

UNAPPROVED

VERMONT
COMMISSION
ON
NATIVE AMERICAN
AFFAIRS



VCNAA Meeting Minutes
Wednesday, December 19, 2012



vcnaa.vermont.gov

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COMMISSION
Luke Willard, Chairman
Carlton Bertrand Jr, Vice-Chair
Charlene McMannis, Secretary
Andrew Beaupre
Jeffrey Benay
Lucy Cannon-Neel
Dave Van Deusen
Shirly Hook
Trudy Ann Parker

Members Present: Luke Willard, Chair; Carlton Bertrand Jr., Vice-Chair; Charlene McMannis, Secretary; Andrew Beaupre; Jeffrey Benay; Dave Van Deusen; Shirly Hook; Trudy Ann Parker.

Absent: Lucy Cannon-Neel

Guests: Chief Bernie Mortz, Newbury, VT; Pat Leno, Fairlee, VT; Carol Irons, Albany, VT; Donald H. Parker, Lunenburg, VT; Trudy Thomas, Montpelier, VT; Jim Masland, Thetford Center, VT; John Moody, Sharon, VT; Theresa Olson, Berlin, VT.

The meeting was brought to order by Chairman Luke Willard at 12:05pm at the State House in Montpelier. Introductions were made by the commission members.

Luke requested a moment of silence for the tragedy of the 20 children and 6 adults in the Newtown, Conn.

1. Approve minutes of November 19, 2012.

Luke moved to table the minutes for the next meeting. Andy seconded. All agreed.

2. Committee Updates

A. Community Services

Charlene says she hasn't been working on the Abenaki Heritage Week except to schedule the Saturday at the State House. Will be working on the event after the holidays and contact those who are on the committee. Charlene did the presentation at the VASS conference and passed out the poster she made up for the conference. She asked for assistance in creating posters for schools to send. And she will contact the committee to see about what activities for the May event.

B. Policy

Luke also has been busy with the application review. There is nothing to report regarding for Child Welfare Act until next meeting.

C. Cultural Resources

Andy has also been busy with the application and the holidays. Lucy will be working on Title VII Indian education for the North Country. Andy stated that the resource guide has been removed to be updated and placed on the site.

OLD BUSINESS

1. Recognition Review: Application submitted by Nathan Pero

Andy recaps the last meeting regarding the open forum. Three scholars' reports came in. John Moody stepped in as third scholar since Lisa Neumann resigned.

Luke then opened the floor for discussion. Jim Mashland stated nothing new would be brought to the attention of the commission.

Chief Mortz stated pages 48 thru 50 should remove NAWIHLA pow wow from their application. It was a White Pine Association's event. Also he took exception to Jim's letter on page 111 since he is a tribal member of the applicant. It is against the executive order as a conflict of interest. Jim wrote the letter, not realizing the implication of using his letterhead. Luke stated mistakes happen. Also we would need some documentation from the IRS or Secretary of State showing that White Pines Association was part of the applicant's membership at the time. Jim asked when is this review is finished. Luke stated we hope to answer that today. Discussion was held regarding the White Pines.

Dave stated the commission is not task to decide who's Abenaki and who is not. He believes that that the two factors are of the same tribe, one being Koasek of the Koas who is already recognized by the state and the applicant applying. There are concerns of setting precedence. Charlene stated the application was disjointed. The tribe's history was general, not specific to their area. The geographical area was still problematical. The animosity between both tribes is evident and needs to be resolved.

Joe stated the application needed to be organized better. John's report was thorough.

Jeff stated the application was a "loose reading of specific geographical locations" per Angela Reinhart. John's report gave the best case but the report was not from an independent evaluation. Andy agreed with David and that we are not deciding who is native but rather is this applicant as a native government. There are mixed reviews with the scholars. The commission must work with the law regarding the native boundaries vs. European boundaries.

Shirly believes the name will be problematic with the legislature. Shirly then asked if the name was checked with the Secretary of State. After much discussion, no investigation was done. Charlene asked why Koasek didn't get letters of recommendations from the other tribes. It is the ninth criteria. Jim could not answer that question. Discussion was held regarding the Metis' recommendation.

Trudy questioned the testimony, unable to decipher the truth regarding the tribe's status.

