

Meeting Minutes – Indiana Native American Indian Affairs Commission (INAIAC)

Wednesday, December 14, 2016

12:00 pm – 2:00 pm

Eiteljorg Museum

500 West Washington Street

Indianapolis, Indiana 46204

Voting Members Present

Sally Tuttle, Peter Magnant, Shannon Turner, Stacy Townsley, Cameron F. Clark, Paul Strack, Antoniette Holt and Brenda Summers

Voting Members Not Present

Nathan Underwood, Erin Oliver, Tracy Locke, Dave Liebel, Joe Moser, Greg Bedan, Greg Bedan

Non-voting Members

Senator Randy Head (not present)

Representative Dan Leonard (not present)

Staff Present

Kerry Steiner, Executive Director

Call to Order

The meeting was called to order at 12:11 pm by Chairperson Tuttle. Executive Director Steiner performed a roll call which resulted in seven voting members being present at the start of the meeting. As a result, quorum was not established.

Invocation

By the request of Chairperson Tuttle, Commissioner Turner provided the invocation.

Review Meeting Minutes

The Commission was unable to approve the meeting minutes for the October 9, 2016, due to not having a quorum.

Agenda

The Commission was unable to approve the agenda for the December 14, 2016, due to not having a quorum.

Discussion – Old Business

Back-to-School Supplies:

Chairperson Tuttle brought up the Back-to-School Supplies initiative and explained that the purpose of this pilot project is to fill in the gap of supplies for low income Native families in Indianapolis/Marion County. She added that we are working with the American Indian Center of Indiana (AICI) to identify the families in need since they are already participants of their programs. The AICI has identified 18 students from nine families, ranging from 1st grade to 12th grade. Executive Director Steiner compiled a price list of

the basic supplies (crayons, glue sticks, erasers, folders, tissue, hand sanitizer, etc.) and the total cost came to about \$200.00.

Commissioner Townsley mentioned that typically at the beginning of the year all of the schools supplies are pooled together and throughout the year they are disbursed by the teacher. She added that she is not opposed to this idea but was curious if this was something that was specifically asked for by the schools and Chairperson Tuttle said no, this is just an idea that might help them complete homework assignments.

Commissioner Clark asked were we to have had quorum, would we be discussing whether to spend this amount in time for the Spring semester, and because we're not going to have another meeting until after the Spring semester has started, whether there was a workaround rather than have to wait until February to vote on whether to spend this money. Chairperson Tuttle stated that Executive Director Steiner has stated that as long as we stay under a certain limit that we can go ahead and make a purchase. Executive Director Steiner explained that if the amount is under \$500 we do not need a purchase order and the Civil Rights Commission provides the fiscal oversight. Commissioner Clark asked if the executive director had the authority to proceed with the purchase without it being approved by the board and Executive Director Steiner responded in the affirmative. Commissioner Clark stated that a quorum was not necessarily needed at the meeting to proceed with the project. Chairperson Tuttle asked if anyone else had any comments and reiterated that this is a pilot project.

Commissioner Strack asked if the plan is to sustain this on a statewide basis and Chairperson Tuttle responded in the affirmative. He then asked how we'll get that information or extrapolates those numbers or do that research and Executive Director Steiner responded that it will be a challenge. Chairperson Tuttle stated it would probably involve working with the Indiana Department of Education (IDOE) and the AICI. Executive Director Steiner added that AICI has a pretty good pulse on Marion County but the challenge lies in the surrounding counties and that she has some data that could be beneficial. Commissioner Turner added that the numbers may also reflect those who self-identify and does not reflect only those enrolled in federally recognized tribes. Chairperson Tuttle reiterated the importance of parents making sure their children are identified as Native when they enroll them in school.

Commissioner Turner suggested working with the IDOE to send a message to the school districts requesting numbers and encouraging them to identify who they are, adding that if it came from the IDOE they would push for it. Chairperson Tuttle mentioned that with there being a new superintendent of schools that we're not sure if our current Commissioner from the IDOE will continue serving on this Commission. Chairperson Tuttle stated she would like to have a meeting with the new superintendent to discuss a number of issues identified over the years, including identification.

Podcasts:

Chairperson Tuttle asked Commissioner Turner to talk about the podcasts and she responded that there are approximately four pages of what she feels are pretty good videos listed. She added that she has watched a couple of them as short clips on YouTube and she feels many of them are more suitable for adults and Executive Director Steiner added that the language on some seemed a little looser than might be appropriate for children. Commissioner Turner stated that of the ones she looked at she didn't feel they were suitable for elementary aged students. Executive Director Steiner stated we could table the rest of this discussion for January and Chairperson Tuttle said she would be interested in seeing what was suitable for the younger students.

