

TENNESSEE COMMISSION OF INDIAN AFFAIRS PUBLIC MEETING

Saturday, December 4, 2004
CHUCALISSA MUSEUM
1987 Indian Village Drive
Memphis, Tennessee 38109

Present were: Chair Teri Ellenwood, Secretary/Treasurer Ruth Knight Allen, Van Lynch, Mike Mangrum. Vice Chair Jimmy Reedy delayed in traffic. Due to health issues, John Anderson was unable to attend. The seventh Commissioner replacement not yet appointed.

Chair Ellenwood called the business meeting of the Tennessee Commission of Indian Affairs to order at 10:45 a.m. Chair Ellenwood reminded the audience that public comments would be after the business part of the Commission meeting.

Opening prayer by Cubert Bell, Sr.

Chucalissa Museum Director, Daniel Swan, welcomed the Commissioners and guests.

Minutes of the September meeting were approved after corrections. (See Motion #1)

Treasurer Report was read. Funds of a \$100.00 Check, designated for purchase of Commissioner business cards, and a \$194.00 cashiers check, representing cash donations at the September meeting, were turned over to Attorney Ed Harris for deposit in the Commission of Indian Affairs line item of TDEC.

Correspondence copies were distributed to Commissioners.

Reports of Commissioners:

Commissioner Mangrum gave a verbal report of his and Commissioner Reedy's meetings with State Archeologist, Nick Fielder on Native American Indian remains and reburial issues.

Commissioner Ellenwood presented a written report and verbal summary. Copy attached to file copy.

Commissioner Lynch presented a written report and verbal summary. She introduced Mr. Guy Weaver, President of the Tennessee Council of Professional archeologists. Mr. Weaver stated that a main goal of the group is to encourage participation in adjusting state laws to protect Native American culture. Commissioner Lynch continued the summary of her report. Copy attached to file copy.

Commissioner Allen read the written report of Commissioner John Anderson, who is ill and could not attend. His report contained a resolution on Little Cedar Mountain to be read for action under New Business. Copy attached to file copy.

Commissioner Allen presented a written report and verbal summary. Copy Attached to file copy.

In response to Commissioner Ellenwood's question on appointment to the Commission vacancy, Attorney Ed Harris stated that there had been no appointment.

Attorney Harris turned over the Chikamaka and Lawrence County recognition documents he had received for consideration by the Commission.

Commissioner Ellenwood asked Attorney Harris' opinion of possible liability of Commissioners for statements and actions. Attorney Harris responded that a Commissioner would be treated as any other individual in a court of law. The accuser would need to prove malice and referenced the Sullivan versus The New York Times case. He cautioned the Commissioners to be careful what is said or written not to act outside the scope of individual Commission authority.

Commissioner Ellenwood read the letter the Repatriation Committee prepared to provide local and government entities with committee member contact information should these entities discover Indian remains. Copy attached.

Motion # 1

Commissioner Mangrum moved to approve the Minutes of the September meeting with the exception of Motion # 13, which is now a moot point. Seconded by Commissioner Lynch. Motion carried.

Commissioner Lynch led discussion on Standing Rules and Bylaws and plans to have copies of the Standing Rules, which were approved, by the March meeting.

Status of groups recognized as Native American Indian under the previous Commission was discussed. Speakers were: Hershel Cross, Melba Checote Eads, and Tom Kunesh.

Commissioner Reedy arrived. (2:00 p.m.)

Attorney Harris recommended that the recognition issue be tabled until New Business discussion. Attorney Harris asked that the record show attendance at the meeting to be a quorum. There had been a quorum: Ellenwood, Mangrum, Lynch, and Allen at the Call to Order. Commissioner Reedy's attendance began at 2:00 p.m.

Commissioner Ellenwood suggested the policy statement be tabled until the grand fathering issue is discussed. She suggested putting in the policy statement there be no Commission action without majority approval.

Commissioner Reedy presented a verbal report on his work with Commissioner Mangrum on reburial issues.

Commissioner Ellenwood reported that the state of Arkansas gives tuition grants to members of tribes indigenous to Arkansas. Commissioner Allen suggested follow up on contacts begun under previous Commission for similar education opportunities in Tennessee, especially with vocational schools.

Motion # 2

Commissioner Mangrum moved that the Commission draft a policy statement letter strongly opposing the display of human remains in any way or form. Seconded by Commissioner Lynch. Motion Carried.

Commissioner business cards and stationary were discussed. A formal request will be sent to Tom Eck of TDEC for cards to be printed.

Commissioner Ellenwood opened discussion on the Samson/Kunesh packet presented to the Commission at the September meeting.

Motion # 3

Commissioner Mangrum moved that the packet presented to the Commission of Indian Affairs be addressed by TNNAC. Seconded by Commissioner Reedy. Motion carried.

Motion # 4

Commissioner Mangrum moved that the Commission provide TNNAC with a letter of allegations regarding the 2003 Elections. Seconded by Commissioner Reedy. Commissioner Ellenwood and Mangrum for the motion. Commissioner Allen against the motion. Motion carried two to one.

**Since Commissioners Lynch and Reedy were named in the allegations, they are not included in the vote.

Representative Mike Kernell spoke briefly asking for Indian community recommendations for bills to sponsor on their behalf. He suggested that the Indian people consider endorsing some one to be honored for contribution to Indian causes. There could be historical markers or statue sponsored by the Legislature. Representative Kernell reported on a bill to assist Indian members of tribes displaced from Tennessee and wishing to relocate in Tennessee. Discussion followed on these issues.

