribes have authority to operate Indian Gaming and the state legislature would have to approve Federal Tribal Gaming.

Commissioner Allen: Explained the work that went into the original recognition criteria and the research involved. She said that the BIA representative agreed that the document was close to the BIA standard at that time. Commissioner Allen said that the Commission has to determine, from all the information being gathered, what will be appropriate for the state of Tennessee; work with the state legal structure and Legislature; and abide by the results. She cautioned against threats and "going around" the Commission to your legislators. She said there would never be "perfect" recognition criteria.

Vicky Garland, Vice Chair of TNNAC stated that SB3455 sponsored by Senator Jackson and HB 3544 sponsored by Representative Kernell have been registered in Legislature regarding the TNNAC Referendum on TCIA candidate location eligible **Herstle Cross** asked for an explanation. **Mrs. Garland** responded that the Referendum will require that a candidate can only run in his/her own jurisdiction, such as areas (East, Middle, West) or the metros, (Chattanooga, Knoxville, Nashville, Memphis), but not in both.

Chair Trevino asked **Dale Mitchell** to read amended Resolution for Recognition of Historic Tribes in Tennessee. (Copy attached)

Motion #3

Commissioner Allen moved that the Commission adopt the Resolution for Recognition of Historic Tribes in Tennessee. Seconded by Commissioner Vaughn. Motion carried.

The illness of Commissioner Lynch, Chair of the Rules and By Laws Committee, postponed any discussion on those items of the agenda.

Commissioner Allen responded to the TNNAC Referendum for TCIA candidate jurisdictions. She stated that the situation could happen in any TNNAC election as it did in the Metro Memphis area. The TCIA Bill requires that at least two nominees be submitted for consideration for each commissioner position of the seven areas. TNNAC has an election process requiring candidates to file paperwork within a period of time. In the Memphis incident, no other candidate filed during the given time leaving the incumbent unopposed. To comply with the Bill, TNNAC required that Metro Memphis provide a second candidate.

Commissioner Allen stated that she suggested that TNNAC consider an amendment to the TCIA Bill which would allow one name be submitted when no other candidate met the TNNAC election requirements. She said that, to her knowledge, incumbents were allowed to run unopposed, when no one met election requirements to run for the elected position except the incumbent. **David Teat** stated that he believed the intent of the legislation was to avoid a problem. **Mr. Teat** suggested that TNNAC review the process to assure a backup for each position. **Mrs. Garland** explained the election process and how any changes would have to be submitted at a TNNAC Convention. She said they would work out wording. **Mr. Mitchell** said that the wording could be that someone could run, knowing he/she was running in a support or backup position.

Mr. Teat offered prayer before the meal.

Joe White commented that his group has a legal team in the process of trying to intervene in the issue of Little Cedar Mountain at a cost of one million dollars. He said that it may be too late this time, but could be used in the future.

Commissioner Aseret made an announcement from Melba Eads concerning a Sacred Sites Run starting at Pinson Mounds on March 19, 2006. He encouraged all, who could to attend and/or run.

Chair Trevino called the Commissioners into the business session of the meeting.

Motion #4

Commissioner Allen moved that the TCIA adopt the 1990 Criteria as a Proposed Recognition Criteria for American Indians in Tennessee with an amendment to 0785-1-06 Procedures for Petitioning for Recognition of a \$20.00 processing fee per application. Seconded by **Commissioner Aseret**. Motion carried.

Chair Trevino requested General Counsel Ed Harris to explain the process the proposed criteria will have to follow. **Attorney Harris** explained that the Secretary is to send him a disk of the Criteria. He will file the document with TDEC. A Public Hearing date will be set and be conducted by TDEC. All information will be submitted for the Commission to consider and compiled into a document and voted on by the Commission. The document will be submitted to the Attorney General for approval of legality after which the document will be sent to the Legislature.

The next meeting of the TCIA is to be in Chattanooga, June 10, 2006.

Commissioner Aseret discussed a project he is working on to acknowledge the contributions of Native Americans. He spoke of his Code Talker friends whose contributions are almost forgotten. He would like to promote, across the country, a National Native American Indian Holiday. He explained that there is very little and, mostly inaccurate, information in the history books about Native American Indians.

Alice Henry, Chairwoman of Faraway Cherokee Association, Memphis, stated that the Mayor did not attend a function of her group when they honored a Code Talker. She said that one of her granddaughter's teachers told her class that all the Indians are now dead. **Chair Trevino** said that November is National Native American Month and there have been various days set aside as Native American Days, but they are not widely publicized.

Perry Ramsey spoke eloquently of this ancestry with the Appalachian Confederated Tribes and his Elder status. He said that The Creator expects us to strive among ourselves to support each other and he feels this way in his heart.

Lee Vest, Appalachian Confederated Tribes, thanked the Commissioners for their hard work to keep the Commission going and cooperating with all groups. He said he had no idea that the Commission would be sunset. He said he believes that Commissioners are honest and faithful and that most of the Indians support the Commission. He asked that the Indian people let the Commissioners do their work and be patient.

David Teat, stated that there is a lot of work being done. Passionate discussion is going on. He believes that the Recognition Criteria has to be strong enough to prevent fraud. Tennessee is considered weak. Someone can say, "I'll make myself an Indian and they will accept me." **Mr. Teat** cautioned against threatening the Commissioners – that is extortion and a crime. He thanked the Commissioners for their hard work.

Chair Trevino thanked ACTIA for their support stating that they (the Commissioners) did not always do what ACTIA suggests, but that we can count on them. She thanked Mr. Teat and Attorney McCaleb for their help.

Commissioner Allen said that she, too, thanked Mr. Teat, and Attorney McCaleb because she calls on them often. She thanked Vicky Garland and General Council Ed Harris are always available for information.

Commissioner Allen gave an update on Commissioner Lynch. She explained about Commissioner Lynch's expected liver transplant and asked for prayers and donations for Commissioner Lynch for the expenses that will be involved. **Mr. Teat** stated that a fund has been set up for Mrs. Lynch. **Mrs. Garland** said she would post the information on Internet. **Mr. Teat** encouraged the Indian Communities to keep in touch with Mrs. Lynch. Those attending this meeting donated \$319 which Commissioner Allen, as Secretary will deposit in Mrs. Lynch's account. **Shelia Miller** commented on how much she appreciated Mrs. Lynch.

Joe White commented that the TCIA would be sunset and wants the Commission to hold emergency sessions until the issue of the Lawrence County Cherokee is resolved. He demanded that the Commission do its mandate. His threats included that the Commissioners seek the "witness protection program." **Chair Trevino** assured him that his situation has already been addressed. **Mr. White** cut her off and insisted that the Commission recognize his group today.

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Attorney McCaleb responded to Mr. White that the Commission could not do anything about it today.

Wayne Hilton complimented Commissioner Vaughn for her attention and attendance at their meetings.

Commissioner Aserat responded to Mr. White that we are all trying to work things out and get us all together.

Mr. White still demanded that the Commission do its mandate and recognize them.

Chair Trevino asked for motion to adjourn.

Motion #5

Commissioner Vaughn moved to adjourn. Seconded by Commissioner Aserat. Motion carried.

Meeting adjourned 2:30 p.m.

Ruth Knight Allen, Secretary/Treasurer