

VERMONT COMMISSION
ON
NATIVE AMERICAN AFFAIRS



APPLICANT REVIEW AND DECISION
APPLICANT: ELNU ABENAKI TRIBE



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The following review and decision is based upon the findings of the Vermont Commission on Native American Affairs and the expert review of a panel of three scholars; David Lacy, Fredrick Wiseman, and Elouise Beil.

The Elnu Abenaki Tribe is a small tribe located in southeast Vermont, headquartered in Jamaica. Elnu presented a lengthy narrative spanning over three centuries of documentary, ethnobotanical, and pictorial information concerning an enduring community of interrelated Native-practice families centered in and around Windham County. Elnu's application is arranged nicely and directly responds to each of the nine criteria in S.222. Supporting materials are appended as attachments. A great deal of work has gone into this well-sourced document.

DECISION:

The Vermont Commission on Native American Affairs and the Scholar's Review Panel concur that the Elnu Abenaki Tribe has met the criteria outlined in S.222 (Act 107).

Therefore, in accordance with the procedures of Act 107, we recommend to the General Assembly and the Honorable Governor of the State of Vermont that the Elnu Abenaki Tribe be granted State Recognition as a Native American Indian Tribe.

Attachments

Commission Review Report
Expert Panelist Bios
Expert Panelist Reviews
Applicant's Narrative & Supporting Documents

853 (c)(1) A majority of the applicant's members currently reside in a specific geographic location with Vermont.

The Elnu Abenaki Tribe presented a list of members with names and street addresses. Currently, Elnu has 43 enrolled members. 23 of those members live in the towns of Jamaica, Townsend, and Westminster in southeast Vermont. This qualifies as a majority residing in a specific geographic location.

THE VERMONT COMMISSION ON NATIVE AMERICAN AFFAIRS AND THE EXPERT REVIEW PANEL CONCUR THAT THE APPLICANT SUCCESSFULLY MEETS THIS CRITERION.

853 (c)(2) A substantial number of the applicant's members are related to each other by kinship and trace their ancestry to a kinship group through genealogy or other methods. Genealogical documents shall be limited to those that show a descendency from identified Vermont or regional Native people.

Since the Elnu Tribe is perhaps the smallest band in the State of Vermont, with less than 50 citizens, and it is established from a core group of people who are closely related (for example, the various branches of the Sheehan family with auxiliary families who are related more distantly through Julia Patnode), a great majority of Elnu's citizens are related to each other by blood. The scholars have affirmed that these kinship groups descend from identified Vermont or regional Native people through genealogy and historic Native practice.

THE VERMONT COMMISSION ON NATIVE AMERICAN AFFAIRS AND THE EXPERT REVIEW PANEL CONCUR THAT THE APPLICANT SUCCESSFULLY MEETS THIS CRITERION.

853 (c)(3) The applicant has a connection with Native American Indian tribes and bands that have historically inhabited Vermont.

For example, Vera Schulmeisters' 3rd Great Grandmother, Julia Patnode-Loncto (“an old Indian woman”) lived some of her life at Missisquoi. Elnu, Missisquoi, and Koasek all have members who descend from the Patnode/Patenaude line. Some Elnu and Missisquoi members also share Charles Partlow as an ancestor. He was listed as one of “four Indians” in the October 1863 Civil War conscription list from the Alburgh, VT Land and Miscellaneous Records Book. Alburgh is only a few miles from Missisquoi. Charles Partlow's sister, Eliza, had a daughter, Jenny Covey, who had a son, Herbert Hilliker, who had a daughter, Doris Hilliker, who had a daughter, Betty Reynolds, whose daughter, Cathy Cline, is the mother of Melody Walker Brook.

Also valuable to this section is a piece of oral family history handed down to John Sheehan who recounted the story of an Indian village that came under attack, “...The village our family lived in was attacked because we are Indians. Everything was being burned and people were getting killed. Our grandmother, your grandmother and her brother were put down in a well to hide. They must have been too small to run. They tried to stay quiet and clung to each other. They could smell the smoke from everything burning and hear the cries and screams of their family and friends. They didn't know for how long [they were in the well for]. Time passed, the screams quieted. Your grandmother and her brother slowly came out of the hole. Their home and village was destroyed, ashes smoldered; many people were killed. The ground and rocks near the river was stained with blood. There was more but I don't remember...” (John Sheehan, 2010). This may very well be a memory, passed down through generations, of the Missisquoi raid or possibly the Roger's Rangers raid on St. Francis.

The language of this criterion, “The applicant has a connection with Native American Indian tribes and bands that have historically inhabited Vermont”, is very broad. Elnu undoubtedly has political, familial, social, and/or cultural 'connections' with Missisquoi, Koasek, and Nulhegan.

