

APPROVED

VERMONT  
COMMISSION  
ON  
NATIVE AMERICAN  
AFFAIRS



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COMMISSION  
Lucy Cannon-Neel, Chair  
Jeffrey Benay, Vice-Chair  
Charlene McManis, Secretary  
Andrew Beaupré  
Walker Brook  
Shirly Hook  
Mark Mitchell  
Trudy Ann Parker



**VCNAA Meeting Minutes**  
**Wednesday, March 11th, 2015**

**Members Present:** Jeffrey Benay, Vice-Chair; Charlene McManis, Secretary; Andrew Beaupré, Mark Mitchell, Walker Brook; Shirly Hook (by phone); and Trudy Ann Parker.

**Guests:** Carol Irons; John Moody, Sharon; Rich Holschuh, Brattleboro; Donald Parker; Deborah Reger, Community Radio Broadcaster; Jess Robinson, VT DHP; Jennifer Lavoie, VT DHP; Dale Azaria, VT DHCD.

The meeting was brought to order by Vice-Chair Jeffrey Benay at 1:02 pm at 133 State Street, Room 021.

Before opening the meeting for public comment, Jeffrey Benay, Vice-Chair, stated he would like to read the following personal statement regarding comments made about the Commission at the last meeting.

Last month, a diatribe was directed at the Commission which included a remark we were no better than those carrying out the Vermont Eugenics atrocities of the 1920s. Further, we were admonished that our role was, in effect, to rubber stamp Native applications which came before us seeking State Recognition. Finally, we were castigated for being unruly, undisciplined, and underhanded compared to past commissions which worked very closely with applicants, thus assuring successful passage of state recognition.

Let me begin by offering that almost 40 years ago, I was interviewed by the Missisquoi Tribal Council to discuss an employment position with the Tribe. At that time, Chief Homer St. Francis asked me the seminal question of my nascent career: "Why should we hire some Jew from NYC to work with Vermont Abenaki's?" My answer still resonates within me to this day. I told the Chief and Tribal Council that my people had been subjected to the "Final Solution," a term used by the Nazis to signal their single-minded devotion to the total annihilation of the Jewish people. Among the 6 million Jews slaughtered were members of my mother's family in Eastern Europe. Thus, I told the Abenaki leadership my belief that Native Americans in the United States were subjected to a similar fate as my people and I thought by working together - specifically in the educational arena - we could teach children how to think critically. If our young could learn the lessons of the past, we might join legendary Israeli author Elie Wiesel who opined: "Never Again." This Nobel Laureate had committed his life to writing books such as the "Night Trilogy" which poignantly described the Nazi horrors. For Wiesel, the message was clear: The world had a moral obligation to confront history and learn from it.

This is what I shared with the Tribal Council and I was eventually hired. If we fast forward to only a few years ago, I was concerned when hearing that the Vermont Commission on Native American Affairs, first established in statute by the legislature, was having a difficult time in making much-needed decisions because egos were getting in the way of Commission work and that poor morale had led to several members withdrawing their services. At the time, Missisquoi had submitted an application seeking state recognition and little information was forthcoming by both the legislature and the Commission as to the Tribe's status. It took my speaking directly to a House of Representatives member, who sat on the Committee charged with making recognition decisions, to inform me that the Commission had not responded to a letter addressed to it from the Committee Chair who sought clarification on a few key issues. While the Committee desired full Commission testimony at an upcoming hearing, none was offered. It wasn't until a subsequent letter was sent to the Commission Chair that he alone came to the hearing. With precious time passing, the Committee did not feel that Missisquoi had acted responsibly and thus it was prepared to inform the Tribe and the Commission that Missisquoi's application would be passed over until the following legislative session. In the end, however, the entire Missisquoi Tribal Council came before the Commission and key legislative members attended the meeting as well. It was only because of last minute heroics by House member

Tom Stevens, Commission Vice-Chair Melody Walker Brook, and Division for Historic Preservation staffer Diane McInnary did Missisquoi finally attain state recognition.