Motion # 5

Commissioner Mangrum moved that each Commissioner, in consultation with their constituency, recommend names of Indians to memorialize by the State Legislature. Seconded by Commissioner Reedy. Motion carried.

Motion # 6

Commissioner Mangrum moved that the Commission support Representative Kernell's request for Indian Housing Funds. Seconded by Commissioner Reedy. Motion carried.

Commissioner Ellenwood opened discussion on a request that the Commission participate in a Cultural Diversity Festival in Newport, Cocke County on January 15th. Consensus agreement was that Commissioner Ellenwood look into the feasibility of participation and communicate the information to the other Commissioners.

Commissioner Ellenwood opened discussion on pending resolutions.

Commissioner Allen read Commissioner Anderson's resolution regarding Little Cedar Mountain.

Motion # 7

Commissioner Allen moved that the Commission go on record as supporting TVA decision to maintain public lands for use by everyone. Seconded by Commissioner Mangrum. Motion Carried.

Commissioner Ellenwood read her resolution in support for Leonard Peltier's continued quest for justice. Discussion followed.

Motion # 8

Commissioner Mangrum moved that the TCIA support the resolution for Leonard Peltier's continued quest for justice. Seconded by Jimmy Reedy. * Commissioners Mangrum, Ellenwood, and Reedy voted for approval of the motion. Commissioners Lynch and Allen voted against the motion. Motion carried.

Commissioner Ellenwood opened discussion on the Recognition Criteria. Commissioner Lynch reported on the Commission of the Whole meeting in Nashville, October 23, 2004. Those present at that meeting: Commissioners Lynch, Chair; John Anderson, and Mike Mangrum. Commissioner Reedy was out of town -job related business; Commissioner Ellenwood, unknown; and Commissioner Allen was ill. No quorum was present. Discussion was among those Commissioners present and twelve visitors. Commissioner Lynch submitted a written report. After extensive discussion, the following motions were made regarding state recognition.

Motion # 9

Commissioner Lynch moved that the 1990 Recognition Criteria for historical Native American tribes, nations and bands of Tennessee showing state to tribe relationship since 1796 be accepted until both the Commission's Committee of the Whole and ACTIA's Recognition Criteria committee have taken more time (3 months) to study and revise the criteria. Seconded by Commissioner Allen. Motion carried.

*** This Motion was rescinded and new motion will be in March 12, 2005 Minutes.

Motion # 10

Commissioner Lynch moved that the TCIA accept ACTIA's recommendation to recognize the historical nations of indigenous People who first inhabited and named this land of Tennessee with an amendment by Commissioner Ellenwood to add to the third paragraph, "while some stayed". Seconded by Commissioner Allen. Motion carried.

Commissioner Lynch requested that Tim Meeks, Chief of the Chikamaka, be allowed to make a presentation. Tim Meeks' written presentation is attached to the file copy.

Motion # 11

Commissioner Lynch moved to accept the Chikamaka application for state recognition. Seconded by Commissioner Allen. Motion carried.

Motion # 12

Commissioner Lynch moved that individual Commissioners sponsor Public Hearings or during Meet and Greets across the state to receive input from Native Americans on the Recognition Criteria for Tennessee tribal nations, tribes, and Native American organizations and individuals in Tennessee. Native American Communities' voices and opinions have not been solicited or heard. Motion seconded by Commissioner Allen. Motion carried.

Public Comments:

Hershel Cross—Concerned that recognition could be invalid if Commission is Sunset again. He believes that those previously recognized should have continued recognition. His organization should not have to reapply.

Commissioner Ellenwood—Conditions of existing groups are not current. The Commission has boxes of paperwork of groups now to evaluate.

Commissioner Allen—Some groups are still valid and only need updating to meet present information requests.

Commissioner Ellenwood requested the Commissioners to consider their schedules for a date to meet to review the materials currently on hand. Attorney Harris stated that email and/or phone calls are permitted to set up meetings.

Vicky Garland—Reminded that the TNNAC-SOP meeting would be December 11th at MTSU.

Representative Mike Kernell—Pleased to see all who were present. He apologized if he offended anyone by his comments.

Dr. Jim Cossingham—Spoke on conditions in Massachusetts of state recognition and the MA Indian Commission. He stated that Federal and state recognition calls for two different criteria

Joe McCaleb—Commended the TCIA for approving the resolution on Little Cedar Mountain and encouraged any who could to attend the TVA meeting.

Commissioners Reedy and Ellenwood requested that Tom Kunesh (who had the date, time, and place information) email them with the meeting information.

Shelley Allen—Encouraged the Commissioners to communicated with each other. She referred to comments regarding agendas and notices. She stated that the Commissioners are not likely to agree with each other, they have to talk between meetings.

Tom Kunesh—Thought this was the best meeting so far.

Commissioner Allen asked that every one who has contacts put pressure that the Sunshine Law allow the Commissioners to communicate between meetings.

Commissioner Mangrum thinks that, as long as decisions are made in open meetings, dialog should be allowed outside open meetings.

Attorney Harris stated that the Sunshine Law applies to all groups.

Joe McCaleb—Questioned Attorney Harris if Sohnia Hong or Joe Sanders could be approached about this. He stated that since this Commission does not have a budget, and is unique in other ways, that communication should be relaxed.

Commissioner Lynch recommended Estel Acbettubby Perry to say the closing prayer.

Commissioner Mangrum moved to adjourn. Seconded by Commissioner Reedy. Motion carried. 5:45 p.m.

Date
Ruth Knight Allen, Secretary/Treasurer

