



COMMONWEALTH of VIRGINIA

Virginia Council on Indians

P. O. Box 1475, Richmond, VA 23218

W. Tayloe Murphy, Jr.
Secretary of Natural Resources

Karenne Wood
Chair

Virginia Council on Indians Meeting November 15, 2005

Present: Chair Karenne Wood (Monacan), Juanita Smith (Nansemond), Frank Adams (Upper Mattaponi), Gerald Stewart (Eastern Chickahominy), Frank Richardson (Rappahannock), Reggie Stewart (Chickahominy), Danielle Moretti-Langholtz (Citizen At Large), Buck Woodard (Muskogee Creek, Indian At Large), Mitchell Bush (Onondaga, Indian at Large), Paige Archer (Meherrin, Indian At Large), Deanna Beacham (Weapemeoc, Council Program Specialist)

Absent: Dante Desiderio (Sappony, Indian at Large), Sonya Lawrence (NC Nottaway, Indian at Large), Ryan McDougale (Delegate), Floyd Miles (Delegate), Allen Louderback (Delegate), Bill Bolling (Senator)

Attending: Chief Ken Adams (Upper Mattaponi), Powhatan R. Owen (Chickahominy), Gene Adkins (Eastern Chickahominy), Roger Archer (Meherrin), Reggie Tupponce (Upper Mattaponi), Pinky Smith (Cherokee/Nansemond), Jack Kotvas, Dionne Walker, Harvey Langholtz

Administrative Business:

1. The meeting was called to order at approximately 6:00 PM, and the invocation was given by Chief Ken Adams.

New Business:

1. The Chair asked that Jack Kotvas, the Deputy Attorney General counsel for the VCI, give his presentation on the Freedom of Information Act first, as it might clarify the answers to questions others had regarding what is permissible and not permissible under FOIA. Mr. Kotvas then gave a brief presentation on FOIA, which is part of the Code of Virginia (2.2-3700) and available on the Internet at <http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+2.2-3700>. There were several questions from the Council members as well as discussion. Mr. Kotvas also offered to send copies of Virginia's FOIA to interested persons. His email is jkotvas@oag.state.va.us.

Further Administrative Business:

2. The meetings for the October 18, 2005 meeting were approved as amended with suggestions from Council members. The motion for approval was made by Frank Adams and seconded by Gerald Stewart.

Old Business:

1. The Chair shared with the Council members a draft of the Memorandum of Agreement for the transfer of funds to the Virginia Foundation for the Humanities for the administration of the Virginia Indian Heritage Trail. Council members had several suggestions for minor changes. The amended draft was approved unanimously by the Council, with the motion to approve being made by Frank Richardson, seconded by Juanita Smith. A copy of the amended Memorandum of Agreement is appended to these minutes as Appendix A.
2. The Chair then offered for discussion a draft of findings and recommendations to the Governor and the Commonwealth, to be presented to the Governor's Office as stated in the Code of Virginia. The Council made several suggestions for amending and improving this document. The final draft of the document was approved unanimously by the Council, with the motion to approve being made by Juanita Smith, and seconded by Frank Richardson. A copy of the final document is appended to these minutes as Appendix B.
3. Buck Woodard then brought to the Council two motions offered from the group known as the Cheroenhaka Nottaway Indian Tribe of Southampton County, which he had previously distributed in email to some of the Council members and to the VCI office. Copies of the motions as distributed are appended to these minutes as Appendix C. Considerable discussion of these motions followed, but no formal action was taken on the motions. It was noted during the discussion that there was no procedural requirement for the Council to act on motions made from the floor. During the discussion, Deputy Attorney General Kotvas made the recommendation that the Council Chair write a letter to the leader of this organization, Mr. Walt Brown, outlining the sole procedure by which a group can be recognized as a tribe by the Commonwealth of Virginia. Council member Frank Adams made a motion that the Council follow the advice of counsel and write such a letter, with copies being sent to Chief of Staff Bill Leighty, state Senator Louise Lucas, and Mr. Kotvas. The motion was seconded by Juanita Smith. The motion passed, with members Smith, Adams, Richardson, R. Stewart, G. Stewart, Archer and Bush voting aye, and members Woodard and Moretti-Langholtz abstaining.
4. The next item on the agenda was a discussion of the Council's invitation from the Virginia Foundation for the Humanities to co-sponsor another book panel for the 2006 Festival of the Book. The Council discussed the last panel, and had several suggestions for things they would like to see at a future panel. There was no objection to the Council pursuing discussions of another panel with the VFH.
5. The last item on the agenda was an announcement concerning the Diversity Highway Markers which are to be presented for approval at the next Board of Historic Resources meeting on December 7, 2005. Copies of the highway markers were distributed to Council members in advance of the meeting as well as at the meeting.

Announcements

1. No business meeting is planned for December 2005. The next VCI business meeting is scheduled for January 17, 2006, 6:00 PM in room 7 West, GAB. The availability of the room is subject to General Assembly scheduling.
2. The 2005 Virginia Council of Churches Annual Assembly meets November 16-17; the theme is Virginia Indians, Christianity and the Church; A 400 Year Journey. For information and registration, visit <http://www.vcc-net.org/Conferences/05AnnAssembly.html>.

