

# TN COMMISSION OF INDIAN AFFAIRS

## *Quarterly meeting*

Saturday, 9 June 2007, 10am

Moccasin Bend Mental Health Institute, Chattanooga

### I. CALL TO ORDER 10.07

A. Opening Prayer - Rev. Tyus

B. Welcome and Introductions:

intro: Rev. Dwayne Tyus, Nashville, parliamentarian at Ms Van's request

C. Roll Call 7/7

Van Lynch, West TN, chair

Kippy Vaughn, East TN (Rockville), vice chair

Ruth Knight Allen, Memphis, secretary

Niles Aseret, Nashville

Jeannie King, Knoxville

tom kunesh, Chattanooga

Jimmy Reedy, Middle TN (McMinnville)

D. Chairperson Speaks: Establishing Protocol

Call to a higher level of professional conduct

sec. 9: The chair shall take care of the day-to-day business of the Commission

E. Approval of Agenda: add ...

+ Honor Sacred Sites Day, June 21

+ Examples of past Native American observances in TN

+ Donated painting

+ Grant sources

add Code of Ethics

approved (unanimous -1)

F. Reading and approval of minutes and treasurer's report 10.24

Some of verbiage not picked up on tape at March meeting due to distance between speakers and tape recorder.

[Reedy arrived 10.24]

kunesh: motion to dispense with reading of the minutes

Allen: Debbie Ownby, TDEC website mgr - length does not matter in relation to the website

Motion failed, 2-4. Reading of minutes (9 pages) proceeded: 10.30-11.15

kunesh - raised question of ownership of tapes of minutes - Allen owns.

Motion to purchase tapes - not appropriate at this time.

Allen - offer to others to listen to the tapes

need for commission to direct length/type of minutes: extensive or abbreviated

Corrections offered.

12.00 Minutes accepted as corrected. (6-1)

12.05 Treasurer's report adopted, unanimous.

Pay \$100 to GIIC dues, unanimous

12.06 - 13.02 break for lunch

G. Communications

Dept of Health mtgs - maternal & child care

Email notices from State Archaeologist Michael Moore re. sites

H. Commissioner's reports

13.05

Vaughn - Cub scouts Make-A-Wish foundation

Women's Missionary Baptist - missionary work in Mexico & how to help

Nashville - requested by Amber Gooding HRC

youth group to x building class

Nashville - mascot issue

Meet & Greet in Chattanooga, Fireside Chat

Rockwood - make-a-wish foundation

Nashville - kids group - English castle

Meet & greet in Kingsport

fundraiser for Literacy Foundation

TN Walking Horse Foundation fundraiser for child

vacation bible school

Reedy - met w/Boys & Girls Club in McMinnville

talked w/new, referred to Ms Van re mascot issue

IHS - backup power generator

Bangor Maine trip

new payment system

TN NA Vets Nashville Memorial Day service

kunesh - visits to Miller site on Chickamauga Creek

attended local monthly Fireside Chats

attended Senate hearing on the mascot bill SB162

met w/Herstle Cross, James Cossingham & James Meeks for coffee

TN NA Vets' Memorial Day program at the National Cemetery

John Anderson doing much better

visit to Cherokee of Lawrence County's museum, talk with Joe White

attended former TNNAC sec'y Lynn Clayton Memorial

child welfare court case - mother in Wisconsin, daughter in Bristol w/father - ICWA

fun time getting this table

welcome to Moccasin Bend Native American town site & National Archaeological District

Aseret - has been traveling

a few speeches at various schools in the Carolinas

asking a lot of questions about what's needed here in TN

getting ready to talk with Navajo Nation leader about national holiday

working on getting okay on national holiday

constantly going. in contact w/David Teat a couple times

Walkingstick King - missed last meeting, family issues

Diversity Celebration - library, went well

NA Day at Heritage Center in Townsend,

upcoming - Sequoyah Birthplace Museum - concerts

things slowing down, will hear a lot more in future

Allen - dealing with results of last mtg

area quiet

Eastern Star - 4 days in Nashville

Friend of a Feather, chance to educate people about being Indian-aware

Sister Kateri Mitchell visited, will be at conference at U of MD

Will see Indian Museum in Washington, meet w/NA bishop & archbishop, go to Mass

Hosted conference in Memphis in the past - was told there weren't enough Indians in Memphis to host another, first time ever in Southeast.

Doesn't hear a lot about the NA community in Memphis

Assisted in Greek Festival, Italian Festival

Trying to stabilize infrastructure of Commission itself; to shore up & establish a trust in the Commission itself.

