

Minutes  
October 25, 2007

*Vermont Commission  
On  
Native American Affairs*

Mark Mitchell, Chairman  
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**Commission Members:**

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

**Members Present:** Mark Mitchell, Chairman; Tim de la Bruere, Charlene McManis, Don Stevens, Judy Dow, Jeanne Brink, Hilary Casillas

**Staff:** Diane McInerney, Executive Assistance

**Guests:** John Moody; Fred Wiseman; Jedd Kettler, Country Courier; Robert Appel, Human Resources Commissioner; Sara Kariko, So. Burlington; Jesse Larocque, Abenaki; Nancy Millette, Cowasuck Abenaki Nation; Dr. Raymond Lussier; Melody Walker, Missisquoi/El-Nu; Brook Walker, El-Nu, Dustin Mignault, El-Nu, Roger Longtoe Sheehan, Missisquoi/Cowasuck/Odanak/El-Nu; Vera Longtoe Sheehan, El-Nu; Jim Taylor, El-Nu/Cowasuck; Rose Hartwell, El-Nu

**Letters of Testimony:** Anthony Longtoe Sheehan, El-Nu; Louise Lampmanlowy; Phyllis Donovan; Chief Brian Chenevert, Cowasuck; Douglas Lloyd Buchholz; Doris Seale; Linda Costello; Normand George M'Sadoques, Abenaki-Odanak

This meeting was brought to order by the Chairman, Mark Mitchell, at 1:08 p.m. in the AOT Board Room, 5<sup>th</sup> Floor, National Life Building; Montpelier, Vermont.

**Minutes from September 27, 2007 meeting**

John Moody noted that he was not present at the last meeting although his name was on the list; his name was stricken from the list of quests. Jeanne also mentioned two spelling corrections. The minutes were approved with the correction by Commission consensus.

**1. Public Testimony on Draft Amendment S117**

Mark reminded all members and guests that this meeting is in reference to, and for comment on the current amendment of S117 and there would be no interruptions. Mark noted that Dave Skinas was appointed to the Board of Directors for the Intervale

Center. Judy Dow thanked the Advisory Council on Historic Preservation and the Division for Historic Preservation for their work and effort in listing the Intervale Archeological District to the State Register. On October 23<sup>rd</sup>, with a unanimous vote, 500 acres of the Intervale on the Burlington Side of the river was approved for listing.

**Guest:** Roger Longtoe Sheehan, Jamaica, Chief of the El-Nu Abenaki, now a sub-band of the traditional Cowasuck. Roger was concerned with the language of 51% tribal members needing to be within the regional boundaries and the reference to “splinter groups.” Many tribes/bands reside within the nation known as Abenaki, and all families are connected; all groups need to be recognized. Once recognized, the tribe/band defines its members, in or out of state. Roger felt that since Native American’s were not acknowledged until the 1970’s that the “date” of connection should be eliminated from the amendment.

Charlene asked about Roger’s immediate family and their relationship to Abenaki. Roger explained that he has cousins that are Missisquoi and Odanak, but that his immediate family is El-Nu.

Don noted that if Vermont is the ‘homeland’ it does not matter where in the state tribal members reside. In reference to 51%: Mark noted that this is the majority of members in the state.

Judy asked Roger to describe his band or sub-band. Roger noted that as of June 2, 2007 the El-Nu has become a sub-band of the traditional Cowasuck. Roger felt that a ‘splinter group’ is smaller than a sub-band since there are approximately 40-50 members of El-Nu and at least 51% are in-state. He described his tribe as being affiliated with the larger tribe known as Cowasuck. Jeanne asked for reference to the traditional Cowasuck. Roger said the folks under Brian Chenevert, previously Nancy Millette.

