

Recognition Committee of the Virginia Council on Indians: Draft Minutes  
February 19, 2008

PRESENT: Chairman Earl L. Bass II (Nansemond), Arlene Milner (Upper Mattaponi), Mitchell Bush (Onondaga; Indian-at-Large), Helen Rountree.

ABSENT: Chief Anne Richardson (Rappahannock).

ATTENDING: Lynette Allston (Chief, Nottoway Tribe of Virginia), Fred Bright (Nansemond), Allard A. Allston III, Jack Milner (Upper Mattaponi), Leroy Hardy, Jr. (Nottoway Tribe of Virginia), Archie Elliott, Jr. (Legal liaison, Nottoway Tribe of Virginia), William Wright (Nottoway Tribe of Virginia), Greg Two Hawks Stephenson (Nottoway Tribe of Virginia), Edwin Dukes (Nottoway Tribe of Virginia), Juanita Smith (Nansemond), and Herald (Pinky) Smith.

Chairman Earl Bass called the meeting to order at 2:00 P.M., and Nita Smith gave the invocation. A sign-in sheet for non-committee members was passed around.

The minutes of the committee's November 2<sup>nd</sup> meeting were approved, after which all committee members signed copies of a Conflict-of-Interest/Confidentiality Statement. One copy of each statement will go on file, with members each keeping the second copy of their own statement.

The remaining criteria of the Nottoway Tribe of Virginia's petition were then discussed, as to perceived strengths and weaknesses. During this discussion, the petitioners protested Dr. Rountree's taking the meeting minutes. Assured that Chairman Bass had asked Dr. Rountree to take the minutes, the petitioners then presented a letter they had prepared to protest Dr. Rountree's appointment to the committee by the VCI, based upon bias toward the group shown in an email dated March 17, 2004. Dr. Rountree asked to see the email and was given a copy, which she then passed around the committee. Dr. Rountree stated that her email was written to and about only one person, based on the limited information which that person had provided about himself at the time. Chairman Bass then stated that the Nottoway Tribe of Virginia had not yet organized then; their charter of incorporation bears the date January 26, 2006. The petitioners asked that the letter presented to protest Dr. Rountree's appointment to the committee be added to the minutes. With Dr. Rountree's permission, the email dated March 17, 2004 is to be attached to these minutes also. After further discussion, the committee declined to ask for Dr. Rountree's resignation, and the meeting continued.

Although opinion varied, the committee reached a consensus that further submission of material is needed to satisfy criteria 1, 3 and 5, especially for the time period after 1880. Some of the many documents provided under criterion 4 need to be re-presented under the remaining criteria, so the committee is less likely to miss them this time. And further material is needed beyond that to show that the various segments of the group did in fact keep in close touch, remaining a tribe.

The time and place of the next recognition committee meeting will be announced.

# YAHOO! Mail

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Date: Wed, 17 Mar 2004 18:01:47 -0500  
From: "Helen Rountree" <mlrta@vsnl.net>  
To: hewdy21@yahoo.com

Subject: belated reply

Dear Leroy,

I'm sorry I'm late in answering. I've been trying, amid other obligations (2 books in progress right now), to think of how to answer you and give you comfort. I'm not sure I can give you very much, which distresses me, but I'll try.

I know how frustrated you are at seeing your group get confused with Walt's, though it was inevitable when two groups with "Nottoway" in the name exist and the other guys jumped in first. I'm always surprised how little people take in, once an "Indian name" is mentioned, and how little effort they make to distinguish groups. I've been correcting non-Indians about Mattaponi Reservation and Upper Mattaponi Tribe for decades now! As for Walt's accusations, that's all they are, and nothing better can be expected from such a personality. But I agree with you that it's no fun listening to them; the man frustrates me almost as much as he frustrates you. He's poisoned his followers against me and my writings, probably for fear that they might read my stuff and become less blind. One follower (I don't know who) trumpeted her disgust with my writings loudly at a festival last November — and did it to a woman who belongs to a tribe of which I'm an Honorary Member. Madame Follower got chopped off at the ankles. But Wally the Mouth is not the sort who learns anything but what he wants to learn, so (of cuss, of cuss!) we'll just keep on having to hear from him.

I sympathize with your being swept along in your family's enthusiasm for being "Indian." I doubt the Junior vendor in your family will make much money, for the "senior" vendors at powwows last year didn't clear much, I hear. Perhaps soon the enthusiasm will become more realistic. A word of caution (I say a lot of those, I think): I'm not sure how to say this; some powwows are open, and any Indian-descended person can dance. Others, usually tribal ones, may ask a registering person to show a membership card proving that the person belongs to a government-recognized tribe. Josh and his siblings should get braced for that — the bar won't be against them personally; it'll be because of trouble some tribes have had in the past with other people. But it won't be fun, seeing those allowed to dance most of the dances being members of tribes (by "organizations" on the 'ds). Meanwhile, at powwows that I know of have several dances per day that members of the audience can join in on with the tribal dancers. See if you can aim the kids' minds at those.

