



COMMONWEALTH of VIRGINIA

Virginia Council on Indians

P. O. Box 1475, Richmond, VA 23218

L. Preston Bryant, Jr.
Secretary of Natural Resources

William P. Miles
Chair

Virginia Council on Indians Meeting March 18, 2008

Present: Chief William P. Miles (Pamunkey); Assistant Chief Earl Bass (Nansemond); Chief Ken Adams (Upper Mattaponi), Chief Anne Richardson (Rappahannock), Sharon Bryant (Monacan), Chief Stephen Adkins (Chickahominy), Mitchell Bush (Indian at large, Onondaga), Sherry Munford (Indian at large, Sappony), Deanna Beacham (Council staff, Weapemeoc)

Absent: Joanne Howard (Chickahominy Eastern Division), Chief Carl Custalow (Mattaponi).

Attendees: Lynette Allston (Nottoway of Virginia), Allard Alston, Archie Elliott (Nottoway of Virginia), Leroy Hardy (Nottoway of Virginia), Stephen Hardy (Nottoway of Virginia), Daniel Hardy (Nottoway of Virginia), Joshua Hardy (Nottoway of Virginia), Diane Stephenson (Nottoway of Virginia), Vivian Lucas (Nottoway of Virginia), Harvey Flythe (Nottoway of Virginia), Nathaniel Elliott (Nottoway of Virginia), Joyce Flythe (Nottoway of Virginia), Sheila Elliott (Nottoway of Virginia), William Wright (Nottoway of Virginia), Greg Stephenson (Nottoway of Virginia), Edwin Dukes (Nottoway of Virginia), Sidney Turner (Nottoway of Virginia), Crystal Joynes (Nottoway of Virginia), Buck Woodard, Roger Archer (Meherrin), Paige Archer (Meherrin), Ken Munford, Jane Hickey, Helen Rountree.

Call to Order:

1. The meeting was called to order at approximately 6:30 PM by Chief Bill Miles, Chair. He asked Chief Steve Adkins to give the invocation. He then asked those present to introduce themselves.

Administrative Business:

1. The first order of business was the approval of the minutes from the February 19, 2008 meeting. There being no corrections or changes, a motion to accept was made by Chief Adkins, seconded by Sharon Bryant, and the minutes were accepted unanimously.

2. The next order of business was acceptance of the monthly budget report. A motion to accept as presented was made by Asst. Chief Earl Bass and seconded by Chief Steve Adkins. The report was accepted unanimously.

Public Comment:

Public comments were made by Lynette Allston, tribal chief of the Nottoway Tribe of Virginia, who read her own letter and also submitted a letter from tribal member William

Wright. A public comment letter was also read by Mr. Allard Allston, who is the husband of Ms. Allston. Also a public comment letter was read by Assistant Chief Archie Elliott of the Nottoway Tribe of Virginia. The letters received are appended to these minutes. All of the comments centered on the concern of the Nottoway members about the problems they perceived in the recognition process. Major points were that the criteria for state recognition were more stringent than those used in the 1980's, and that there was continued objection to Dr. Helen Rountree being a member of the committee because of perceived bias, based on her previous work, writings and suggestions made in the recognition committee meetings.

Following the public comments, Chairman Miles thanked the speakers. He stated that Dr. Rountree was only one member of the recognition committee and would not determine the recommendation of the committee to the VCI, and that in addition the Virginia Council on Indians made the final determination as to what recommendation would be made to the General Assembly. He asked the VCI members to consider the comments that had been made and said the Council would discuss them again at a future meeting.

Chief Adkins stated that the Chickahominy Tribe prepared their case for state recognition using the federal criteria, working on this for over a year, before there was a VCI. Therefore their tribe's preparation efforts would not be in the VCI public records, so a review of the VCI records would not reveal them, but he would stand by his previous statement that this review did occur. Chief Richardson stated that research on the Indian tribes had been done for many years before the first recognitions were made by the General Assembly. She said that the formalization of the state recognition criteria was similar to the formalization of the federal criteria but that the review process was similar. She said the committee had been fair and would be fair, that she had been impressed with the documentation submitted so far, and thought what the committee had requested of the Nottoway Tribe of Virginia was not unreasonable, and that it was worth it for the petitioners to continue with the process.