**Guest:** Vera Longtoe Sheehan from Westminster in Southern Vermont, El-Nu Abenaki tribe a sub-group of the traditional Cowasuck. To show good intentions and honor, Vera presented tobacco to the Commission, a traditional Native American gesture. Vera mentioned the ‘invisible lines’ that define boundaries for the El-Nu. In times of food shortages Native American families broke into smaller groups for hunting and gathering, and during times when it was not safe to be Abenaki. Vera also felt that the ‘date’ was irrelevant and that oral tradition is as important as genealogy. Native Americans have suffered persecution and are not willing to share their genealogy with the government because of the Eugenics Survey, 1925-1936. Tribal/Band genealogists have shown that all Vermont Native Americans are cousins,

even if they don't get along, and they will still be Abenaki even if they are not recognized. Vera respectfully requested that Odanak members not be able to vote on recognition because of a conflict of interest.

Mark assured Vera that voting conflicts are acknowledged in the amendment, and Judy noted that oral stories are also a part of the draft.

Don mentioned that there only needs to be a connection to a historic tribe, and that the Commission is not asking for genealogy records. Tim clarified that 51% of the tribe/band need only be connected to the historic tribe.

**Guest:** Jim Taylor from Rhode Island, living in Massachusetts, a member of the El-Nu/Cowasuck; an elder of his band, and a descendent of the Abenaki and Coala Band of the Eastern Cherokee living on Turtle Island. Jim noted that Abenaki still exist no matter where they came from or where they live. Recognition to him means to be able to do his crewel work as a Native American and not be shunned by western tribes. As bloodlines thin it is becoming more difficult to be a member of any one tribe. Recognition should come from looking at descendants, not blood quantum. Jim said his band does not wish for casinos, but for their children to be recognized, attend college, and to dance. Jim asked for clarification about voting if a Commission member is part of a tribe that is applying. He addressed the fact that some Abenaki tribes fear that since the Odanak have already been recognized they might hold sway with applicant approval. Jim thanked the Commission for their hard work.

Mark noted that, for those on the Commission who are connected to an applicant, they would not be able to vote on that application. Mark assured all members of the meeting that the Commission's goal is to recognize all groups within the Abenaki Nation. Tim noted that the Commission only makes recommendations to the legislature, and their approval is open to public testimony.

**Guests:** Nancy Millette, Cowasuck and Dr. Raymond Lussier, Tribal Judge of the Cowasuck. Nancy began by thanking Creator for good health and the Commission for their hard work. Nancy presented a document from the Law School of Boston for the Commission to consider concerning the 'date' as criteria for recognition. She also shared her feelings about the 51% criteria and expressed that it is not about a percentage of people, it is about the 'blood and bones.' Dr. Lussier spoke about genealogy research that he has done and will present this documentation to the Commission when it is complete. He asked that the Commission take into consideration the cohesiveness of historic communities as opposed to an actual date in

time. He saw a discrepancy between a tribal organization and its time frame and a historic community and that time frame. Nancy spoke about the Cowasuck territory; that the land is on both sides of the river, in two different states. She felt this makes it hard to define the 51% criteria. With burial grounds on one side and the mission on the other, boundaries should be taken down so they can all be one; historically there were no boundaries when the Abenaki was a great nation. These boundaries were not created by Native Americans.

**Guest:** Rose Hartwell living in Massachusetts, a crewel worker and a proud elder of the El-Nu Abenaki tribe, a sub-group of the traditional Cowasuck tribe. She hoped that the Commission could see that since all guests are sharing in the same message, that those concerns are valid. Rose's great grandparents lived in Craftsbury Vermont and the Morrisville area until the 1920-1930' when they chose to move to New Hampshire. Her father was born in New Hampshire in 1930, but his brother was born in Craftsbury in 1932 which shows that the family moved back and forth. You can be Native American and live in another state but you always go back to the homeland to visit. Many native family members were told they were not native to avoid persecution; census forms are not correct, and many families hid to stay safe. Rose felt the same as Nancy; that boundaries were not set by Native Americans. Abenaki people traveled all around the North Eastern states and were all one family. Native Americans do not seek political gain, but pride of recognition. Happiness is wealth – the Abenaki do not want land, they want to be recognized for who they are. The El-Nu tribe feels they are major contributors to passing on the Abenaki traditions with their crafts and cultural presentations, through recognition. Rose felt that the strict guidelines of the bill tying a tribe to a specific area prevent Native Americans from being recognized.

