



# Council of the Cherokee Nation

## Meeting Minutes

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Tuesday, May 15, 2007

9:00 AM

Legislative Conference Room

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### Call To Order

**Chair Yargee called the meeting to order.**

### Invocation

**Councilman Keener gave the invocation.**

### Roll Call

**Present** 12 - Bill John Baker; S. Joe Crittenden; Jackie Bob Martin; Phyllis Yargee; Don Garvin; John F. Keener; Meredith Frailey; Cara Cowan Watts; Buel Anglen; Taylor Keen; Jack D. Baker and Audra Smoke-Conner

**Absent** 1 - David Thornton Sr.

### Approval of Minutes

**Councilman Bill John Baker made a motion to approve the minutes of the April 17th regular session. Council member Conner seconded the motion. Motion carried.**

### Reports

**Council member Cowan Watts made a motion to move new business item 3 up to allow Council attorney Todd Hembree a chance to address it before he has to leave. Councilman Anglen seconded the motion. Motion carried for this item to be addressed before the reports.**

#### A LEGISLATIVE ACT RELATING TO NATIVE AMERICAN ARTS AND CRAFTS AUTHENTICITY

*Mr. Todd Hembree stated they have met with members of CNE. The purpose of the Act is for the Cherokee Nation to knowingly offer for sale art that is reported to be Indian art but isn't produced by a member of a federally recognized tribe. This would not prohibit CNE to sell art that they wish to sell. Council member Cowan Watts announced they have been working to address concerns brought forward in committee as well as Diane Kelley in the TERO office. She stated Ms. Kelley is prepared to implement the Act with a one page form to be completed one time. There isn't a fee for this service.*

**Councilman Anglen moved for the approval. Council member Cowan Watts seconded the motion.**

*Chair Yargee requested Councilman Bill John Baker take the chair to allow her to address the committee on the issue. Council member Yargee stated upon reading the minutes for this issue she wished to clarify JOM's part. She stated JOM is promoting Cherokee art and that it doesn't matter if they are TERO certified. They are trying to teach education and this would allow them to have Cherokee items that are specifically Cherokee. Regardless of the tribal affiliation of the artist we are teaching and promoting*

*Cherokee art. Council member Cowan Watts agreed with the promoting of Cherokee artist. She stated she has had feedback from the parents involved in JOM. The parents have stated they would be appreciative of a list of artists. She stated the Federal Indian Arts and Crafts Act are lacking which creates problems. Councilman Keen voiced concern for trying to control the artist. There have been many of times when in history that friends of the Cherokees who are not citizens have helped the Cherokee tremendously. He voiced concern for this legislation, who will police the issues, will this be hurtful to our people. Ms. Linda Taylor manages the Cherokee gift shops for CNE. She voiced concerns for writings being prohibited. She stated they sell numerous books in the gift shops that are not produced by Cherokees. Mr. Todd Hembree stated the Act needed for review is the one handed out today not the one in the packet. He stated the writings being prohibited have been removed. Ms. Taylor inquired about the TERO certification. The process now is when an arts and crafts person comes in they are requested to complete a vendor form, W9 form, and a copy of their CDIB card. She asked if these artists are going to be requested to go through TERO. Mr. Hembree stated the intent of the Act is for an artist who claims to be Indian would go to the TERO office to complete a simple one page form. This form would state they are an authentic Indian Artist. Ms. Taylor announced just not long ago an artist from Cherokee North Carolina was in the Casino for the weekend. He has some of his pottery work with him. They wished to sell the pottery in the gift shops therefore they completed the vendor form, W9, and got a copy of his CDIB card. She voiced concern for this not being able to happen if the TERO certification is required. Mr. Hembree stated the process could be streamlined. The idea is to make the process as simple as possible for the artist. Council member Cowan Watts voiced concern for the questions being raised today. She stated she has spoken to Harold and everything was fine. Ms. Taylor stated as a buyer for three gift shops she wants to know all of the details. Council member Conner inquired if the gift shops would no longer be able to sell prints. She stated if this is the case it would eliminate Willard Stone, Murv Jacobs, Troy Henderson and others. Ms. Taylor stated she also has concern for this issue. Council member Conner stated she has had an artist visit her home who is very concerned in regard for this act. She stated the Indian Act of 1990 it asks for truth in advertising. If you are not Native American but produce Indian art it just requests it to be stated or labeled. She stated she would not want to limit ourselves. Councilman Jack Baker stated the intent is not to exclude those artist but to not sell as Indian artists. Council member Conner inquired why there would be a need for additional legislation if the Indian Art Act of 1990 already exists. Council member Cowan Watts stated one of the individuals referenced earlier paid for their card and under the National Federal Indian Arts and Crafts Act he is recognized as an Indian Artist. Councilman Anglen agreed that the TERO requirement adds strength to the legislation. Councilman Keen inquired if we could actually pass an Act that is more stringent than federal law. Mr. Hembree stated we can it is a part of our Sovereignty. Councilman Keen agreed with Council member Conner in Section 5 part B. This eliminates numerous artists that bring honor to our culture. He stated the motivation seems to be fear and he can't be in support. Councilman Garvin called for the question.*