As I did not want to see any future applicants treated so unfairly, I met with Giovanna Peebles and we discussed future Commission direction. Since the Commission still had a dedicated core of members, I joined up knowing that open and honest dealings were paramount. Further, it was critical for Commissioners to feel they were working on tangible goals that gave meaning to the Commission. Toward this end, I have worked with some very talented folks, among them Trudy Parker, Walker Brook, Shirly Hook, Charlene McManis, Lucy Cannon-Neel, Mark Mitchell, and Andy Beaupre who have all made a difference in the workings of the Vermont Commission on Native American Affairs. Everyone has insisted on total transparency whereby the Commission could be viewed more positively. Thus, we have posited an agenda committed to social justice and equity and undergirded by a commitment to cultural diversity.

Certainly, the current Commission is a work-in-progress. We may still be a bit rough around the edges. After all, we are new at this and some of us have never sat on a board before. What we lack in experience, however, we make up in sheer desire to work with anybody and everyone to help Vermont's Native population improve its socio-economic, educational and cultural status in the state. Therefore, I cannot sit by and listen to someone lambaste our work and utter character assassinations that are so very wide of the mark.

I do not think our job is to rubberstamp applications for approval. I believe each applicant has worked hard in putting together its proposal. It is the Commission's responsibility to work with the applicants in offering technical assistance whenever possible. The easiest thing for us would be to offer little substantive feedback, yet that has not been the case. We have worked tirelessly so that an application may be referred to the House Committee with our support. After all, it is the legislature which has developed the criteria that needs to be satisfied. An applicant does not enjoy the luxury of deciding whether or not a particular criterion needs more attention than another. They must all be satisfied and this is what each applicant agrees to intrinsically by its decision to apply for state recognition.

For many of us, the process of state recognition had been elusive for decades. In 1976, Governor Tom Salmon first gave Missisquoi recognition through Executive Order. Unfortunately, Governor Richard Snelling rescinded the order a few months later in January, 1977. For the next 35 years,

Missisquoi strategized first through the Judiciary to attain recognition. In lower court cases, Missisquoi established aboriginal hunting and fishing only to have the State Supreme Court rule against Missisquoi in its "increasingly weight of history" argument. This decision, so specious years ago, is still taught in law schools when studying court biases. At that juncture, Missisquoi's only avenue was the

Legislative route and this is what they undertook. Through it all, Missisquoi understood in order to gain state recognition, it would be under the White man's thumb, so to speak, yet this is what folks chose. It was their decision. Still, Missisquoi and others sought certain conditions and they were agreed to. They asked for a commission whose composition would be largely Native and it was granted. They asked for language in statute that would allow for crafts to be labeled as Native-made and they helped to write additional legislation. Thus, I do not equate the turning down of an entity's application tantamount to eugenics.

Such an argument is myopic if our only responsibility is to recommend recognition for every group that comes before us. In this scenario, the Commission is held hostage by those politically-correct ideologues who would shout "RACISM" if every decision did not go their way. After a while, the very act of recognition would lose any meaning if every group - Native or not - would be given this designation. In the end, a group chooses to seek recognition or not. It is their decision and certainly in such a situation, the Commission offers hope, not despair. We wish to make sure that everyone has a fair chance as this is our charge.

In closing, the Vermont Commission on Native American Affairs will continue its work on behalf of the Abenaki and other Native peoples residing in Vermont. Every one of us on this body is committed to the advancement of Native issues. This is why we serve and while none of us does it for the praise, nor do we expect to be ridiculed and worse. I strongly urge those who take pot shots at us roll up their sleeves and volunteer to be on a committee. Together, let us all work collaboratively on behalf of the most vulnerable Vermonters - the Abenaki.

Submitted by,  
 Jeff Benay, Ed.D. Vice-Chair, Vermont  
 Commission on Native American Affairs  
 March 11, 2015

### **1. Public Comment**

John Moody responded and expressed his disagreement with Vice-Chair Benay's statement. John Moody also noted that he had previously sent an e-mail to Andrew Beaupré, requesting to receive advanced copies of drafts or other documents to be discussed or disseminated at upcoming meetings. Andrew stated he contacted Dale Azaria, Department of Housing and Community Development General Counsel, for further information on the matter. Dale stated that she would seek guidance from the State Attorney's Office regarding the request.