THE VERMONT COMMISSION ON NATIVE AMERICAN AFFAIRS AND THE EXPERT REVIEW PANEL CONCUR THAT THE APPLICANT SUCCESSFULLY MEETS THIS CRITERION.

853 (c)(4) The applicant has historically maintained an organizational structure that exerts influence and authority over its members that is supported by documentation of the structure, membership criteria, the names and residential addresses of its members, and the methods by which the applicant conducts its affairs.

According to Wikipedia, “In anthropology, bands are the tiniest societies, consisting typically of 5-80 people, most or all of them close relatives by birth or by marriage. In effect, a band is an extended family or several related extended families.” Bands are organizational structures. There is no question that Elnu is a Band.

To document “influence and authority over its members” and “the methods by which the applicant conducts its affairs”, Elnu presented a section of its governing constitution which details the duties and authority of the Chief and Council, as well as the procedures for selecting the Chief and Councilors. This is followed by a section that describes the process by which members who have committed offenses against the tribe or in violation of their bylaws are handled.

The tribe's membership criteria and the names and residential addresses of members are presented. Acceptable forms of documentation for membership include a combination of genealogical, adoption, historical, DNA, and other records; family and oral traditions; pictures and artifacts; etc. Also detailed in the membership criteria are various reasons for denial or revocation of membership.

This clearly shows a maintained organizational structure that exerts influence and authority over its members.

THE VERMONT COMMISSION ON NATIVE AMERICAN AFFAIRS AND THE EXPERT REVIEW PANEL CONCUR THAT THE APPLICANT SUCCESSFULLY MEETS THIS CRITERION.

853 (c)(5) The applicant has an enduring community presence within the boundaries of Vermont that is documented by archaeology, ethnography, physical anthropology, history, folklore, or any other applicable scholarly research and data.

Lyman Simpson Hayes pointed out in some detail in his 'History of the Town of Rockingham, VT 1753-1907', that there was a large ancient Indian town in the area. Especially important to local history was a "large Indian village of wigwams extending from the south end of Mount Kilburn, where the Fitchburg station of Cold River now is, nearly a quarter of a mile south, and that it was a sub-tribe of the great Abenakis..." A village almost a quarter mile long would have been home to hundreds of indigenous people. Recently, Robert Smith noted, "Reliable sources indicate that dozens of Abenaki skeletons and graves have been unearthed in downtown Bellows Falls, along with many times that number of Native artifacts."

Above is just an example of the mountain of evidence that Elnu has presented to satisfy the antecedent Indian presence of the 1600's and 1700's. The identity of the people who inhabited Elnu's region and also to the south, are what historians would call the Sokokis (named for the Squakeag Village at Northfield, MA. Calloway noted that "They (the Sokokis) occupied the region ... to the great rapids at Bellows Falls." Elnu's M'Sadoques family has direct family tradition of a Sokoki connection and also a connection to the Longto line through the Patenaudes. Norman M'Sadoques was told by his grandfather that his surname meant the "big river people" in the Abenaki, a direct reference to the Connecticut River. In addition, he was told that he was of the "turtle clan" from the old Sokoki region. In Colin Calloway's book, his research uncovered the "return from Canada" of Sachem Sadochquis and 156 men, women, and children to Schaghticoke in 1685.

During the 19th and much of the 20th century, the regional ancestors of Elnu citizens, like other Vermont indigenous people of the time, functioned as loosely organized multi-family kinship based communities bonded by blood, cultural practice, and marriage. Colin Calloway pointed out with regards to the 19th century, "This community (the Vermont Abenakis) was not a single unit with one physical residence; it was a fluid network of family bands, of which only the edges were visible to non-Indian observers."

This community also used material indicative symbols of ethnic distinctness. Julia Patnode-Longto was described as wearing "Indian clothes" and accessories with beaded and ribbon detail. A close look at Julia's daughter, Nellie Longto, in an image presented in Elnu's application reveals a necklace shows a long thin claw. Nellie's photo (ca 1873) leaves little doubt to her ethnicity.

Colin Calloway also noted in 1990, "But the reported disappearance of Abenakis from Vermont and New Hampshire (during the 19th century) was illusory, and the notion that the sad remnants moved en masse to Canada was a convenient distortion that belied the reality of Abenaki survivals behind the frontier."

Elnu referenced more recent (late 19th and early/mid 20th century) examples of “enduring community presence” in their region such as miscellaneous records, census's, and gravestones of relatives in the area which is archival evidence of local residency. Memories of John Sheehan pounding ash to make basket splints, memories of relatives conversing in the “old language”, and memories and photos of Elnu ancestors in Indian apparel are presented in great detail from multiple sources.

