

Minutes
March 22, 2007

*Vermont Commission
On
Native American Affairs*

Mark Mitchell, Chairman
vcnaa@earthlink.net
www.vcnaa.com

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

Staff: Diane McInerney, Executive Administrative Assistance; Giovanna Pebbles, State Archeologist

Guests: Donna Moody; John Moody; Paul Erlbaum, VT Human Rights Commission; Mike Lefermore; Chinka Buck Whitekiller, AAIM North East; Phyllis Donovan, Wheelock

This meeting was brought to order by the Chairman, Mark Mitchell, at 1 pm. in the AOT Board Room, 5th Floor, National Life Building, Montpelier, Vermont.

- 1. Minutes from February 22, 2007 meeting** – Mark requested a change to the minutes on page 3, paragraph 4, from the words BIA to AG Office. Jeanne moved for approval with changes and Don seconded. The minutes were unanimously approved by the Commission with changes.

Mark informed the Commission that, although Kit Perkins was on the agenda to discuss the Intervale, she was not able to attend the meeting.

- 2. Update Arts and Crafts Board** – Mark began this discussion with a draft of the application criteria for Native Americans to be able to legally label arts and crafts as Indian/Native American produced as provided in 18U.S.C. § 1159(c)(3)(B) and 25 U.S.C. § 305e(d)(3)(B). Let it be known that public statements made by the Indian Arts and Crafts Board Director, Meredith Stanton, has reinforced the Commission's decision to adopt a criteria recognizing tribes and bands, but would like to note that it will not be recognized by the Art and Crafts Board as long as there is a dispute between the Attorney General's legal opinion and the Commission's over statutory interpretation of S.117 even if the Commission adopts the criteria. Without Legislative solution to this issue the

Commission does not have the authority to place the criteria into practice. Mark recommended to the Commission that they go over the criteria, finalize and adopt the criteria. In the second part of Arts and Crafts it states that the Commission should adopt an amendment to S.117 and work toward having the issue resolved by the Legislative body.

Beginning with the Recognition Criteria for Native American/Indian Entities in the State of Vermont for the Purpose of the 1990 Indian Arts and Crafts Law:

Under #01 General (A) Item #1: A correction was made to the language, "the purpose is to permit the creation, display and sale of Native American arts and crafts, and legally permit and legally label them as Indian/Native American produced as provided in..."

Also under General, a correction that was not on the web to (B) #6 and this is if the Commission did have the vested authority, the definition of "'recognized' means being acknowledged as an Abenaki Nation, Tribe, Band or Individual by the Vermont Commission on Native American Affairs," and that is in bold. This replaces the language "the State of Vermont." Commission members were asked for concerns or corrections and there were none. Consensus was reached.

Mark asked if Commission members had viewed the Introduction #02 and if they were satisfied with it. No corrections were made, and there was member consensus.

Item #04: Criteria for Native American, Indian and non-Indian Groups/Organizations to Follow in the Display, Sale, and Creation of Indian arts as "Indian Made," and this is in 4 parts. Commission members were asked if there were any correction or concerns. Section D was questioned, and although individual artist can be certified under language in 05(A), Commission consensus was to establish language in 04(D) to read; ...displayed or sold by this organization **in Vermont**.

Item #05, A., 1., Commission members agreed that language should be explicit for an artist not residing in Vermont, and members felt the need to establish their jurisdiction over out-of-state artists. "Members of federally recognized Tribes and Tribes recognized by states or **foreign countries and their subunits** other than Vermont..." Commission consensus was to adopt the bold print.

After much discussion concerning the 1900 date for an applicants written history in #03, section A (a) (1), Jeanne motioned to table the discussion till the next meeting and Tim seconded. Commission members unanimously agreed to wait for further insights from Tribal Elders that may help with this issue of lineage.

At this time Mark distributed an amended draft of language now in statute for S.117 as enacted by the General Assembly of the State of Vermont. Don moved for acceptance of the amendment and Charlene seconded. A discussion ensued. Guest Paul Erlbaum offered his concern that the language in subsection (2) is dominated by the “toothless” word “assist” in (c) above. He suggested that subsection (2) be changed to subsection (d) enabling its language to stand on its own. Commission members agreed that the language of the act was open to interpretation and is the reason why there is disagreement. This action would also change the section letters throughout the rest of the Act. Don motioned to accept the amended language and changes to the section (2) that would then be (d) in Act S.117.