Mark said that this Commission is the Vermont Native American Affairs Commission and therefore can only recognize tribes living in Vermont, or tied to Vermont. This does not mean that tribes/bands are limited to any district, it includes anywhere within the state of Vermont. Don noted that the ties are to the 'homeland' that is more than Vermont, but that the recognition is to tribes with the majority of members living in Vermont. Mark mentioned again that this Commission can only work within Vermont and that if other tribes from other states are seeking recognition they need to work within their state. Judy asked that applicants tell their stories of family connection in their applications so that they can be acknowledged and heard.

Rose questioned the time 'date' and Jeanne asked if the time should be set at 2007, and anyone from then could be recognized. Don explained that if Rose was a member of the traditional Cowasuck, and if they were here since the beginning of time, then she would be able to tie herself to that area as a member of that tribe. When the tribe is recognized then it would be up to the tribe to recognize her as an individual. It is the tribe that connects itself to the land, not the individual.

With a better understanding Rose suggested that the bill was misleading and the Commission noted this as one of the reasons for trying to amend the bill and avoid any misunderstanding. Tim noted that currently this bill does not go beyond arts and crafts, but Mark said another reason for amending the bill is for the ability of tribal members, with state recognition from the legislature through the recommendation of the Commission, to receive grants for college as well.

**Guest:** Fred Wiseman, Professor of Humanities at Johnson State College. Fred offered suggestions on changes to the language in the working draft.

- #1, page 1 – Once a 'group' applies it is defined as a tribe
- #4, page 1 – Strike authority to legislature
- #6, page 1 – Strike this reference
- #7, page 1 – Splinter Group – no problem
- #8, page 1 – Add "Commission Assistance for Applicants from page 2 here, and be specific
  
- #2, page 2 – Add "Vermont" ("refused **Vermont** recognition")
- Delete hyphen in **state-recognized**
  
- #2, page 3 – Strike language ("since (date) to the present") Fred suggested leaving the date out of statute.
- (b), page 3 – Delete hyphen in **state-recognized**
- #1, page 3 – Define or eliminate "continuous connection" think about "historical connection"
- #6, page 3 – Consider defining "Indian"

It was suggested that "splinter group" be removed from the amendment if it can be used to exclude any Native American group, and that each group should stand on their own.

**Guest:** Melody Walker, Missisquoi/El-Nu. Melody explained that she has now learned to live as a modern Abenaki with a strong sense of her past. Although she grew up Missisquoi and is now part of El-Nu she wondered what happens to other tribal members that do not agree with their original tribe and become 'floating' members, no longer a part of any particular group. Jeanne said that these individuals are referred to as un-banded. Melody was afraid that 'splinter' groups, such as El-Nu, may be left out when they have so much tradition to share for future generations. Melody also felt that ancestry is a continuum and that a time date should be included. She felt that if a date needs to be part of the language that 2007 is a good date.

Don said that as far as individuals, the Commission has no authority since it is required by federal statute that an un-banded person would have to be affiliated with a tribe/band. However, that tribe/band could accept that individual as an artisan if they fulfill that tribe's/band's criteria for membership. Mark clarified the federal criterion that includes a non-member artisan recognized by the tribe, but not necessarily a member of the tribe. Mark mentioned that Fred had suggested not mentioning a date at all.

Charlene and Hilary read letters and e-mails presented by Native Americans sharing their concerns about language in the amendment.

Don expressed his wish for the Commission to have vested authority for state recognition of tribes and wanted to apply that to the language in the amendment even if it is not accepted by the legislature. The Commission agreed to work together through e-mails to finalize the draft.

Mark thanked all guests for their time and testimony and said that the S117 draft will be completely finalized at the November 29<sup>th</sup> meeting.

The meeting was adjourned at 4:00 p.m.

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