Old Business:

1. The first agenda item was Committee Chair Earl Bass's report on the recognition committee progress. There had been a meeting at 2 PM of the same day, March 18. At the previous meeting additional information had been requested on criteria 1, 3, 5 and 6. It has already been determined that criteria 2 and 4 had been met. The information requested was already in the petition filed under different criteria, so the petitioners supplied a chart showing where the information had been cross-filed in the petition, which Asst. Chief Bass said was very helpful. He said that discussion among the committee members was encouraged in the meetings so that their opinions would be known. Asst. Chief Bass said that the petitioners had supplied a great deal of documentation, which would have to be evaluated by the committee according to the criteria, which he considered to be very stringent. He said that because of his tribe's experience in gathering information for federal recognition, he could empathize with the frustration of the petitioners in repeatedly being asked for additional information. Chief Adams pointed out that if any Council member had concerns about the recognition criteria or process or its fairness that member should move to review the criteria, but that this was the first time the clarified criteria had been used in a petition review so this process had not been previously tested. He said the fact that the petitioning group might not be able to supply all the suggested material for a criterion did not mean their petition would not be approved. Chief Richardson stated that as a committee member her goal in requesting more information was to aid the petitioners in strengthening their petition, and that she hoped that all could go forward in the process without the committee being charged with unfairness when there was no evidence of it.

Chief Miles then asked if other Council members had any views to express. Council member Sharon Bryant said that she stood by her position that had been expressed at the February meeting. Council member Sherry Munford said the same, and added that the

petitioning process had gone smoothly until the reconstitution of the committee, and only since then had there been any adversarial situation. Member Mitchell Bush had no comment. Asst. Chief Bass concluded his report by inviting any other members of the Council to join the recognition committee if they were interested. He said the committee would be considering criterion 1 at the next meeting and would then move on to criteria 3, 5 and 6. Chief Miles asked of the members of the committee if there was any sense that the criteria were unfair or needed to be reviewed. Asst. Chief Bass said that was not the case, and that the committee recognized that no group would be able to supply all the suggestions of documentation which were used as examples under each criterion.

2. The next agenda item was Mitchell Bush's report on the mid-year meeting of the Governors' Interstate Indian Council, which had been held in Washington DC in February, immediately preceding the annual meeting of the National Congress of American Indians. There were representatives from nine states attending the GIIC meeting. Mr. Bush reported to the meeting attendees on the change in the makeup of the Virginia Council on Indians, and on the status of the pending legislation for the federal recognition of six of the Virginia tribes. The annual GIIC conference will be held in Rapid City in October 2008. Chief Miles asked if Mr. Bush would be available to represent the Council at the October GIIC meeting and Mr. Bush replied that he could. Chief Miles said that this would be an agenda item for a future meeting.

3. The next item was a continuation of the determination of members and duties for the Advisory Council which the VCI was required by Code to create. Members already selected by their tribes included Jerry Fortune of the Rappahannock and Arlene Giffel of the Upper Mattaponi. Sidney Turner of the Nottoway Tribe of Virginia had volunteered to serve also. Chief Adkins said that the Chickahominy had appointed Reggie Stewart. Sharon Bryant said that the Monacan had appointed Pam Talbott. Sherry Munford said that Gerald Epps of the Sappony would also serve. The Nansemond, Pamunkey and Mattaponi have not yet appointed members. Chief Miles called for a motion on ratifying the selection of Jerry Fortune, Arlene Giffel, Sidney Turner, Reggie Stewart, Pam Talbott and Gerald Epps. Chief Adkins so moved and was seconded by Asst. Chief Bass. The motion passed unanimously. The Chair said that contact information for the committee members should be assembled.

4. The final item of old business was the consideration of the amended bylaws which needed to be approved. Chief Miles said the bylaws had been available for inspection for two months and there had been no additional changes or corrections suggested. He gave notice to the Council that the amended bylaws would be voted on at the next meeting, assuming there are sufficient members attending for the vote to take place.

New Business:

1. The first item of new business was the consideration of a census volunteer from among the Virginia tribes for the 2010 federal census. Chief Miles explained that this request was specifically for someone to work with the Census Bureau and the tribes to update the delineation of the State Reservation boundaries and the boundaries of any State Designated Tribal Statistical Areas. Chief Miles asked for the tribes to determine a member who could be the state liaison and to let him know if they had a volunteer. He said this item would be brought up again at the next VCI meeting. Mitchell Bush pointed out that the Census Bureau would later request another liaison to work on promoting Census participation by the tribes.