Vocational Grants:

Chairperson Tuttle stated we never really completed the discussion about this project. Commissioner Townsley referred to previous minutes where it was discussed and Executive Director Steiner stated it was talked about but a motion was never made to move it forward. She added that the Commission had reached a point in the conversation where the amount of money and the number of awards were addressed and that the general consensus seemed to be that this program would mirror that of the academic scholarships. This discussion will be tabled for the February meeting.

Teacher Education Grants:

Chairperson Tuttle stated this program has not been approved and Executive Director Steiner stated there were two changes that needed to be made to the form as a result of the previous meeting's discussion: it now reflects that priority would be given to schools that had not received the grant within the last year, and the language, "Transportation, Admission and Food" has been removed. Commissioner Clark mentioned that on the form Angel Mounds is referred to as a state park when in fact it is a state historic site and is managed by the Indiana State Museum rather than DNR (Department of Natural Resources).

Commissioner Clark then asked if we wanted to consider adding the Eiteljorg Museum or the Indiana State Museum to the list and that it's his understanding there is or may soon be an exhibit at the State Museum designed for students. Executive Director Steiner replied that the Eiteljorg is on the form but the State Museum is not. Commissioner Townsley asked if it was a permanent or rotating exhibit and Commissioner Clark responded that it's probably rotating, possibly six months or one year. The form will be revised to include the Indiana State Museum.

Chairperson Tuttle asked if this program was ready to be voted on when we have quorum and Commissioner Turner stated she had a question about the historical accuracy of the information being given at the sites listed and Executive Director Steiner responded that she could speak to all of them except for one, the Native American Museum in Terre Haute. Commissioner Turner said it might be in the best interest of the Commission to ensure the accuracy of the information being presented and Chairperson Tuttle stated she has been to the places on the form and her only concern is also the museum in Terre Haute because they have never shown any indication of working with or supporting the Native community. It will be removed from the Teacher Grant Form.

Commissioner Magnant stated he feels it should be a mutual relationship and that if they're negative they probably shouldn't be on the list. Commissioner Turner suggested contacting the organizations listed on the application and informing them they've been included as a destination, and also ensure they understand the importance of the information being historically accurate because it will be presented to students who might not ever have been exposed to the Native American culture.. Commissioner Magnant suggested that we also ask them to be open to guidance from the INAIAC if we determine information is not historically accurate.

Subcommittee Meeting Minutes:

Chairperson Tuttle stated that we had phone calls for subcommittee meetings for the purpose of approving the minutes from all of the subcommittee meetings; however, not having quorum we were unable to do so.

Public Comments:

Chairperson Tuttle stated she would like to keep the Public Comments portion at the end of the meeting. Commissioner Townsley noted that Public Comments was already at the end of the agenda and was curious why it was also listed elsewhere and Chairperson Tuttle explained that it had been brought up at a previous meeting about giving consideration to allowing Public Comments after each topic raised during the business meeting. Executive Director Steiner noted the forms for Public Comments are available at each meeting.

Commissioner Turner asked if Public Comments could be moved to the beginning of the meeting noting she feels it's important to hear from the public since Natives don't see each other on a regular basis. Chairperson Tuttle responded by proposing a solution to this would be to hold Town Hall Meetings within the regions where the INAIAC Commissioners live to get them connected with the Native Americans in their community. Commissioner Townsley commented she thought it was a great idea. Chairperson Tuttle explained that each Commissioner would be responsible for deciding when and where the meeting would be held and Executive Director Steiner would make the arrangements, notify the media and help market the event. Commissioner Turner asked about the counties outside of where the Commissioners live and Executive Director Steiner explained the Commissioners represent a regional area so it would extend beyond their own county. Commissioner Turner brought up that both she and Commissioner Magnant live in Morgan County and Executive Director Steiner responded it would be a divide and conquer approach, reiterated by Chairperson Tuttle saying each Commissioner could focus on different directions.

Commissioner Magnant asked if it was typical for Commissioners to know in advance what topics will be voted on and Commissioner Turner added that what is talked about among the community may not be what is on the agenda. Chairperson Tuttle responded that the issues brought to the Commissioners from their community would be taken to the Subcommittee meetings for discussion and in turn could come before the Commission. Commissioner Magnant stated the importance of making an informed choice and suggested a public perspective that is very focused, either in favor or against, and give them one minute to voice their perspective and state their case. Chairperson Tuttle explained that is the purpose of the town hall meetings, to give people a chance to voice their opinions. Commissioner Turner commented that the agenda is not usually available that far in advance for the public to know the topics in order to voice their opinions or concerns and Chairperson Tuttle reiterated that is the point of the town hall meetings is to get their input.