Did go to Nashville on the mascot issue, w/Kippy & others, including her stepson Ferrel ... did nothing that day that others have done, no appointments, just visiting legislators who were there. Didn't like bill, amendment that was already written, ... tried to salvage whatever positive could be saved. ... We can't make them change unless they want to, even if we do it will cause resentment. Amendment provided a loophole, ... help come up with an alternative. We did nothing that other people had done from another viewpoint. We have a right to an input.

Lynch - continued recovery, still prevents from performing all activities.

Has responded to limited phone calls, numerous emails

Letters attached & some still on computer

Spoke at Senate hearing on SB162

West TN Meet & Greet at UTMartin

Lynn Clayton passed, a valuable member of West TN, sorely missed

13.33

## I. Legislative report

1. SJR0002 Urges the TNCIA and BIA to recognize the Cherokee Wolf Clan as Native Americans: withdrawn

2. HB0133 Prohibits state agencies from prohibiting use of American Indian symbols, names, and mascots: amended, passed and awaits Governor's signature

3. SB1307 Authorizes issuance of Native American cultural license plates: amended so that it is not a NA license plate

4. SB1371 Exempts bona fide Indian organizations from payment of \$50 charitable solicitations fee: passed in Senate, held in House, etc.

5. SB1681 Authorize TDEC to issue recognition to certain Indian tribes; grants recognition to Cherokee Wolf Clan: died in Senate; no House sponsor

6. SB2121 Extends TNCIA to 2011. Placed on State and House Government Operations Committee for 05/30/07 to extend TCIA for one year: final sunset hearing, 07/30/07

13.46

Sunset hearing on 31 July (info per TDEC legal counsel Joe Sanders)

## II. OLD BUSINESS

13.48

A. Rules Committee

1. By-Laws proposal

2. Standing Rules

Lynch - compared her version with former Commission's and drafts from James Meeks and Tom Kunesh ... 21 pages to review of different proposed bylaws.

13.53 (10 persons observing)

Kunesh - recommends we table or refer to committee

Lynch - if a Committee of the Whole, it means another public mtg

Kunesh - will the Commission do it? - how about ACTIA?

Motion to refer to Committee of the Whole Saturday, 21 July in Nashville - 10am

14.00 (Reedy had to leave)

Tabled discussion until next meeting - special meeting in July.

kunesh - Special Commission meeting instead of Committee of the Whole  
with an agenda limited to:

1. Bylaws, add Code of Ethics, including Meeting Protocol
2. Sunset Questionnaire

B. Tribal Recognition Application proposal

Allen - motion to table until the Commission has the legal printed document from the state in our hand so that we can take the proposed application and lay it side by side to the criteria to make sure it matches. Vaughn second.

kunesh - it's been 10 months since the tribal recognition criteria were proposed, 3 months since it was adopted, nothing has changed - we've had the same text for 4 months. We need to move on this.

Lynch - from state - it is time to move on it.

Aseret - this is one issue - we need to get on it.

kunesh - motion to take off the table from last meeting. Aseret second. 2-3 failed.

Lynch - let's get ready for Joe White's lawsuit

C. Resolution supporting NAIA's Circle of Life building project

friendly amendment - strike money reference. kunesh moved adoption, Aseret seconded.

Unanimous

D. Status of American Indian Research Initiative/Health and Education community assessment - skip

E. Native American representation in the state parks' planning - approved before - letter will be sent this time.

F. Status of investigation - parties apologized, one party asked not to do it.

kunesh - motion to rescind motion to investigate. Aseret second.

Walkingstick King - who is in charge of the minutes & agenda?

Lynch - because of confusion took responsibility of the agenda

kunesh - investigation applies to minutes

agenda by agenda committee - committees never meet

Allen - informal process of circulating agenda items among officers

not really making decisions on the items submitted for agenda

Harris - did not have to meet as a committee - a working document that can be changed, did not require a meeting

Motion to rescind investigation - unanimous.

### III. NEW BUSINESS

A. Sunset Review

1. Review of Annual Report 2004 - 2006

kunesh - need annual reports for sunset report.

Allen - did it last time, has all the stuff, can send out what she does have and start with what has already been done.

kunesh - motion to send Commission's actions from 2004-2006 to chair for compilation into 3 separate annual reports to be submitted to the state.

Allen - compiling will take too long.

Walkingstick King - can't be done by 21 July.

kunesh - the state requires them. It will be bad if we show up at the sunset hearing without annual reports as required by the state.

