

RECOGNITION COMMITTEE of the
VIRGINIA COUNCIL ON INDIANS

JANUARY 16, 2007

Conference Room 7 West, General Assembly Building

PRESENT:

Committee: Reggie Tupponce, Sr. (Chair), Paige Archer, Powhatan Owen, Del. Chris Peace, and Frank Richardson. Consultants Jack Kotvas (Office of the Attorney General) and Helen Rountree (ethnohistorian). Attendees from the Nottoway Indian Tribe of Virginia: Lynette Allston (Chair), Archie Elliott, William Wright. Other attendees: Del. Roslyn Tyler, Allard Alston, Roger Archer.

Mr. Kotvas explained that since the Committee is part of a public body, its meetings are open to the public. If issues that are too sensitive are to be discussed, then the Committee can go into executive session.

Mr. Tupponce then took the Committee through the six criteria required for tribal recognition in Virginia (all six have to be met), to be sure that all the committee members were in agreement about what each one implies. (1) An Indian identity held through time, meaning both public claims of being Indian and internal (intratribal and intertribal with other Indians) communications indicating that such Indian identity was held; proof should come from all time periods. (2) Descent from a historical Indian tribe living both at first contact and in subsequent centuries within the modern boundaries of the Commonwealth. (3) Existing as a tribal community through time, which means showing that members had more and closer social connections with one another than with outsiders. (4) A genealogy of the petitioner's members, which can be compiled by themselves or by others; the Virginia Council on Indians can hire a trained genealogist to check the genealogy if necessary. (5) Evidence that the group has been socially distinct through time, especially in the 20th century; evidence ideally should be public institutions (Indian schools, churches, tribal organizations) but can also be more subtle (living in clusters of families, high rate of in-marriage) (6) Official documents such as bylaws, charter of incorporation, etc.

Next there was a discussion of how to address the petition. There was consensus that the Committee should go criterion by criterion through the list, with the understanding that some documents will address multiple criteria. The Committee agreed that they do not have to reach a perfect consensus on whether or not the petitioners meet any given criterion; there should be majority rule, with minority opinions recorded. Mr. Kotvas added that in law there are three standards of proof: (a) "beyond the shadow of a doubt," which is used in criminal trials but probably does not apply here, (b) "preponderance of evidence," and (c) "greater weight of the evidence," the last two being more relevant to the kinds of decisions the Committee is being called upon to make. The latter two also allow for a petition to be stronger in meeting some criteria than others.

The next issue taken up was which criterion the Committee should address first. The time allowed for studying the petition is long enough that such a policy is feasible, besides the fact that the participants' studying time is extremely limited. Doing one criterion at a time is logical. Dr. Rountree suggested strongly that Criterion 2 be done first – which involves using the genealogy required by Criterion 4. The petitioners in the current case are tracing back to an Indian reservation that existed until 1878, so it is crucial from the beginning that they actually prove descent from the historical Nottoway Indians. Those Indian people are known by name; Dr. Rountree, who has researched and published about the Nottoway, has compiled a list of Nottoway personal names, which she has shared both with the petitioners and some of the Committee members. The list will be sent to the members not attending. The Committee agreed to address Criterion 2 (using Criterion 4) first and return next month ready to discuss it.

Lynette Allston noted that the petition is set up to be read from Criterion 1 through Criterion 6, in the form of a developing story. She cautioned the Committee against delving too literally into only one section at a time, without getting a grasp first on the whole.

The next Recognition Committee meeting will be at 4:30 P.M. on Tuesday February 20, 2007, in Conference Room 7 West of the General Assembly Building.

Respectfully submitted,

Helen C. Rountree, Acting Secretary