### **2. Revisions / Changes**

There were no revisions or changes to the agenda.

### **3. Approving January 14<sup>th</sup> minutes / February 11<sup>th</sup> minutes**

Andrew Beaupré moved to approve the January 14<sup>th</sup> minutes; Charlene McManis seconded. Andrew questioned the tasks assigned to the Commissioners in the Strategic Planning and Abenaki Heritage Gathering in section 2 on page 2. He also noted that the details of the Anti-Looting Laws action plan listed in the minutes differed from the Commission's outline. The Abenaki Artifact Guidelines listed in the action plan were also not listed in the minutes. A discussion was had and all agreed to add the Abenaki Artifact Guidelines to the minutes with the

Anti-Looting Laws. It was decided that Lucy and Andrew would both lead this action item. A roll call vote was taken. Ayes: Andrew Beaupré, Charlene McManis, Jeffrey Benay, Mark Mitchell, Shirly Hook, Trudy Ann Parker, and Walker Brook. Motion carried.

Charlene McManis moved to approve the February 11<sup>th</sup> minutes; Andrew Beaupré seconded. Under Danville “Honoring Indian Joe” on page 2, Charlene suggested that in addition to Jeffrey writing a letter to the students, the Commission should also offer an educational presentation. John Moody also noted that on page 2 announcements, the Wabanaki Confederacy Conference should be changed to a gathering. The Commission agreed to both changes. A roll call vote was taken. Ayes: Andrew Beaupré, Charlene McManis, Jeffrey Benay, Mark Mitchell, Shirly Hook, Trudy Ann Parker, and Walker Brook. Motion carried.

## **OLD BUSINESS**

### **1. Final Report on the Koasek Traditional Band Application**

The Commission reviewed and discussed Andrew Beaupré’s draft of the final report on the Koasek Traditional Band application. Andrew read aloud Criterion One, which was the only Criterion that the Commission believed had not been met by the applicant. After this, the topic was opened for public discussion. John Moody reiterated his belief that the statute as written is flawed, particularly with regard to the statement that a tribe must demonstrate that “a majority of the group’s members living in a specific geographic region within Vermont”. Jeffrey Benay spoke to the possibility of inviting people from the legislature to a Commission meeting for a discussion about a potential amendment to the statute. It was agreed that the topic would be placed on the agenda for the April meeting. John Moody also asked the Commission to put off its presentation of the final report to the legislature for an indefinite period of time. The Commission members advised Mr. Moody that by law they cannot delay giving their report to the legislature. Mark Mitchell moved to approve the final report; Walker Brook seconded. A roll call vote was taken. Ayes: Andrew Beaupré, Charlene McManis, Jeffrey Benay, Mark Mitchell, Shirly Hook, Trudy Ann Parker, and Walker Brook. Motion carried.

Jeffrey moved to break at 2:00 pm. The meeting reconvened at 2:18 pm.

### **2. Action Plan**

#### **a. Abenaki Heritage Gathering**

Eloise provided Charlene McManis with a progress report on the Abenaki Heritage Gathering. The Gathering will be held Saturday and Sunday, June 27<sup>th</sup> and 28<sup>th</sup>. It will be open to the public from 10 am to 5 pm. Charlene noted the individuals and groups that have confirmed they will be attending, and what their respective presentations and/or exhibits will entail. The Commissioners then had a discussion about the possibility of inviting political leaders to the Gathering. It was decided that the Commission would invite the Governor, but it should be up to the tribes to invite other political representatives, should they choose to do so. Charlene said she would write the public service announcement to be given to select radio and television stations. Shirly Hook stated that Eloise believed Fred Wiseman would be a good option to be the face for any television or radio spots, and she would contact him to see if he would be interested. Carol Irons expressed there was concern about poor communication between the Commission and the tribes during last year’s Gathering. The Commission acknowledged that they understood there was concern, and discussed different ways and means of improving communication regarding the Gathering this year.