Sec. 1.1 V.S.A. chapter 23 would be amended to read:

§852. VERMONT COMMISSION ON NATIVE AMERICAN AFFAIRS ESTABLISHED;
AUTHORITY

- (d) The Commission is legislatively vested with State tribal recognition authority; as provided in 18 U.S.C. §1159(c)(3)(B) and 25 U.S.C. § 305e(d)(3)(B) to permit the creation, display, and sale of Native American arts and crafts and legally to label them as Indian- or Native American-produced.

Jeanne seconded, and the Commission unanimously approved of the amended language in S.117 that will be sent to the Legislative.

3. Abenaki-UVM-DCF Partnership Initiative (Newport/St. Johnsbury) – Mark expressed his pleasure with being a guest speaker at UVM in Burlington. The Department of Corrections and DCF have done an excellent job with this Competence Training Manual in Franklin County and would like to continue this work state wide. This training could be of help to service providers and UVM/DCF would like to start training in the Newport area. Tim agreed to assist Mark with incorporating Newport stories into the already established curriculum for *Abenaki History & Culture – Cultural Competency Training*. If the program goes well in Newport then it could be a productive tool used state wide with adults and correctional facilities. Commission members felt this was an important manual for state distribution, and for further understanding of the Abenaki traditions among service providers.

4. Resolution Draft – Mark shared the resolution draft that Charlene wrote to present to the Legislature and be read on the house floor at an appropriate time. The resolution was well written and the Commission agreed that this year they would present the resolution, and next year would hold a ceremony, either on the state house lawn, or at UVM, celebrating their culture and traditions. Judy motioned for the resolution to be presented to the Legislature and Jeanne seconded with the addition of date. The Commission unanimously approved the resolution with the inclusion of the correct date.

5. Other Business – Mark introduced Giovanna Peebles, Vermont State Archeologist. Giovanna shared handouts with the Commission and began her discussion with the *Lake Champlain Basin Archeology Fact Sheet Project*. Using similar pamphlets as templates, Giovanna has created a fact sheet entitled *Archeological Resources of Lake Champlain: A Rich and Ancient Patrimony*. This is a draft of a project that she felt the Commission could assist with, and believes they have important contributions that can enhance the project. The Commission agreed to help with the text and would also like to work on distribution plans for this important information pamphlet.

The next discussion was based on the recent Institute of Museum and Library Services grant awarded to the Division for Historic Preservation entitled *Lake Champlain Voyages of Discovery: Bringing History Home*. The focus of this project is the Lake Champlain region, in particular the towns of Addison, Bridport, and Panton. The University of Maine at Farmington's Archeological Research Center will be doing door-to-door research this summer about French sites. Tim and Jeanne are members of the Advisory Committee for this grant project. Giovanna also handed out an *Invitation to Teachers "Lake Champlain Voyages of Discovery: Bringing History Home"* a "hands-on" part of the project that includes archeology, history, material culture, primary sources, maps, computer work, and other tools for a proposed 2 week seminar for teachers that focuses on the Champlain Valley region from 1500-1776. She asked members of the Commission if they would care to be guest speakers at lunch time seminars and felt that information from the Cultural Competency Training Manual may also be useful.

Don asked about what would happen if NA remains were found at a burial site, and Giovanna assured the Commission that a State Permit will be issued to the University of Maine at Farmington with proper language, but that the archeological site they have chosen for the program at the DAR State Park is not likely to contain NA remains.

Giovanna invited the Commission to visit, and/or hold a future monthly meeting at the recently established VT Archeology Heritage Center in South Burlington (7 Greentree

Drive). This prompted the discussion about archeological materials at the AHC and elsewhere that could be considered "sacred," or not. Commission members were concerned with locations across the state that may be exhibiting cultural materials that are inappropriate for public display. Tim, Jeanne, and Giovanna have agreed to approach the Bixby Library after viewing such spiritual materials within their exhibit, see if they can establish a reasonable protocol for this exhibit, and begin to discuss materials that are clearly "sacred." This discussion, along with established protocol could then be used as an example for collections throughout the state.

The meeting was adjourned at 3:15 pm.

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