2. Chief Richardson brought up the topic of having someone outside the committee available for taking minutes at the recognition committee meetings. After some discussion, Chief Miles said he would consider this further and see what could be done.

3. Chief Adkins requested that the Council fund the registration for participation in a panel at the upcoming Virginia Forum scheduled for April at the University of Mary Washington in Fredericksburg. The panel will include himself, Deanna Beacham and Karenne Wood. After discussion Chief Richardson moved to fund the VCI participation portion of the panel. The motion was seconded by Asst. Chief Bass and passed unanimously.

4. Chief Adkins brought up the wish on the part of some of the chiefs that they be able to appoint a temporary designee to vote at VCI meetings on their behalf when the chief is unable to attend the meeting. The previous VCI counsel had said this would not be possible under the current Code, because if a designee was appointed that person would then become the VCI member. Chief Miles said he discuss this further with the VCI's temporary counsel from the Office of the Attorney General, Ms. Jane Hickey. The Council may have to request a change to the Code of Virginia to make this scenario possible.

Announcements:

1. The next VCI business meeting of the VCI will be April 15, 2008 at 6:30 PM in room 7 West of the General Assembly Building.

2. Virginia Forum, University of Mary Washington, Fredericksburg, VA, presentation on Virginia Indians and education on April 11 at 10:30 AM. More details at <http://www.virginiaforum.org/conference.html> .

3. For additional Virginia Indian events and activities, please check the Virginia Indian Heritage Program calendar at <http://www.virginiaindianprogam.org> .

Adjournment

There being no further business, a motion to adjourn was brought by Assistant Chief Bass and seconded by Chief Adkins. The motion passed unanimously and the Chair declared the meeting adjourned at approximately 7:50 PM.



NOTTOWAY INDIAN TRIBE OF VIRGINIA, INC.

March 18, 2008

Chairman Milos and Members of the VCI,

Following the February meeting of the VCI, the members of the Nottoway Indian Tribe of Virginia were shocked and have expressed to me various degrees of disbelief and anger at the way our concerns have been addressed. We have given the VCI information and have seen some of you cast our concerns aside with disinterest like so much trash. Those actions are disrespectful.

We know you have already been directed as to how to vote on this petition. The respect you have for Helen Rountree supersedes your fair and impartial judgment of our petition. Her vote is your vote. And you know she "terminated" the Nottoway thirty years ago.


We now know that while we are all Virginia Indian People, we truly are not all alike. We are different from some of you in many ways and after having experienced your actions, we want to stay that way.

The recognition process and Ms. Rountree's participation is putting some good people in a very uncomfortable predicament.

You have biased the recognition process. Accept it. We have.
You have corrupted the process. Accept it. We have.
You know that we are the descendants of the Nottoway People, organized as the Nottoway Indian Tribe of Virginia and we exist. Accept it. We are here.
There is a dark cloud over the VCI. Acknowledge your conscience. Accept it. We have.

Considering that there were no criteria for recognition prior to 1989 and that the 2006 criteria are considerably different from the 1989 version, we have given the Recognition Committee all of the information that is necessary for State Recognition including documented genealogy which apparently was not a requirement for the currently recognized tribes.

We now ask you to do what you have to do, so that we can do what we need to do.

Sincerely,

Lyette Allison
Tribal Chief
Nottoway Indian Tribe of Virginia, Inc.

GENERAL COUNCIL

Lyette Allison

Edward Brayton

Edwin Dukes

Archie Filian

Edwin Clayton, Jr.

William Lucas

Greg Stephens

William Wright

P.O. BOX 247 • CAPRON, VIRGINIA 23829 • NottowayVA@aol.com

To all members of the VCI,

I would like to inform you of some facts that you may or may not be aware of.

We were asked to produce records of school and church rolls showing that they were Indian Schools or Indian Churches. *Incapable* and you know it. We, being darker skin Indians were classified as Black, Negro, Colored, Mulatto and People of Color. Therefore our schools and churches were listed as such (not Indian). The attendees were listed the same. Many of you, being much lighter persons attended whole schools and were listed as White.

