

October 25, 2017  
2:00pm  
SOC Conference Room

# VIRGINIA INDIAN ADVISORY BOARD MEETING MINUTES

## Call to Order – 2:12pm

### **Members Present**

Chief Lynette Allston, Chair  
Cami Adkins  
Dr. Gregg Kimball (on behalf of Dr. Sandra Treadway)  
Dr. Margaret Huber  
Dr. Julie Langan  
Leah Dozier Walker (on behalf of Dr. Steve Staples)

### **Members Absent**

Dr. Ashely Atkins Spivey

### **Staff Present**

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

## Call To Order

Chairwoman Lynette called the meeting of the Virginia Indian Advisory Board (the Board) to order at 2:12pm.

## Approval of Agenda

Dr. Langan moved to approve the agenda. Dr. Huber seconded the motion. The Board approved the agenda on a voice vote.

## Approval of Minutes

Ms. Walker moved to approve the last meeting's minutes. Dr. Huber seconded the motion. The Board approved the minutes on a voice vote.

The Chair remarked that the last meeting's minutes did not include that the Council on Indians (the Council) was disbanded in 2011, which could confuse a reader who was not aware that body was disbanded. She asked that this meeting's minutes explicitly state that the Council was disbanded.

## Old Business

The Chair briefly explained (what happened) at the last Board meeting to Dr. Langan, who was not able to attend.

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The Chair then turned the Board's attention to the Office of the Attorney General's legal advice. The Chair explained the reason why the Board asked that office for clarification. She cautioned that the Board should be careful with using words like "required" because the Board's purpose is to advise. She also reminded the Board that, according to the aforementioned legal advice, members should tell groups without state recognition do not need to go through the Board, if they speak with members of such groups.

The Chair then recommended the Board include the Office of the Attorney General's legal advice in the meeting's minutes. The board members concurred.

The Chair, referencing the Attorney General's legal advice, urged the other board member – should any of them speak to non-recognized groups in the Commonwealth that are seeking recognition – to remind such groups that the groups are not required to go through this advisory board. The General Assembly can pass a resolution recognizing a non-recognized group, even if such a group did not submit an application for recommendation from the board.

### New Business

The board began discussion by discussing the history of the state recognition process. The Chair explained that there was no recognition process until 1983. After the process was established, eight tribes were formally recognized between 1983 and 1989. No tribes were recognized after that period until 2010.

Secretary Thomasson alluded to the Council's 2006 state recognition criteria and the Nottoway Indian Tribes edits of those criteria and explained that her office included those criteria as reference. She also recommended that the board could use both sets of criteria as a reference for their criteria, if they so choose.

After a brief discussion about how to approach writing their own criteria, the board decided to use the Council's 2006 criteria and to take into consideration the suggestions that the Nottoway recommended. (Note: the board then mostly followed the Council's 2006 Tribal Recognition Criteria.)

Ms. Walker raised questions about interstate recognition of tribes in other states. That is, do other states grant automatic state recognition to tribes whose membership and tribal grounds straddle two states and who are recognized by the adjacent state. Secretary Thomasson said that she would have her staff research the issue. The board then had a brief discussion over whether interstate tribes who are recognized in a state adjacent to Virginia would be

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considered. The board consented that the provision about tribes already recognized by another state should be struck.

The board digressed briefly into a discussion about the benefits of state recognition. Ms. Walker brought up that Department of Education takes state recognition into consideration when setting curriculum. Other members brought up fishing, hunting, and oystering rights.

The board agreed that the provision that automatically disqualifies “groups whose members have not consistently acknowledge their Indian heritage and who have identified with other cultural groups” should be struck due to Virginia’s turbulent history toward non-white citizens.

The board then discussed whether “historically unconnected Indian tribes” should be eligible.

Secretary Thomasson brought up “for the sake of discussion” whether all of the text automatically disqualifying applications, including bulleted text, should be struck. She argued that the criteria as they existed in 2006 make the automatic disqualifications extraneous. She gave several examples of how applicants could be disqualified using the criteria, even if the automatic disqualifications did not exist. The board, after a brief discussion, agreed that the Secretary’s point was valid, and that the aforementioned text should be struck.