Hunting and Fishing Licenses:

Commissioner Clark had prepared a statement and provided it to Executive Director Steiner that outlined the Indiana Department of Natural Resource's (DNR) position on this topic. He explained that DNR has been approached in the past by various segments of the population asking for free hunting and fishing permits. He added that both DNR and legislators have resisted it because the Division of Fish and Wildlife is completely funded by the sale of licenses and that with each license sold there is a federal matching component. For example, one dollar from license sales could mean five dollars in federal matches. The Division of Fish and Wildlife is completely funded through this mechanism and the Division's law enforcement is primarily funded through that same mechanism. Commissioner Clark stated it is DNR's position that if they start creating segments of the population that get their license for free they cannot close that door. He added that legislators have attempted to enact this but have not been successful; the structure of this program ensures that the fish and wildlife population can be maintained so they can be fished and hunted. Commissioner Clark went on to explain that there are certain bodies of water that contain fish that would not sustain if it were not for the efforts of DNR.

Commissioner Townsley asked if it was possible for the Commission to offer funding assistance and Commissioner Turner suggested creating an application that would allow the INAIAC to reimburse the DNR directly. Commissioner Magnant stated he likes the concept but is a little uncomfortable with a 100% freewill offering; maybe covering a substantial percentage. Commissioner Clark stated that to his knowledge only senior citizens get a discount on their licenses. Chairperson Tuttle asked Commissioner Clark if the hunting and fishing licenses indicated ethnicity so we could track how many Native people have licenses and he responded in the negative. Commissioner Turner agreed that the individual would provide a copy of the tribal enrollment when they submit the application.

Discussion – New Business

Revision of Bylaws:

Chairperson Tuttle brought up whether the number of absences should be changed to two per calendar year since the INAIAC now meets bi-monthly. She reiterated that the Native Commissioners applied for and agreed to serve on the Commission and therefore need to be at the meetings. Chairperson Tuttle stated she would also like to see the Bylaws revised to include the language that existed in the previous version wherein Executive Director Steiner notifies the INAIAC Commissioners when she receives notification about the accidental discovery of human remains. Chairperson Tuttle referred to a recent newspaper article involving remains at Strawtown. Commissioner Clark pointed out that the issue in that article occurred during a time when the Commission was dormant. He added that George Strack was instrumental in pursuing the issue at Strawtown and that it changed the way Strawtown and the local agencies approached these matters, adding that he thought the issues were straightened out and he was also surprised by the newspaper article. He went on to say that either there was a threat to, or there was indeed an actual complaint filed with NAGPRA (Native American Graves Protection and Repatriation Act) that got the NAGPRA Commission involved and that Strawtown ultimately worked with the NAGPRA Commission, came to an agreement and worked together to either make changes going forward or made them retroactively.

[At 1:13 p.m. Commissioner Holt arrived, thus establishing quorum]

Commissioner Clark asked Commissioner Strack if he knew any more about the subject and Commissioner Strack responded that George Strack had called a couple of months ago and brought the article to his attention. He explained that this was apparently an archaeological project that had gone on for a number of years and it sounded to him as if the archaeology was over at this point. Going on his recall, Commissioner Strack stated there might be some violations of NAGPRA in that process and either he was not clear or the article was not clear on how it was resolved. Commissioner Clark stated it was his understanding that regarding the archaeology on the project that a complaint was filed with the NAGPRA Commission. Commissioner Strack added that George Strack is no longer in his position with the Miami Tribe of Oklahoma and Commissioner Clark agreed, adding that at the time of the archaeology he was in that position, hence the reason for Commissioner Clark talking with him about it at the time.

Commissioner Clark asked Chairperson Tuttle if she had a suggestion for how that proposed language would look and Executive Director Steiner referred to the language that was in the previous Bylaws. Commissioner Turner asked for clarification that it would only be a notification, not making decisions since that is not the responsibility of the Commissioners and Chairperson Tuttle responded in the affirmative. Commissioner Turner asked Commissioner Clark who else is informed when remains are found and he replied that informing the Commission is something DNR is required to do and that it was done even when

the Commission was dormant by mail. Commissioner Clark said DNR does not have enforcement over NAGPRA issues but they're not policing it so DNR keeps an eye on it, as does the Native American community, to make sure NAGPRA is getting followed. Commissioner Turner asked Commissioner Clark to clarify that DNR does not contact the federally recognized tribes from that area when remains are found and Commissioner Clark deferred to Cathy Draeger-Williams from DNR for clarification. Ms. Draeger-Williams explained that in certain situations where NAGPRA applies, the entity that receives federal funding, or the federal agency, is responsible for contacting the tribes. She added that similarly, under Section 106, if there is an accidental discovery, the federal agency is responsible for contacting those tribes and that DNR has been in contact with the tribes as well when there have been accidental discoveries.