Motion approved, unanimous

2. Response to Sunset Review's questionnaire  
officers (executive committee) to compile individual commissioners' responses.

B. Status of non-functioning Commission committees

Lynch - committees have not been functioning.

kunesh - motion to dissolve all committees that have not met by 1 december  
failed for lack of second.

Allen - agenda, education, health, ... repatriation, rules & procedures, website, funding, ... whether they have met or not. Just because they haven't met doesn't mean they're not committees that are valid.

C. Tennessee Native American Music Educational CD proposal

kunesh - motion to adopt resolution, Aseret second

intro to Mark Caldwell, producer/promoter; not going to do any mastering. Project cost \$8500.

Aseret - drumbeat & language - more important than people singing in the english language;  
you're on the right track with education.

amend: with executive director to make final decision on content regarding mix of traditional  
and non-traditional music.

Motion failed 2-3.

15.38

D. Tennessee NAGPRA Initiative based on Colorado's proposal - change in NAGPRA regulations -  
from "culturally unidentifiable" to "culturally unidentified"

Allen, Vaughn - Lynch to draft letter asking of interest of culturally-affiliated tribes: unanimous

15.44

E. State Recognition Study Task Force

Allen - motion to table until next regular mtg, standing rule says public has to submit proposals 30  
days in advance of meeting. Approved 4-1.

15.55

F. Legislative Review Committee: Lynch - we need one.

Allen moves that chair appoint a legislative review committee, kunesh 2nd.

Approved, unanimous.

Lynch: appointed Val Ohle, Melba Checote Eads, Vicky Garland, [Ed Vinson]

1. Recognition of Historic Tribes of Tennessee Resolution: approved; move to 2008 legislature.

15.59 - 16.18 break

2. Native American Indian license plate: new proposal

Allen: If Commission picks up project proposed by a private entity, it will look like we're screwing  
them. It's unethical to take a private entity's project.

kunesh: the proposal was made by the former Commission around 1997; it was planned for the  
Commission in 2006 -and- 2007; no proposal was ever submitted to the Commission by another  
party.

kunesh: moved adoption ... died for lack of a second

G. Education

1. Basic school curriculum on Mississippian culture and The Three Sisters: need a proposal - skip

2. TN Native American tourism map: need a proposal

kunesh: motion to adopt proposal: died for lack of a second

3. Other resources, presenters, etc. to offer public schools

#### H. Health Care

1. Promote a Health Fair in coordination with local health/care institutions at all in-state powwows: ie., diabetes screening, blood donations, etc. / no proposal - skip NAIA - renting state site, need state's permission, no person to take on that project.

#### I. Website

1. Updating, better integration, more references (in discussion with TDEC)

#### J. Indian Memorial Project

1. Honor Sacred Sites Day, th, June 21 - Val - 10 years? kunesh - 5
2. TN Native American Day, Sept. 24, 2007
3. TN Native American Month, October 2007

Aseret - why two separate days/months - september - october?

kunesh: motion to assign study to a committee to determine why TN NA day & month are on different days/months than other states/nation. failed for lack of second.

16.37

K. Commendation to Tommy Veal - Lynch spoke on his contributions - certificate, signed by Lynch & Allen, has asked Jimmy to make presentation. kunesh, seconded. Unanimous.

16.41

Niles Aseret - had come to realize that he cannot dedicate the time or effort that being a Commissioner calls for. Tendering resignation effective 10 June 2007 (tomorrow).

16.43

Walkingstick King - Moved to revisit recognition process:

need to follow through with an application. need not to delay.

seconded by Vaughn. Approved 4-1.

Allen: motion to adopt Meeks' proposal, Vaughn - second. 4-1 - application accepted.

16.52

L. Places of future Commission meetings proposed

1. August 25 Knoxville -

Shelley - UTK game day?

Val - Maryville Pike UMC church available

2. Dec. 1 Memphis

kunesh - moved, Walkingstick King - seconded. Approved.

17.00

#### IV. ORGANIZATIONAL REPORTS

##### A. ACTIA

David Teat

##### B. TNNAC

kunesh reported for Vicky Garland, TNNAC vice chair:

1. meeting next saturday
2. caucuses in 2 weeks
3. Standing Rule 2 should be deleted

##### C. NAIA

Sally Wells - doesn't speak without board approval

##### D. ALLIANCE

## V. CLOSING

### A. Public comments

Shelley Allen - on recognition - completely bypassing individual recognition by the state. I completely and totally disagree. I'm an individual indian. I don't need to belong to an organization to belong to an organization to be indian. Any individual should be able to send in their application to the state for recognition. Commission doesn't have the right to blow off individuals, without individuals you won't have organizations. ... Commission has no right to say that an individual has no right to petition the state for recognition.