Dr. Huber recommended that the “qualified professionals in anthropology or history” should be broadened, as professionals in other fields could also contribute to applications. The board agreed, and the consensus was that “qualified professions” was sufficient. In the same paragraph, the board agreed that section stating “the burden of proof is on the petitioning group, not the evaluators” was extraneous. Following both of those discussions, however, Secretary Thomasson again suggested that the entire paragraph was unnecessary, as it was covered in the following criteria. After brief discussion, the board agreed and the segment was removed from the draft.

Secretary Thomasson asked how the materials would be collected, that is if the petitions needed to be turned in complete or in segments. She recommended that the board create a cover sheet in which tribes could start the petition process. This process, she explained, would be similar to the Secretary of the Commonwealth’s office’s pardon petition process. The board agreed that this process was appropriate for the state acknowledgement application process.

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Ms. Adkins said she liked the changes in the last paragraph before “Criterion 1.” The rest of the board largely concerned. Ms. Walker recommended that the section that said “and incomplete petitions will not be considered.” The board agreed, and the segment was struck.

The board then moved onto talking about the criteria themselves. Ms. Walker recommended that the board think about making the criteria like a tiered approach, rather than a checkbox approach. She explained that it made better sense for petitioning tribes to build a narrative. A brief discussion followed about building a tiered approach, but the board did not come to a consensus about how that would appear.

The Chair concurred with Ms. Walker that the board should make the criteria logically form a narrative. For example, she explained, the shift from Criterion 1 to Criterion 2 does not make sense; if Criterion 2 was placed before Criterion 1, a timeline would appear: first contact with colonists then a retained tribal identity since first contact. The board agreed that the information in Criterion 1 should become Criterion 2 and vice versa.

The board then started looking at the information contained in the criteria. (These discussions have segmented.)

### **Criterion 1**

(Reminder: Criterion 1 and 2 were switched.)

Dr. Huber said “or else” in the title should be removed. She explained because very old documents or artifacts are difficult to attribute to a single tribe because the tribes in the area that is now Virginia lived relatively close to one another.

The board agreed to accept the other changes that the Nottoway recommended. The board agreed the segment was mostly well written.

As an aside, Ms. Walker asked if the criteria could be printed on bigger paper and hung in the next meeting location, because it would be easier to read and process the criteria. Secretary Thomasson’s office said they could do that.

### **Criterion 2**

Ms. Walker asked if “Indians” should be replaced with the tribal identity for which they’re petitioning. After a brief discussion, the board decided that it was a semantical difference and “Indians” would be kept. However, the board all agreed that “within their group, as well as evidence of identifying themselves as ‘Indians’ in public” should be removed because of the historical danger for Virginia Indians to identify themselves as Indian in public.

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The board discussed the title of the criterion. After a lengthy discussion, the board came to a consensus that they would not change “retained” to “attempted to retain.” However, “specially” would be changed to “specific,” “Indian identity” would be changed to “Indian tribal identity,” and both “through time” and “for an extended period” would be removed.

Dr. Huber suggested that the bullet referencing “anthropologists” should be changed to “scholars,” similar to the discussion earlier. The board concurred.

The board agreed to the rest of the alterations that the Nottoway recommended.

Dr. Kimball suggested that “with proper sources” should be added in the last paragraph, since it can be hard to determine the authenticity of photocopies.

### **Criterion 3**

The board agreed with the Nottoway’s recommendation that “continued” be cut. They then had a brief discussion whether the timeline “from first contact to the present” was too broad but decided that it is not.

The board turned to the first paragraph and began discussing whether amends should be made in case a petitioning group had gaps in history from first colonial encounter to the present day; however, the board decided to keep that language. They did change “from their first Colonial encounter” to “at the time of their first Colonial encounter to through the present day.”

In discussing the second paragraph, the board had a lengthy discussion about whether the Commonwealth should recognize out of state groups. The board discussed past displacement of Indians from the Commonwealth, including tribes who lost some members to other states. After the discussion, the board decided that the Nottoway’s recommendations would be accepted, and the sentence “any group of descendants that have been organized out of state will not be considered for state recognition” would be changed to “any group of descendants that have been organized out of state may not originate a petition for state recognition.

Following the above discussion, the board decided the meeting end time was soon, so the criteria discussion would have to be continued at the following meeting.

The board then discussed a next meeting date. Dr. Huber said she was going to be on vacation after November 9. The board decided that – if possible – they would meet before then. Secretary Thomasson’s office said they would arrange the meeting.

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## **Public Comment Period**

There was no public comment.

## **Adjournment**

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

The motion carried, and the meeting adjourned at 4:01.