

*Vermont Commission  
On  
Native American Affairs*

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**Commission Members**

Don Stevens, **Chairman**  
Paul Bell  
Brad Barratt  
Jeanne A. Brink  
Timothy Richard de la Bruere  
Charles Delaney-Megeso  
Judy Dow

Minutes  
January 22, 2009

**Members Present:** Donald Stevens, Chairman; Tim de la Bruere; Judy Dow; Jeanne Brink; Brad Barratt; Paul Bell

**Staff:** Diane McInerney, Executive Assistance DHP, Commission Secretary; Nora Kennedy and Janet Dattilio, Interpreters for Brad Barratt

**Guests:** Mike McShane, Attorney General's Office; Doris Seale, Burlington; Richard (Skip) Bernier; Thomas Lichtenberger; John Moody; Robert Appel, Human Rights Commission

This meeting was brought to order by the Chairman, Don Stevens at 12:58 pm in the AOT Board Room, 5<sup>th</sup> floor, National Life Building, Montpelier. Don introduced the newest Commission member, Paul Bell and welcomed Mike McShane to the meeting.

**1. Discussion on recognition and Commission authority under §852 with Guest Speaker Mike McShane, Attorney General's Office**

Mike McShane explained to the commission that the current VT statute does not satisfy the Indian Arts and Crafts Board for the labeling of Native American arts and crafts as Indian made. McShane said the Federal Crafts Board does not care if the Legislature has the authority to recognize Native Americans for the purpose of labeling arts and crafts as Indian made, or if the Legislature gives this authority to the Commission, but they will require quite specific recommendation of tribes/bands/families for recognition. McShane said there will be further problems if something is not done about recognition for this purpose. McShane suggested that the Commission reconsider their criteria for recognition in their original draft and re-work it for presentation to the Legislature in the 2009 session. Judy felt that the bill had been corrupted in the house committee and no longer reflected the Commission's original draft bill. The Commission tried to be inclusive of all tribes/bands/families, but other tribes did not agree with having to share their family history for recognition. Judy noted that family history is part of the "puzzle" and needs to be documented. There was also the issue of 51% of the recognized tribe/band/family residing in Vermont.

Don felt that some Legislatures are confusing recognition for the labeling of Indian arts and crafts with the potential recognition for Indian casino rights or federal land claims. Don felt that the Legislature needs to understand that recognition for the labeling of Indian arts and crafts will not impact Vermont in a negative way.

Judy mentioned that, as a result of the corrupted bill being introduced last session, the federal government has now listed 3 bands, which were on the corrupted bill that did not pass, as state

recognized groups. (Letter provided with this information by Chief Paul W. Pouliot, President; Cowasuck Band of the Pennacook-Abenaki People, now in tile) Presently, there are no state recognized tribes. Further discussion about recognition was held at the end of the meeting.

Tim asked that Don clarify the reason that McShane wrote a letter to the Intervale about the Commission's authority. A copy of this document was presented to Commission members at this meeting. Don said that he was contacted by the Intervale about the Commission's authority to comment in regards to Act 250 proceedings. It was the intention of the Intervale to take legal action against the Commission if they were indeed "over-stepping" their authority. Don then contacted McShane and requested that he write a letter to the Intervale about the extent of the Commission's authority. Don felt the Intervale was trying to see if it was the Commission that is interested in their compliance to Act 250, or if it is just Judy that is an "interested" party.

Judy noted that the Commission has never taken action on anything being done in the Intervale, and that she has personally taken on this work. She has only commented to the Commission on her findings, and was refused "party status" when she requested it. Judy questioned that if the Commission is suppose to assist native people with concerns about the goings on at the Intervale, can the Commission discuss this at their meetings. Judy asked for McShane's interpretation of the statute. McShane said that he could not tell the Commission how to conduct their work, but that they could not be given, as a Commission, formal party status for any Act 250 proceedings.

Tim requested that the chairman not make decisions on his own about the Commission's authority and that formal procedures, codes, and bylaws need to be created for all Commission members to work successfully together with a clear understanding. Judy said that many procedures voted on last year are no longer recognized by the current chairman. Not being given party status for Act 250 proceedings does not eliminate the process of discussion. Don felt that the Commission is wasting time discussing issues that are outside Commission authority. Paul felt that Commission members are on the same track, but there is a difference in their interpretation of words. Paul noted that "discussion" and "work" are two different things. Tim requested that the agenda reflect time for "new business" and be better built into the meeting discussion.

## **2. Approval of Minutes for October 23, 2008/December 11, 2008**

Judy requested that changes be made in several paragraphs that did not coincide with the "exact" words expressed at both meeting. Judy moved to approve the minutes with corrections and Tim seconded. The Commission unanimously approved of the October 23, 2008 minutes with corrections. Paul moved to approve the minutes from the December 11, 2008 meeting and Judy seconded. The Commission unanimously approved of the December 11, 2008 minutes with corrections.

## **3. Discussion on Agenda Items**

### **a. Education**

Fred Wiseman sent his report on the Vermont Native American Lake Champlain Quadracentennial Commission project that was distributed to Commission members at this meeting.

Don noted that the Commission is still working with Sigrid Lumbra from the Department of Education. It is his wish that the present curriculum presented to students about Native American history include information general to all Abenaki people. Tim noted that there is already state information available, but it has not been updated since 1996. Don explained that Sigrid is willing to assist in making available to schools and students, a guide or brochure, which explains “who we are” and is not a mandated part of the curriculum.

Jeanne and Judy both agreed that last year the Commission had worked on the Essential Learning Kit, and model guidelines that was presented to teachers and Don asked that Judy bring that information back to the Commission to see what can be worked on. Tim mentioned that the commission would have to fund this work and create the brochures for distribution.

There was a discussion about Commission assignments. Tim reminded the Chair that these assignments were agreed upon at the last meeting, but new Commission members may like to join them. Both Paul and Brad felt they need to become more informed about these assignments before they make any decisions and that the Commission needs to “clear the air” from the past and move forward. Both Brad and Paul are not clear about the assignments, and feel the Commission needs to focus on today, and current assignments. Commission members felt that, if vested authority was the most important issue then it should have been on today’s agenda. The Commission came to the decision that vested authority needed to be addressed before going any further with education.

It was Paul’s understanding, after listening to the representative from the Attorney General’s Office and comments that sponsor Hinda Miller made, that without getting buy-in from the bands and tribal units within the state to support the type of legislation that would put vested authority for recognition within the Commission, the bill will go nowhere in this session. Paul asked the Commission if they believe that, within the next month they have the ability to get that support from the tribal units and bands within the state to support that legislation, or should the Commission work on this over the next year and present it in the 2010 session. Tim felt that there is enough support to present this bill in this session. Paul felt that the opposition to this bill from other tribes/bands will derail a bill during this session. Paul felt that differences between the tribes need to be resolved through dialog before the bill can be presented. Judy felt that the road block to any assistance programs for Native Americans is the lack of vested authority. Don said he does not think during this session that the legislature will discuss this bill if there is no compromise and the tribes/bands are not united. Commission members agreed to discuss this further at the next meeting.

Don requested that Commission members send items for the February agenda to him, and Jeanne noted that the letter from April St. Francis Merrill (presented by Don at this meeting, but not brought into the discussion because it was not on the agenda) should also be on the agenda.

The meeting was adjourned at 3:04 pm.

Respectfully submitted, Diane McInerney (say-air-kee-wayn-chukws).