**Councilman Garvin called for the question. The motion for approval FAILED by the following vote:**

**Yea:** 5 - Jackie Bob Martin; Don Garvin; Cara Cowan Watts; Buel Anglen and Jack D. Baker

**Nay:** 6 - Bill John Baker; S. Joe Crittenden; Phyllis Yargee; John F. Keener; Taylor Keen and Audra Smoke-Conner

**Not In Room:** 1 - Meredith Frailey

1. Cemetery Restoration Assistance Report  
Don Greenfeather

*Mr. Don Greenfeather provided a handout of the cemetery report. He commented the cemetery assistance made headlines in the Phoenix this past month. He stated this is a council program and they were asked to assist with keeping up with receipts. He stated they were told there would be someone hired in the Council House to keep up with this program and it has never happened. Ms. Blackfox has since then left and we continue to do what we are asked to do. The process we follow now is the Council staff takes the application, the committee approves the applications, and they are then forwarded to us. We take care of the payment to the applicant and track the receipts. If the applicant fails to report in the 120 days we contact them by phone and mail explaining the requirements to be in compliance. Mr. Greenfeather read a portion of the Act in Section 5 as follows "the Language and Culture committee is hereby authorized and directed to develop such policies and procedures necessary to effectively implement the program." He stated they have contact the Council House and all we know of is this legislation and therefore there aren't any set policies. He asked the direction of the committee. Council member Yargee stated she was very concerned about the article. She stated this is the legislative branch of the government and we have been told over and over again that we do not administer programs. This program was developed with the idea to help community organizations to restore or maintain cemeteries. She stated she understands Mr. Greenfeather and his staff just inherited the program. Mr. Hembree stated he, Marvin Jones, and Melanie Knight were concerned with the policies being to burdensome on the communities. One of the conclusions they came to was for a paragraph explaining the use of funds. After lots of discussion it was determined it would be redundant to develop policy that the Act was sufficient. Chair Yargee stated the applications say a written accounting it doesn't say anything about receipts. Councilman Anglen commended Mr. Greenfeather and his staff for their work. He stated it was his understanding that the larger items had receipts and accounting turned in. He stated the paper is misleading to the public. Mr. Greenfeather stated there may be some confusion with the community works program. He stated they have received no funding; they have staff being paid out of other programs for this program. Chair Yargee stated in February of 2005 Council member Cowan Watts made a motion for the community service group to administer the program past the point of applications taken, received and voted on by this committee, they would gather the receipts, administering of checks, and follow up in written form to this committee. They would administer extensions for the 120 day requirements where needed. Mr. Greenfeather stated he is unaware of this motion. He stated on May 2nd the Council House was contacted and was told all there is legislation and the application. Chair Yargee offered him a copy of the minutes reflecting the motion stated. He stated they don't have a problem with the program. They would be happy to administer the program just want and need to know what is expected. Chair Yargee agreed there has been a miss communication and gave appreciation for the work being done. Mr. Greenfeather inquired if the receipts were going to be required. Councilman Martin stated this committee needs to review this situation once again in regard to not receiving funds to administer the program. Council member Cowan Watts stated she has a different take on the article. She stated decisions by this body seem to be inappropriate. She recalled from discussion that Community Services didn't take the fiduciary responsibility all they were doing was the reporting, receipts, and housing. The responsibility stayed with this committee. Councilman stated there is an application today for Neugin cemetery in District 2. On the report it is in District 1 twice with 2 different applications. Chair Yargee called for point of order requesting Mr. Greenfeather complete his report before discussion of the new applications. Councilman Garvin stated it is pertinent to this discussion. Councilman Jack Baker stated it could be 2 different cemeteries. Mr. Greenfeather requested direction for the incomplete ones that have been notified with no*

reward.