Dave asked the recollection of the law. Luke stated it would be one year from the decision of the commission. If the application is pulled, to apply would have to be submitted two years.

Jim stated he was disappointed with the commission. He felt Nancy's application and Missisquoi was helped by the commission. Much discussion was held.

Luke asked Jim when he became a member of the tribe. Jim became a member around 2010.

More questions about enrollment dates of membership. Discussion was held. More discussion was held. Luke would not comment about criteria one since there are no members before 2008.

On criteria two, no genealogical documentations were submitted to the scholars but only family trees. The commission needs legal documentations such as census rolls, baptismal, eugenics papers for criteria two. On criteria three, Luke had no opinion. Andy felt the application met that. On criteria four, the applicant has an organizational structure. Andy questioned the historical part of criteria four since the tribal members are from 2008 and on. On criteria five, Luke stated the lake photo on the application was from the Northeast Kingdom, not Thetford. Some history could not be called their history but rather other tribal history. On criteria six, this was reflected in the by-laws. On criteria seven, the applicant used general folklore from other tribes. Andy stated the snack games and acquiring native corn met seven. The applicant met criteria eight. The commission was already touched on criteria nine. Luke commented that the commission did work with Chief Pero and the tribe. Discussion was held.

Andy called to question to either to recommend or to deny the petition. Dave seconded. David reiterates that this vote is not about recognizing Abenakis but to vote for the tribe's recognition.

Andy reiterates that a yea vote would be to recommend and nay vote would be to deny.

Joe understood that the tribe could resubmit after a year of denial.

Jeff wanted to open for discussion with the audience. Dave suggested to posing questions to the chair. Discussion was held. Carol stated that the tribe needs to meet the criteria. The application needs to come to the same level as the other tribal applications. Pat asked would we send a copy of our report to their tribe. Luke stated we would send one to the tribe and one to both legislative committees. The question was asked who wrote the application. It was Paul and Nate.

Discussion was held regarding using scholars to assist in writing the application, mean-spirited emails, and Luke's position. Luke stated that the tribe should look into their name. Andy stated All agreed to the motion of moving forward to vote. David moved to that we vote to recommend recognition of the Koasek. Charlene seconded. Clarification is that a yea vote would recommend recognition and a nay vote would deny recommendation. Andy stated that the tribe as one year to resubmit their application after the report is filed.

The voting was as follows: Andrew – no, Jeff – no, Carlton – no, Shirly – no, Charlene – no, Lucy – absent, Trudy – no, and Luke abstained. Luke requested a five minute break. Andy seconded.

Meeting came back to order at 2:25pm.

2. Indian Child Welfare

Luke gave a personal story as to why he is passionate about this. Recently, Luke was approached by a Nulhegan woman who was losing her parental rights. Then he spoke about the recent resignation of Commission member Betty Johnson and her termination from her state social work job.

Jeff then spoke about his encountered with Senator Diane Snelling and DCF. Missisquoi experienced the same issues with Missisquoi children being removed from parents and placed in non-native foster parents. Missisquoi joined with UVM using Title 4 E contract. They also got in touch in with the South Dakota DCF to search for answers. Missisquoi created a qualified foster parents pilot policy using cultural competency issues, working with the local DCF. Discussion was held regarding the legislature's attitude and the Missisquoi's model. DCF will pick up the bill for the classes. Dave asked how intense the program is. The program is 8 weeks, 4 hours ea day, and homework. In the end, the foster parents take a test. The parents received a valid

certification. Louise Lampman does not have the program. It is with the UVM. Discussion was held. Andy asked if there was still a relationship between UVM and Missisquoi. Jeff said yes. Dave liked this because there is a model for this program. Dave suggested looking into People First campaign for assistance. Discussion was held. Dave suggested that Jeff and Luke will meet with Doug Racine.

3. Title VII Indian Education

North Country and Orleans Central Supervisory Unions

This is tabled until next meeting.

Luke asked Andy if he would write up the report for the decision made at this meeting.

For the record, Dave congratulated Nulhegan for their recent purchase of their 68 acre land. Discussion was held.

NEW BUSINESS

1. Next meeting

The next meeting will be January 21st from 12noon to 3pm. Location to be announced.

The meeting was adjourned at 3:05pm.

Respectfully Submitted,

Charlene McManis

Secretary