Chairperson Tuttle asked about a scenario of a farmer finding remains, he then calls the sheriff's department and at that point the sheriff's department calls DNR. Ms. Draeger-Williams responded that there are a couple of options: the farmer can call the DNR, local law enforcement or the local coroner's office and that all three agencies work together to first determine whether it's a crime scene. Chairperson Tuttle then said once that's been done and it's determined whether they are artifacts, burial items or human remains of a Native American Indian, then at that point NAGPRA is contacted and the process is followed. Chairperson Tuttle stated that it would be at that point that DNR would notify the INAIAC through Executive Director Steiner and it's her desire to have the Bylaws revised so that information is shared with the rest of the Commission. Commissioner Strack asked if these two revisions to the Bylaws would be addressed at the February meeting and Chairperson Tuttle responded in the affirmative.

Legislation:

Chairperson Tuttle asked Executive Director Steiner to provide an update and she explained that Sen. Randy Head has introduced a bill to modify Indiana's law on tobacco to allow for ceremonial use by Native Americans in hospital and nursing home settings. This bill aligns with the INAIAC 2016-2019 Strategic Plan. Chairperson Tuttle asked if anyone else had run into situations regarding smudging; Commissioner Turner commented she uses water as it's the purest but that there are different ways to do it. Executive Director Steiner asked Commissioner Turner if she had run into any situations where she was prevented from following her customs and she stated there was and that she tried working with the hospital but her request was deemed a biohazard and she implied the outcome was not in her favor. Commissioner Townsley asked Executive Director Steiner if she was involved with the General Assembly in any way with this and she responded in the negative, explaining this is Sen. Head's bill and that his constituent base is largely Natives.

Proposal from IDOC:

Chairperson Tuttle stated the Indiana Department of Correction (DOC) received a proposal and that Commissioner Liebel was going to present it, however, he was unable to attend this meeting. Executive Director Steiner explained that an organization had requested support in securing some cabins at their location and that Commissioner Liebel would provide a presentation on it at the February meeting.

INAIAC Elections:

Chairperson Tuttle mentioned that both the Secretary and the Vice Chair positions are up for election in February.

Public Comments

A member of the public, Thaddeus Shelton, submitted a form requesting floor time during Public Comments; however, he had to leave before we reached that point of the meeting. Executive Director Steiner read his statement aloud and the form will be made a part of the record.

Chairperson Tuttle mentioned the upcoming 2020 U.S. Federal Census and that some ideas were in the works to encourage participation. She also mentioned the INAIAC YouTube Channel and that it would be utilized for posting videos to bring awareness to the importance of filling out the census and Chairperson Tuttle invited the Commissioners to submit any ideas they have on this topic. Executive Director Steiner mentioned that when Chairperson Tuttle was at the conference in Arizona they were already talking about the census and that when it comes to funding opportunities, ensuring everyone is counted is important. Commissioner Turner asked whether the census still permits self-identification and Executive Director Steiner responded in the affirmative, and added that there would still be an effort to get enrolled Native Americans to participate in the census since historically that has not always been the case. Commissioner Turner asked if there was a way the INAIAC could send a generic letter to the tribal offices asking for the population numbers of their people who live in Indiana.

Chairperson Tuttle added that another reason it's important to do these videos or podcasts is because we need to educate people about the proper way to fill out the census form. Using herself as an example, Chairperson Tuttle explained she lists the full name of her tribe on the census form in order to make sure she's counted. She referred to Commissioner Strack when she recalled the year the Miami of Indiana were not counted - Executive Director Steiner stated that was 2010 – and it was because the form was not filled out correctly. Chairperson Tuttle went on to reiterate that education and health grants depend upon the number of people being served.

Chairperson Tuttle informed the Commissioners of an idea she has to honor Native Veterans in November at a recognition and appreciation dinner as part of Native American Heritage Month. She stated she has asked Executive Director Steiner to contact the Veterans Administration (VA) to try and get the information on Native Veterans. Commissioner Turner asked if the VA requests documentation and Chairperson Tuttle responded in the affirmative.

Chairperson Tuttle asked if there was anything else to discuss. Commissioner Townsley mentioned the Commission for Higher Education has two scholarships and outlined the details about them.

Chairperson Tuttle asked if there were any other public comments. A member of the public, Diane Hunter, stated that the INAIAC needs to consider how it will determine that the people who attend the town hall meetings are Natives. Executive Director Steiner stated that information could be voluntarily added to the sign-in sheet but that we cannot discriminate when it comes to who attends the meetings. She added that scrutiny could be applied when the INAIAC creates programs or services.

Adjournment:

As there was no other business to come before the commission, Chairperson Tuttle announced the conclusion of the meeting.