**Council member Cowan Watts requested an agenda item on next month's agenda for discussion regarding incomplete projects. Councilman Jack Baker seconded the motion. Motion carried.**

2. Directors Report

Dr. Gloria Sly

*Councilman Bill John Baker suggested accepting written reports unless there is something pertinent. Dr. Gloria Sly announced they are preparing for summer camp. She provided a handout of information for the Chief's markers. She stated the Heritage Center will be hosting the 40th anniversary of ancient villagers on June 30th and Under the Cherokee Moon a historical dinner theatre on Friday and Saturday beginning June 1st.*

Old Business

1 Former Chief's Gravesite Monuments (Discussion)

*Discussed in the Director's report. Chair Yargee inquired if this needed to be placed on next months agenda for action.*

**Councilman Bill John Baker made a motion for this to be on the June agenda for action. Councilman Crittenden seconded the motion. Motion carried.**

2 AN ACT AMENDING LEGISLATIVE ACT 25-05 AS AMENDED BY LA# 1-07 RELATING TO THE PRESERVATION OF CHEROKEE CULTURE AT CHEROKEE NATION FACILITIES

**Councilman Bill John Baker made a motion to table this item to next month. Councilman Jack Baker seconded the motion. Motion carried.**

3 A LEGISLATIVE ACT RELATING TO NATIVE AMERICAN ARTS AND CRAFTS AUTHENTICITY

*This item was taken care of prior to the reports being given in this committee.*

New Business

1 Approval of the Cemetery Restoration Assistance Applications.....Chair

*Councilman Bill John Baker made a motion to approve the 6 applications in District 1. Council member Conner seconded the motion. Motion carried. Councilman Crittenden suggested holding the Proctor Sanders cemetery application due to the fact that they haven't submitted receipts for the last funding. He further suggested only approving Morris family cemetery for the maximum of \$500.00 instead of the \$2650.40 requested. Councilman Martin agreed with Councilman Crittenden. Councilman Crittenden made a motion to approve the Morris Family cemetery for \$500.00 and to hold the Proctor Sanders application. Council member Cowan Watts stated Neugin cemetery is also in question. Neugin cemetery in District 1 and no accounting turned in and is this the same as the one in District 2. Councilman Jack Baker stated the application today is on the County line. Councilman Garvin made a motion to approve Neugin cemetery in District 2 through his district. He stated the application was mailed to him from Frela Summerlin for the Neugin cemetery in Adair County. Councilman Martin seconded the motion. Council member Cowan Watts expressed to Councilman Garvin that this is the same cemetery that hasn't accounted for \$500.00 from earlier. Councilman Garvin stated maybe and maybe not. Council member Cowan Watts stated she would be unable to support the*

approval. Motion carried. Councilman Crittenden made a motion to approve Morris Family cemetery for \$500.00. Councilman Bill John Baker seconded the motion. Motion carried. Councilman Martin made a motion to not take action on Proctor Sanders cemetery until discussion regarding incomplete projects at the next committee meeting. Councilman Crittenden seconded the motion. Motion carried. Council member Cowan Watts announced Washington cemetery has requested \$600.00 to erect a monument. The total cost is \$1200.00 and they are willing to match funds. She stated not may funds are used in District 7 for cemeteries and she is willing to go above the \$500.00 maximum. Council member Cowan Watts moved for the approval of Washington cemetery for \$600.00. Councilman Bill John Baker seconded the motion. Motion carried with one opposition from Councilman Crittenden.

Announcements

None.

Adjournment

**Councilman Bill John Baker moved for adjournment. Councilman Anglen seconded the motion. Motion carried at 10:14 a.m.**

STAFF PRESENT:

<i>Dr. Neil Morton</i>	<i>Linda Taylor</i>	<i>Ben Phillips</i>
<i>Dr. Gloria Sly</i>	<i>Todd Hembree</i>	<i>Donna Chuculate</i>
<i>Don Greenfeather</i>	<i>Darlene Foreman</i>	<i>Tonia Hogner Weavel</i>

VISITORS PRESENT:

*Linda Allen*

APPROVAL / DISTRIBUTION:

**Minutes submitted by: Shelli Brittain, Recording Secretary**

**Motion to approve minutes made by:** \_\_\_\_\_

**Minutes attested and concurred by:** \_\_\_\_\_

**Date:** \_\_\_\_\_