We, the descendants of the Historic Notoway Indians did maintain our Indian identity throughout time, mostly through family affairs and family reunions. We visited, met with and socialized with other Notoway families living in and out of Southampton County through time. Our people, the Notoway, were a very close knitted group.

We needed each other #1 for protection, #2 for food, and #3 for plain survival.

Physically, many of our public history records have been stolen, destroyed, twisted and misstated. But we still have them. They were placed in the safest place in the world and cannot be stolen, destroyed, twisted or misstated. They were stored in our minds, put there by our ancestors and were passed down through time. We have given you these records and enough documentation to prove everything that the criteria call for. All you have to do is read.

Virginia records have shown that most recognized tribes of Virginia did not maintain their own tribal Indian identity continuously throughout time. We are American Indians living in Virginia from first contact to the present. I guess the 1980s were the magic years, and no one came looking for the Notoway. The gate closed and Roanoke is the gate keeper.

This whole process has been based on one person's thoughts and opinions and that person has shown nothing but bias and negativity toward the Notoway Indian Tribe of Virginia, Inc.

I have sat in on the VCI Recognition Committee meetings, and have heard some of its members out right lie or maybe they did not know their own tribal history. I have heard them pledge themselves to Heron Roanoke as being the most knowledgeable person in Virginia on Indians. I have heard them say they can't do anything without her.

We have jumped through all of your hoops, bent over backwards with the time limit and I have presented the committee with all DOCUMENTED RECORDS that you needed to complete this process.

What's next?

We were only looking for a fair, unbiased, and a non-opinionated committee, but it appears clear your decision was made long before we submitted our petition.

Lastly, we have been misled, misled and understanding anticipating that the process would be fair. We will get our fair and unbiased hearing with or without you and your apparently stacked committee. I will use every forum available to show the public how you function to exclude other Indian people.

William Wright
2556 Lakewood Circle
Chesapeake, Virginia 23321

Notoway Indian Tribe of Virginia, Inc.



Chairman Bass and members of the VCI Recognition Committee:

My name is Archie Elliott, Assistant Chief of the Nottoway Indian Tribe of Virginia, Inc. I am requesting that you reconsider your decision to limit participation to only our Chief. When the Recognition Committee was first appointed, the Chairman, Mr. Reggie Tupponce stated that he wanted to insure that the process was open, ~~and~~ transparent and without the appearance of bias. We feel that he conducted the process to insure that we were given an equitable opportunity to present our petition. When the Recognition was reorganized and Ms. Paige Archer became Chairman, she continued to insure that we were given an equitable opportunity to present our petition.

Since the Recognition Committee has again been reorganized and you have been appointed Chairman, the entire procedure has changed. The first major change was the appointment of Ms. Helen Rountree to the Recognition Committee. Ms. Rountree has published an article entitled "The Termination and Dispersal of the Nottoway Indians of Virginia." She has distributed numerous e-mails, which were unfavorable to our petition. She has requested that all committee meetings be closed which violates the FOIA laws of the Commonwealth of Virginia. She has recommended that only our Chief be permitted to ask or answer questions, whereas the prior two chairmen permitted both the Chief and Assistant Chief to participate in the process. She has requested that the proceedings be halted to attempt to get the General Assembly to change the makeup of the petitioning procedure. It appears that you have adopted most of her recommendations.

During the February Recognition Committee meeting, Chairman Earl Bass stated that his tribe had to meet the same criteria that we are required to meet. He stated that all recognized tribes also had to meet each criteria that we are required to meet. According to Ms. Helen Rountree, Oliver Petry, the Nansmond reorganizer in 1984, learned that only the most general criteria existed at that time to use in recognizing an Indian Tribe in the state. The Nansmond descendants could go about getting recognition in two ways, therefore: they could have a legislator introduce a resolution directly to the General Assembly on their behalf. Or they could take the longer route of convincing the VCI (which had vague mandate to "pass on" such matters but still lacked any criteria by which to judge) of their authenticity and then

1984). By that time, most of them had lived successfully for two or more generations in local cities as “whites with Indian ancestry”.

We are only asking that we be judged by the same guidelines that some of the other recognized tribes were judged.