**b. Established statewide Artisan Co-op**

Topic was tabled until next month

**c. Archeological Notification Process**

Andrew Beaupré stated he had an initial meeting with Jess Robinson, State Archeologist, regarding an archaeological notification process. He advised the Commission that his interaction with the Division for Historic Preservation was positive and collaborative. Andrew supplied the Commission members with a draft outline of what he believed to be points of agreement between him and the Division. Andrew advised there seemed to be concern over the policy as it applies to private landowners and developers. Jess was called upon and summarized the meeting for the Commission, with the caveat that the process was still in a preliminary stage and was ultimately subject to review and discussion with other people at the Division for Historic Preservation and with legal counsel. Dale Azaria summarized specific items related to the proposed notification process that she would investigate further.

**d. Abenaki Artifacts Guidelines**

Topic was tabled until next month.

**e. Anti-looting on Abenaki Artifacts**

Topic was tabled until next month.

**f. Native Youth College Program**

Walker Brook presented to the Commission a letter he drafted regarding the Native Youth College Program. The Commission was pleased with his letter and agreed that it should be distributed to the tribes. Walker also noted that Champlain College has agreed to provide a tour to interested Native youths. Jeffrey Benay discussed the Vermont Space Grant Scholarship, which is available to Abenaki youth attending college in Vermont and majoring in either; science, technology, engineering or math. He encouraged Commissioners to disseminate the information widely.

The topic of the return address for Commission correspondence came up. It was concluded that the return address be Lucy Cannon-Neel's address. If she was not in favor, then Jeffrey Benay would allow his address to be used. Mark Mitchell moved to accept; Andrew Beaupré seconded. A roll call vote was taken. Ayes: Andrew Beaupré, Charlene McManis, Jeffrey Benay, Mark Mitchell, Shirly Hook, Trudy Ann Parker, and Walker Brook. Motion carried.

**g. VCNA Youth Representation**

Mark Mitchell stated it was his belief that the Commission members appointed by each tribe were responsible to engage with their youth members and gauge their interest in becoming part of the VCNA as youth representatives. Discussion followed regarding which Commission members would communicate with each tribe. It was suggested that a status report should be brought to the Commission at the next meeting by the selected Commission members. Walker Brook brought up the cost for youth travel to Montpelier for each meeting. Mark, Walker and Jeffrey Benay each graciously offered their reimbursement checks to youths interested in participating.

**h. Abenaki Cultural Heritage Week**

Mark Mitchell discussed the logistical difficulties involved in bringing four tribes together for a week. He instead proposed to either break the gathering into three separate days in different regions of the State, or one day, depending on each party's interest. The focus of the gathering would primarily be on youth performances, with logistical support provided by adults. He also noted that they would have a year to practice as the tentative date of the gathering is May of 2016. Mark suggested that he needed feedback from each tribe to determine their interest before

moving forward. Deborah Reger, Community Radio Broadcaster, extended the invitation for tribal youth to come into the radio station for a live, on-air performance.

## **NEW BUSINESS**

### **1. Term dates of members**

After being called upon by the Commission, Jess Robinson summarized the Commissioners' term limits and upcoming vacancies. He noted that as of August 31<sup>st</sup>, there will be a minimum of three vacancies on the Commission due to term limits. Jess noted that he sent correspondence to each recognized tribe, explaining that the relevant statute gives preferential treatment to candidates put forth by the recognized tribes. The letter encouraged the tribes to put forth members or other trusted colleagues for these vacancies. Jeffrey Benay reiterated that the Commission is hoping that Carol Irons will submit an application. Mark Mitchell asked if youth could apply. Jess responded that he had recently read the statute and did not see an age restriction, but that he would inquire with counsel. Walker Brook asked if a Commission member could be on the interview panel. Jess replied that he wasn't sure and would also seek counsel on that issue.

### **2. Next Meeting**

Next meeting will be on April 8<sup>th</sup>, 2015 in the Basement Room 021, 133 State Street, Montpelier.

### **3. Announcements**

No announcements were made.

### **4. Adjourn**

Jeffrey Benay made a motion to adjourn and Walker Brook seconded. The meeting adjourned at 3:32 pm.

Respectfully submitted,  
Jennifer Lavoie