



Vermont Commission

On

Native American

Affairs

Mark Mitchell, Chairman
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Commission Members

Jeanne A. Brink
Timothy Richard de la Bruere
Judy Dow
Charlene R. McManis
Donald W. Stevens
Hilary Casillas

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Meeting Minutes from December 28, 2006

Present were: Chairman- Mark Mitchell, Don Stevens, Judy Dow, Tim De Le Bruere. Absent were Charlene McManis, Hillary Casillas, and Jeanne Brink.

Also present were: John Churchill- Abenaki Tribal Council, Chinka Whitekiller-A.I.M., Phyllis Donovan, Ellen Maxon- Human Rights Commission, Paul Erlbauw-Human Rights Commission, Martin Gill- Abenaki Odanak, QC, Jacques Watso- Odanak, QC, Michael Marcotte-Coventry, and Carolyn Branagan- Representative for Georgia. and Heidi Britch-Valenta-Board Secretary.

1) CALL TO ORDER

The meeting was brought to order at 1:00pm by Chairman Mark Mitchell at the Title VII Indian Education Office 49 Church St., Swanton, Vermont.

Mitchell asked if Commission members had reviewed meeting minutes from November 30, 2006. The Commission gave consensus for approval of the minutes.

2. OTHER BUSINESS

Mitchell asked to begin the meeting with other business so that they could then dedicate the balance of the meeting to the review and discussion of the draft criteria for Arts and Crafts legislation.

1. Tim De Le Bruere gave an update on a meeting he had attended with Jeanne Brink at Vermont Public Television (VPT) regarding a film that is being produced for the Quadricentennial Celebration. The film was of concern to the Commission as it will focus on the Native American connection to Champlain. The Commission would like to stay closely connected to the committee and to have input into the decision which will portray the Abenaki experience. They met with the State Archeologist and had extensive discussion on the topic. The station will now channel all decisions regarding the portrayal of Abenakis through the Council for approval. De La Bruere mentioned there would also be a Mohawk representative from Canada on the committee. De La Bruere felt the meeting was very positive and the Committee was very willing to seek council for decision on everything from artifacts to dances. He was unsure if the next meeting will be in January or February.

Mitchell informed the Board that Charlene McManis attended a meeting with Sigrid Lumbra, Vermont Department of Education, on

December 12th in reference to the educational component of the Quadricentennial but she was unable to attend December's meeting to report on it. Mitchell explained that there will be another meeting on January 24 at 3:00pm in Montpelier, Educational Department building, 4th floor. Agenda - Curriculum for Essential Understanding, View and Discuss CD's and Discuss Funding.

3. ARTS AND CRAFTS

Mitchell then turned the conversation to the working session for the review and discussion on the wording for the legislation which will : Permit the creation, display, and sale of native American Arts and crafts and legally to label them as Indian- or Native American-produced as provided in 18 U.S.C.

Mitchell spoke of the meeting with Assistant Attorney General, Bill Griffith, which took place on December 12th. Griffith had planned to attend the December meeting but he informed Mitchell he was unable to attend at the last minute. Mitchell will meet with him in Montpelier again.

Mitchell shared documents with the Commission which helped to clarify questionable points in this discussion. In S117 CHAPTER 23 852 it stated "(c) The commission shall have the authority to assist Native American tribal council, organizations and individuals to:
(2) Permit the creation, and sale of Native American arts and crafts and legally to label them as Native American produced as provided in 18 U.S.C. (c)(3)(B) and 25 U.S.C. 305e(d)(3)(B)
Review of the proposed statute. Mitchell shared the two United State Codes which stated the following:

the term `Indian tribe' means--

`(A) any Indian tribe, band, nation, Alaska Native village, or other organized group or community which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians; or

Stevens felt it was essential to clarify if the Commission was vested with power to determine who was an Indian. Mitchell thought the Commission was not in a position to recognize bands. The onus would be on the tribes and bands to determine membership. Any state recognized tribe or band would be covered under the legislation.

Mitchell noted that Griffith had pointed out that the intent of the legislation was not to give authority to the Commission to recognize bands or tribes. This also was confirmed with the Legislative counsel.

Steven noted that their focus should be on the Abenaki, all other groups would fall into the category of "all other Native American Groups." He noted that the wording does not list the individuals.

Dow mentioned that she had checked with the South Carolina Group and their council was not approved by state, No other bands are able to sell their wares due to a lack of recognition.

De La Bruere wanted the Commission to attempt to make the Vermont legislation complimentary to the Federal legislation so that the two edicts could co-exist practically. He also asked to see more checks and balances in the legislation and further noted that there are many branches of government, and the court system is separate from the legislative branch and the criminal system is still different from the civil courts and that the challenge would be to determine how to plan for each scenario.

Mitchell played a tape of Senate Testimony dated 4/18/06 by Vincent Illuzi regarding the Arts and Crafts bill. The testimony stated that there were conversations with the Federal Arts and Crafts Board.

Mitchell is also waiting to hear for the Bureau of Indian American Affairs, Arts and Crafts Board,

Carolyn Branagan, State representative, spoke to her involvement with the creation of the bill and explained that while the wording did not cover every possible instance there was a huge amount of work that went into getting the bill to this stage. She explained that the generalized to encompass a large audience.

Stevens clarified that the Commission was very appreciative of the work that was done on the legislation. It was designed effectively to allow the scope to be narrowed as more is learned.

Mitchell stated that the term “Indian” and the interrelated term “Indian tribe” are defined by Congress by statute in the 1990 Indian Arts and Crafts Act. The Act defines who is an Indian protected by the Act. The regulation can interpret and clarify the Act but cannot change the statutory terms of the Act. As defined by the 1990 act however the terms Indian and Indian tribe already include for the purposes of sections 104,105 and 107 of the 1990 Act, member of state recognized tribes, Alaska Natives as well as members of federally recognized tribes.

Mitchell questioned if the State of Vermont or this Commission had any authority to change the “statuary terms” within the Act.

The conversations were inconclusive and the Commission did not reach consensus on the best way to approach this issue although working with the Legislation was a direction considered. Mitchell suggested tabling the issue until further clarification could be gleaned.

John Churchill of the Abenaki Tribal Council asked if the merchants would be able to sell goods at the annual Abenaki Pow Wow. Mitchell stated that they should operate as usual.

Phyllis Donovan suggested that the rules for recognition are very vague within the current bill. The Commission responded that they are working very slowly on this issue to ensure thoughtful decisions.

Mitchell brought the conversation to a close by saying that they have identified the very fine point that they must clarify for the recognition for Arts and Crafts draft. They will continue the

conversation at the next meeting.

Mitchell then announced that Governor Douglas will be attending the meeting in January at National Life Building in Montpelier between 2:00pm to 2:15pm.

Dow reminded them of Arts Day Lobby date on the 24th of January.

Mitchell then reminded all that all dates are on the website www.vcnaa.com. He noted that they have received hits from all over the world.

Mitchell asked for any other issue prior to ending the meeting. Seeing none, the meeting ended at 2:45pm.

Respectfully submitted,

Heidi Britch-Valenta
Secretary