3. The annual Tax Tribute ceremony for the Pamunkey and Mattaponi tribes will be held on Wednesday, November 23, at 9:15 AM at the Executive Mansion. Parking is expected to be tight, so viewers should come early to find parking.
4. The VITAL Christmas dinner will be Sunday, December 4, 2005, 3 PM at the Chickahominy tribal center. Tickets are available from the Upper Mattaponi, Chickahominy and Eastern Chickahominy tribes.
5. The Virginia Film Office stated that tribal members interested in going to the Richmond showing of the The New World on December 22, 2005 should contact Chief Adkins.
6. The nomination of Werowocomoco to the National Register of Historic Places is expected to be presented at the December meeting of the Board of Historic Resources.
7. Frank Adams said National Association of Counties is having their next annual meeting the summer of 2006 in Virginia, so the Virginia Association of Counties might be contacting the VCI regarding programming.
8. Karenne announced that she would be writing up notes on the planning meeting held in October and would distribute them to the Council members.

The meeting was adjourned at approximately 8:50 PM.

Appendix A

November __, 2005

Karenne Wood, Chair
Virginia Council on Indians
P.O. Box 1475
Richmond, Virginia
23218

(as edited and approved by the VCI, 11/15/2005)

Dear Karenne:

This letter, when signed by both of us, will serve as an agreement between the Virginia Foundation for the Humanities (VFH) and the Virginia Council on Indians (VCI). It covers the transfer and stewardship of funds the VCI has received in support of the Virginia Indian Heritage Trail project.

Funding for this project has been promised to or already received by the VCI from the following organizations:

Jamestown 2007	\$50,000
Virginia Tourism Corporation	\$25,000
The Virginia General Assembly	\$25,000
Virginia Dept. of Historic Resources`	\$25,000
Virginia Dept. of Conservation and Recreation	\$ (amount not yet specified)

The VCI was also awarded a grant of \$10,000 from the VFH in April, 2005. These VFH funds are not covered by the current agreement: VCI will retain and administer these funds separately in accordance with the terms and conditions of the VFH Grant.

VFH hereby agrees, at the VCI's request, to serve as the fiscal agent for the Heritage Trail project, and to receive from the VCI the other funds listed above.

These funds will be transferred to the VFH in a single lump-sum payment of \$125,000, payable by check dated no later than December 15, 2005. Additional lump-sum payments may be made to VFH for the same purpose as received by the VCI during the fiscal year ending June 30, 2006.

The VFH will establish and place these funds in an account to be used exclusively for the Heritage Trail project. No disbursements of funds from this account will be made without written authorization from the VCI. It is intended that these funds will be expended by the end of the calendar year 2006.

The Virginia Indian Heritage Trail is and will remain a project of the VCI unless and until such time as a Virginia Indian Heritage Program including the Heritage Trail project is formally established at the VFH. The VCI will determine how the funds covered by this Agreement are to be spent. Payments will, however, be subject to the same limitations that apply to the expenditure of VFH funds generally.

The VCI will designate a representative who will be authorized to request disbursements of funds from the Heritage Trail account. Approval of any and all payment requests will be subject to standard internal VFH administrative payment approval procedures.

Payments will be made by check from the University of Virginia Fund, where the Heritage Trail account will be established.

Appropriate records of all payments will be kept by the VFH, and these records will be made available to the VCI on request. At minimum, the VFH will provide the VCI with quarterly financial reports on the expenditures of these funds.

This letter is the entirety of the Agreement between the VFH and the VCI. It may be amended or modified only with the written consent of both parties.

Please indicate your acceptance of this Agreement by signing and dating both copies. One should be returned to the VFH no later than December 1, 2005; the other is for your records.

Sincerely,

Robert C. Vaughan
President

Karenne Wood
Chair, Virginia Council on Indians

Date

Appendix B

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W. Tayloe Murphy, Jr.
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Virginia Council on Indians