17.06

Herstle Cross - 31 July 1993 TNCIA officially recognized UELN as an Indian-related organization of Tennessee - rec'd 2nd type of recognition under old Commission. Old commission never rescinded, never gave any cause to doubt recognition, UELN still is recognized in its opinion and its counsel

Lynch - letter from state Attorney General - UELN no longer valid -  
no records that UELN ever submitted info to Commission.

Harris agreed that AG should have said that TNCIA records are not sufficient.

UELN shouldn't have to prove paperwork

TNCIA needs to vote on reaffirmation of 2005 TNCIA gave UELN - under old commission ... recognition to indians in Tennessee (law says). It's a moral question - Why are some individuals/commissioners misrepresenting the majority of unrecognized indians in TN?

A PAC is being formed to engage attorneys, historians, tax advisers, etc. for requesting recognition, ... includes Chief Vest, Chief Calmwaters

We do not believe the TNCIA has formally voted to repeal the recognition status of UELN - needs to do it so public can see who votes

26th powwow, April 1995 recognized by legislature  
newspaper article in the spring 1994

It pains me to say this to each of you as a commissioner:  
If you do vote to rescind our recognition, shame on you.

17.12

James Cossingham - supports what Herstle just said. Why are you here as a commissioner? to identify a mechanism to identify Tennessee indians. To my knowledge, we don't have any federally-recognized indians in Tennessee. - Are there traditional historic indian tribes that were here? Yes, but they're not here today. and they haven't done anything for you unless you're a member of their tribe. Important - what this state sets as criteria.

State-recognized -federally-recognized tribes - find out what criteria these tribes use.

Last but not least ... about committees ... You're going to have to use a whole heckuva lot more people out here to get things done. You need to engage some other people. good minds of some people who want to work with you. ... Otherwise tom will be coming by at the end of the year saying the committees don't function.

17.16

Ohle - I don't feel so positive about motions/projects that died today. They died for the wrong reasons. This has been an issue with the Commission since day one. We ignore resources because we don't like the person who holds the key to the resource. ... a music cd - voted it down for the wrong reason. An opportunity for a tourism map out there at tourist centers - failed for lack of a second for the wrong reason. We have resources that we don't use - for the wrong reasons. We have a problem networking with each other -... It's gotta stop or we're never going to go forward. We're holding ourselves back.

Has her plastic card - member, NAJA association; member, online news association.

Asked questions of commissioners - nobody responded.  
Other people claiming to come from a spiritual point. you bet I am. You have to know your creator to know where you're coming from. So yes, I came from a spiritual place.

17.21

Paul Vaughn - I come to praise Caesar not bury them. Things bad w/Ms Ellenwood, then she's gone, things got good.  
good things in the state for NAs in the state for economic development  
putting stuff out that's not official causes confusion with the general public.

17.29

17.30

David Teat - Niles' resignation, knows what's coming, gonna be careful.  
You represent your area, true, sent from caucus, delegates come from all over the state  
responsibility to be studied, informed, and willing to inform constituency when it's not in their best interest. never ever back down from the legislators when they're going to abridge your civil rights or they won't respect you.

17.32 James Meeks greetings from Chikamaka Cherokee

Need for public to know what's going on. But needs to be from chair, not just someone who wants to put a document out. NA Pages - forum up, posted there, so we can all go to one source for people to look at. proposes (2) a private forum for commissioners. you got to study, know what's up there.

17.33

Lee Vest - thanks. PAC. I personally support & Kingsport people support individual and organizational and tribal recognition. opposes non-indian people being in an organization and getting recognized.

Tribal & org & individual recognition important to us for various reasons. 89 - supports 2000 recognized people. two sides - this camp thinks this, that side thinks that. Herstle and I - group(PAC) - seek legal counsel. ... been around this group 4-5 years. wants to continue this process. Usually our people from Kingsport - only 6 today - make up the largest group attending these meetings. Wants to get more people attending. we have goals, aspirations, ... recognition is important to us.

17.38

Melba Checote Eads - Without a historical base, we have no indian peoples to connect to. Still don't have recognition for historical tribes.

17.53

kunesh- it's 15 minutes, set limit to 2 more minutes? Lynch: yes

[24 attendees at end of meeting.]

B. Announcements (places and dates of any public meetings)

17.55 kunesh - move to adjourn

C. Prayer

17.58