Trouble is, Leroy, you and your children are INDIAN DESCENDANTS, legitimate ones, and in your progress of discovery you may by now feel like INDIANS. But you are not TRIBAL INDIANS (Indian people who grew up in a tribal community), and that is what state recognition is for. It's not your fault that you all aren't tribal Indians; the fault lies with your ancestors who became detribalized (that's the technical term) and let the Indian community die. (I can't get this across to Walt: the people didn't die, the community did.) That's why state recognition is unobtainable — that's my opinion, too, from what I know of your folks — and I'm sorry for your and your people's disappointment. One of the bitterest tastes in life is the taste of disappointment. All I can say is that I tried to tell you all not to get your hopes up too high, and that I feel now for your pain.

However, you are leaving your sons and daughters something to build upon, and it's far more than your immediate ancestors left you. You are now aware of the various different strands of people and history that were woven together to create you. You know more about yourself than the vast majority of Americans ever will, and that is a very precious gift to pass on to your children. I hope the other members of your group will pass on what they've learned, too.

God keep you and yours, Leroy. Let me know from time to time how you're doing.

All the best,

Helen

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## NOTTOWAY INDIAN TRIBE OF VIRGINIA, INC.

February 19, 2008

Re: Conflict Between Preconceived Private Opinions & Public Obligations as a Committee Member

Dear Chairman Bass & Members of the Recognition Committee,

The VCI's published 'Tribal Recognition Criteria', Step 2, 'The Recognition Committee', paragraph 1, states in part:

*"...Upon appointment, each Committee member will sign a conflict-of-interest statement, to the effect that he or she will not serve in a recognition case if he or she has a bias for or against the petitioning organization. If Committee members identify a fellow member having a conflict of interest in the recognition case currently being studied, that Committee member must resign or may be removed by the Chair or a majority of the Council. A replacement will be nominated by the Chair and ratified by the Council."*

Members of the Recognition Committee are in effect advisory judges in a civil administrative procedure.

While private citizens may openly voice their opinions and may and long established Virginia Commonwealth Law, judges at every level are bound to adhere to the law, whether they agree with it, or not. More importantly, they must be impartial in fact and in appearance.

**TRIBAL COUNCIL**

Lynn W. Axtell

Edward Branch

Edwin Dukes

Archie Eason

Lenny Hantz Jr.

Viola Lucas

Greg Stephenson

William Wright

No other judge would be permitted to hear and participate in deciding a case. The or she had publicly (or privately) suggested the petitioning party's case should be "put on hold" after more than 12 months of hearings, so that the law could be changed to make the rules different in the middle of the process. Ms. Rountree has suggested you do precisely that with the Nottoway Indian Tribe of Virginia, Inc.'s petition.

No one wants to admit or acknowledge that Ms. Rountree is biased, but she clearly has views that are "in conflict" with established Commonwealth of Virginia law. She has encouraged the VCI to ignore or circumvent Virginia's FOIA Open Meetings provisions which clearly apply

to this Recognition Committee (Ms. Rountree's November 2, 2007 email/letter). That alone should disqualify her from sitting as one of the 5 "Judges" deciding this petition.

Before you begin your deliberations on Criteria 1,3,5 & 6, we request that Ms. Rountree resign or be removed from the Recognition Committee.

We ask that Ms. Rountree review her numerous letters and emails she frequently sends, both solicited and unsolicited. We believe she will find amongst her various proclamations the following statement written by Ms. Rountree on March 17, 2004 in reference to the Nottoway... "But you are not tribal Indians (Indian people who grew up in a tribal community), and that is what state recognition is for...That's why state recognition is unobtainable – that's my opinion, too, from what I know of your folks ". Regardless of how Ms. Rountree may attempt to explain away or even justify her March 17, 2004 opinion, that statement shows she had decided the issue before she had reviewed a single page of our Petition that was formally submitted in October 2006.

That should absolutely disqualify her from sitting as a voting member of this Recognition Committee. She should resign.

We appreciate this is a difficult step for you to take. However, reasonable reflection on Ms. Rountree's actions over the past few years, regarding any entity which has "Nottoway" even remotely attached to its' structure, shows " a particular tendency or inclination, esp. one that prevents unprejudiced consideration of a question...a predisposition, preconception, partiality, bent or leaning " ( all defining "bias" ).

Your private feelings about Ms. Rountree views should not be the determining factor here. Your public obligations to ensure that all petitioning entities receive a fair and impartial hearing and decision should be uppermost in your collective conscience.

Nottoway Indian Tribe of Virginia, Inc. Recognition liaison designees,

  
Lynette Lewis Allston  
  
Archie Elliott

Cc. Virginia Council on Indians