Findings & Recommendations to the Governor

Approved by Unanimous Council Vote: Tuesday, November 15, 2005

- 1) The Governor should issue a statement regarding the hardships inflicted on Virginia's indigenous peoples and acknowledge the inherent wrong in this treatment, with particular mention of the state's past involvement in the eugenics movement as well as Native marginalization in general. A useful precedent was set by Kevin Gover of the BIA, which stated "we cannot yet ask your forgiveness" while the burden of history still weighs heavily on the Indian peoples of today.
- 2) Mandate inclusion of Virginia Indians on SOL Review Committees and revision of SOLs to include more extensive, accurate and culturally sensitive information on Virginia Indian history and cultures, stressing intellectual honesty in presenting both positive and shameful episodes of the past (i.e., eugenics).
- 3) Strengthen existing partnership efforts at Virginia Tech, William & Mary, and UVA by providing funding for tenured faculty and administrative positions in American Indian Studies and related subjects. State universities should be encouraged to hire American Indian faculty members whenever possible for these positions, to correct the imbalance that currently exists. Additional funds should be sought for Visiting Scholars in these fields.
- 4) Address a history of racial inequality in higher education by providing tuition waivers to land-grant and state-funded universities for tribally enrolled American Indians who are Virginia residents, to at least the same extent as the "massive resistance" initiative for African Americans.
- 5) Consider purchase of land for state parks and land conservation easements near centers of state-recognized tribal populations.
- 6) Dedicate a Governor's office Summer Internship to the Virginia Indian Heritage Trail for assistance with research.
- 7) Assist the eight state-recognized tribes in developing a relationship with the Smithsonian to identify and return "culturally unidentified" or "culturally unaffiliated" human remains that should be repatriated to Virginia.
- 8) Include Virginia Indian representatives on state Boards, not limited to but including Education, and Boards of Visitors of state-supported universities.

Appendix C: Motions brought to Council by member Buck Woodard

Motion I

Recognizing that the Virginia Council on Indians (VCI) does not have the capacity to formally recognize Indian tribes, but only to make a recommendation to the Virginia General Assembly for said recognition in accordance with the code of Virginia

(§ 2.2-2629) and,

Understanding that the group known as the Cheroenhaka Nottoway Indian Tribe, of Southampton County, Virginia has submitted a “formal” request to the Governor of Virginia, as submitted by a member of the Virginia General Assembly, Senator L. Louise Lucas, petitioning for a Governors’ “Proclamation of Recognition” for said tribe based upon supporting ethno historic and modern documents, and,

That said petition was sent to the attention of the Governors’ Chief of Staff, Mr. Bill Leighty who in turn referred to the Virginia Council of Indians for a recommendation as to whether or not said tribe has a documented relationship with the Commonwealth of Virginia as stipulated by said petition, that would promulgate and or justify a Governors’ Proclamation of Recognition, and,

That the Governor’s Chief of staff has recommended that the Cheroenhaka Nottoway Indian Tribe, upon receipt of said response as to whether or not the tribe’s packet as submitted by Senator Lucas of the 18th Senatorial District, promulgates and/or justifies a “Governors’ Proclamation of Recognition” to address future correspondence directly to the Virginia Council on Indians, and

A motion to agree that the events transpired thus far are true and of agreement to both parties: The group known as the Cheroenhaka Nottoway Indian Tribe of Southampton County and the Virginia Council on Indians.

Vote: Aye / Nay

Motion II

Whereas, the Cheroenhaka Nottoway Indian Tribe’s understanding of the first motion to be true and correct, and

That the group known as the Cheroenhaka Nottoway Indian Tribe of Southampton County Virginia has submitted the following salient documents to the Governor’s Chief of Staff, Mr. Bill Leighty, who in turn deferred to the Virginia Council on Indians for consideration and a recommendation in this motion:

As noted by the Southampton County Court authorization of Walter David “Red Hawk” Brown III, as duly elected Chief of the Cheroenhaka Nottoway Indian Tribe on February, 2002, and at the request of said Tribal Council to conduct Rites of Matrimony in accordance with the customs and traditions of said Tribe, in accordance with laws of the State of Virginia, pursuant to Virginia Code Section 20-26 and,

Continuing the recognized relationship of said tribe by The Southampton County Board of Supervisors by consent of the Chairman and Board of Supervisors to direct a Proclamation be issued, fixed with the Seal of Southampton County, acknowledging the unique role and contributions of the Cheroenhaka Nottoway Indian Tribe to the history of Southampton County and designating a specific day as 'Cheroenhaka Day and,

The letter of acknowledgement by the Southampton County Board of Supervisors to the appointment of Walter D. Brown III, as a representative of the Cheroenhaka Nottoway Indian Tribe, Newsoms District, to the Southeastern Tidewater Opportunity Project, Inc., (STOP) and,

The notarization of the Cheroenhaka Nottoway Indian Tribe as an organization governed by a council and chief, with tribal resolutions, goals, and agendas within the State of Virginia in the County of Southampton, by the Southampton County Court and ,

The letter of petition to the Governor of Virginia, with the attention of Mr. Bill Lightly, Chief of Staff by a member of the Virginia General Assembly, State Senator L. Louise Lucas of the 18th Senatorial District, requesting a Governor's Proclamation of Recognition for the Cheroenhaka (Nottoway) Indian Tribe based upon submitted ethno historic and modern supporting documents promulgating such requested Proclamation of Recognition, and, In as much, by review of the copies of salient documents, on official letterhead, fixed and sealed by the executive, legislative and judicial branches of Southampton County, Virginia, and,

A motion to confirm by the Virginia Council on Indian, as to be submitted through the Governor's Chief of Staff, Mr. Bill Lightly, to the Cheroenhaka (Nottoway) Indian Tribe that the group known as the Cheroenhaka Nottoway Indian Tribe has a current acknowledged, recognized, and established relationship with the County of Southampton, Virginia.

Vote: Aye / Nay