

VIRGINIA INDIAN ADVISORY BOARD MEETING MINUTES

Call to Order – 2:05pm

Members Present

Chief Lynette Allston, Chair
Cami Adkins
Dr. Gregg Kimball (on behalf of Dr. Sandra Treadway)
Dr. Margaret Huber
Dr. Ashley Atkins Spivey
Leah Dozier Walker (on behalf of Dr. Steven Staples)

Members Absent

Julie Langan

Staff Present

Kelly Thomasson, Secretary of the Commonwealth
Benjamin Hermerding, Records Manager

Overview and Introductions

Secretary Thomasson welcomed everyone to the Virginia Indian Advisory Board (the Board). This overview highlighted three general purposes of the board: creating a process for applying, creating guidance for documentation required to meet the criteria for recognition, and appointing a workgroup to review applications.

Secretary Thomasson also added that the board will not be viewing the State Council for Higher Education for Virginia's Freedom of Information Act (FOIA) video since most members are well-acquainted with FOIA; however, Secretary Thomasson did give a brief overview of Virginia FOIA requirements, including notification of meetings, meeting requirements, and open access to public records.

Secretary Thomasson announced she is appointing Chief Allston as chair of the Board, per §2.2-401.01(1).

Chief Allston thanked Secretary Thomasson for the appointment and took over the meeting. Chief Allston gave a brief overview of state recognition of Virginia Indian tribes and her tribe's state recognition experience.

New Business

Chief Allston called for a ruling from the Office of the Attorney General over the meaning of §2.2-401.01(2)(A), specifically about the "criteria for full recognition" being "consistent

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with the principles and requirements of federal tribal recognition.” Secretary Thomasson said she would follow up with the Office of the Attorney General.

Chief Allston added that the Board would need a ruling from the Office of the Attorney General over whether the “guidance for documentation required to meet the criteria for full recognition,” per §2.2-401.01(2)(A), the Board will be creating will be considered “guidelines” or “regulations.” This differentiation, she said, will affect how long of a review and rigorous of a process the guidance will require. Secretary Thomasson said she would follow up with the Office of the Attorney General on this matter, as well.

Dr. Kimball, directing attention to the packets provided by the Office of the Secretary of the Commonwealth, asked about the salience of the Council on Indians (the Council) [Tribal Recognition Criteria](#) on the Board’s work. Secretary Thomasson responded, saying the Council’s Tribal Recognition Criteria were included as a resource for the Board and do not have any bearing on the Board’s guidance.

Ms. Walker asked for a brief background on the state recognition process prior to the creation of the board and state recognition benefits. Chief Allston, Dr. Atkins Spivey, and Dr. Huber explained previous state recognition processes, dating back to the 1980s, and the benefits of state recognition.

Ms. Walker then asked if any non-state recognized groups are currently interested in seeking recognition from the Commonwealth. Secretary Thomasson mentioned two groups that have reached out to her office: the Wolf Creek Cherokee and the Sappony.

Chief Allston stressed the importance of sound guidance for documentation from the Board. She alluded to problems with the Council’s guidance during a round of state recognition discussions in 2010. Ms. Walker stressed that past travails should not bias the process to be developed by this Board. Similarly, Secretary Thomasson stressed that any personal animus should not inform the Board’s guidance for documentation.

Turning to the [abbreviated version of the Procedures for Federal Acknowledgement of Indian Tribes](#), Chief Allston pointed out the only marked difference between the federal standards and the Council on Indians standards is the congressional termination section (section G on the abbreviated version). Dr. Huber brought up her objection to the idea of section C on the abbreviated federal procedures, citing concerns that political influence was not possible for many tribes. Dr. Atkins Spivey concurred, though she noted that politics and governing are important considerations when considering acknowledgement.

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Dr. Atkins Spivey stated that she would like additional time to review the Council's Tribal Recognition Criteria and the Procedures for Federal Acknowledgement of Indian Tribes, along with any other documents that may be relevant.

Dr. Kimball suggested Board members brainstorm documents that may not normally be considered – such as military records – when the Board develops the guidance for documentation. Chief Allston also recommended burial documents. Dr. Huber stressed that petitioning tribes should be counseled to request records from historical societies, and Dr. Kimball added that courthouses should be considered as well. Secretary Thomasson reminded the Board that some tribes have had trouble collecting documents from courthouses since many – such as New Kent Circuit Court – burned in between 1900 and the present.

Dr. Huber brought up – with the caveat that it be discussed later – that the Board should be careful how it uses anthropological terms, adding that other state recognition processes and some federal standards have taken insufficient care in their language use.

Dr. Kimball gave an overview of Walter Plecker and the Racial Integrity Act of 1924. Chief Allston and Dr. Atkins Spivey added some context as well.

Secretary Thomasson brought up a timeline for the work of the Board. She recommended that the Board try to finish their guidelines and start taking applications by the end of the year. There was general consensus that this goal was achievable.

Chief Allston offered to send to the other board members the Nottoway's suggested revisions to the Council's Tribal Recognition Criteria. The suggested revisions were compiled after the Nottoway went through the state recognition process with the Council from 2008 to 2009.

The Board discussed a next meeting date. There was general consensus that a month was needed to review the materials. Secretary Thomasson stated that her office would coordinate a next meeting date in early October.

Dr. Kimball, Chief Allston, and Dr. Huber recommended some scholarly reading materials for the other board members: [Karen Blu on the Lumbee Tribe of North Carolina](#) and James Clifford's *Identity in Mashpee*.¹

Public Comment Period

There was no public comment.

¹ Clifford, James. *Identity in Mashpee*. Harvard University Press, 1988.

September 6, 2017
2:00pm
PHB Conference Room 1

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Adjournment

Chief Allston entertained a motion to adjourn, which was provided by Ms. Adkins. Dr. Atkins Spivey seconded the motion.

The motion carried, and the meeting adjourned at 3:48.