Another ethnic identifier that is very pertinent to this report is the practice of mound gardening and the specific techniques and minor details that accompany the custom. Mounds of corn, beans, and squash, often referred to as the Three Sisters; fertilizer of sucker fish; the timing of the planting; the spiritual significance, prayers of thanks, and offerings of tobacco; the practice of growing and harvesting tobacco – are all ethnic identifiers specific to indigenous culture. The technique of using fish eyes for bait and keeping them warm under the tongue is common in every native community that we are aware of including Elnu. Basket making is also common in these communities. The art of twining, however, lives on only at Elnu. Twining is a practice that involves collecting plant fibers and spinning them to make cordage from which to twine bags.

In this criterion's lengthy presentation, Elnu citizens share the knowledge that was passed to them in regards to spirituality and healing plants; the practice of tattooing as a way of signifying personal spiritual status, totem, or clan; rituals and ceremonies that are still practiced today; and the trials and tribulations of maintaining their Indian identity in the 20th century. The description of the late 20th century renaissance of the community now known as Elnu adds great value to this criterion's satisfaction.

In this section, Elnu presented 42 pages of sourced data, oral testimony, images, and history. There is no doubt that the people of Elnu are the descendants of the Tolba (Turtle) Clan and that their small community has endured, for the most part, within the boundaries of Vermont. The people of Elnu are among the most traditional of indigenous people in Vermont. Their history and contemporary existence is deep and priceless to our state.

THE VERMONT COMMISSION ON NATIVE AMERICAN AFFAIRS AND THE EXPERT REVIEW PANEL CONCUR THAT THE APPLICANT SUCCESSFULLY MEETS THIS CRITERION.

853 (c)(6)(A) The applicant is organized in part: to preserve, document, and promote its Native American Indian culture and history, and this purpose is reflected in its bylaws.

Preamble from the Constitution of the Elnu Abenaki Tribe: “Elnu is and will forever be culturally identified as Wabanaki, a tribe of western Abenaki people by our history, our traditions, our language and our ceremonies that we will strive to pass on to our children and the future generations to come. This constitution was written in keeping with the tradition of the Wabanaki people in accordance with the Wampum Traditions of our people.”

853 (c)(6)(B) The applicant is organized in part: to address the social, economic, political or cultural needs of the members with ongoing educational programs and activities.

Social & Cultural needs: The preamble (above) from the Constitution of the Elnu Abenaki Tribe addresses the social and cultural needs of members through educational programming. Elnu is well known among the greater Abenaki and Native communities as a valuable social and cultural resource at powwows, gatherings, sporting events, presentations, and celebrations such as the Lake Champlain Quadracentennial and countless others. Elnu is indisputably and actively organized to address social and cultural needs and revitalization.

Economic needs: Elnu has made a commitment to encourage the economic and entrepreneurial aspects of Abenaki culture, especially in the craft arts, and this is accomplished by individual mentoring activities and multi-person teaching by Elnu's elders at events as presented by various hands-on examples in their application as well as resources on their website.

Political needs: Quoted from Elnu's website, “We limit ourselves in inter-tribal politics; however we will not be forgotten.” Since 2008, Elnu has been an active member of the Vermont Indigenous Alliance along with fellow Vermont tribes, Missisquoi, Nulhegan, and Koasek. Elnu has represented it's citizenry at various legislative hearings and VCNAA meetings since 2007. Fairly recently, Elnu participated in an attempt to repatriate two Seven Nations wampum belts that were held in New York City, thereby dealing peripherally with other Wabanaki Nations who are stakeholders in the repatriation.

THE VERMONT COMMISSION ON NATIVE AMERICAN AFFAIRS AND THE EXPERT REVIEW PANEL CONCUR THAT THE APPLICANT SUCCESSFULLY MEETS THIS CRITERION.

853 (c)(7) The applicant can document traditions, customs, oral stories, and histories that signify the applicant’s Native American heritage and connection to their historical homeland.

Elnu's presents many traditions, customs, oral stories, and histories that signify their Native American heritage and connection to their homeland. Testimony of relatives wearing Native clothing around the time of World War II and other relatives who spoke an Indian language; an Elder maintaining a traditional cultivar of tobacco; the continued maintenance of “Three Sisters” mound agriculture fertilized with sucker fish; the Elnu constitution that was, until recently, a living document memorized by the tribe's leadership and signified by strands of wampum; the description of the spiritual connection to the section of the Connecticut River adjacent to the petroglyph site at Bellows Falls as well as other spiritual beliefs and stories that focus around the Bellows Falls area; an old story passed down about an Indian village that was attacked; a description of the passing down of the art of twining (weaving bags from cordage that is made from plant fibers); stories of the unfortunate but all too common necessity to maintain a low profile; as well as discussion of basket making and much more.

THE VERMONT COMMISSION ON NATIVE AMERICAN AFFAIRS AND THE EXPERT REVIEW PANEL CONCUR THAT THE APPLICANT SUCCESSFULLY MEETS THIS CRITERION.

853 (c)(8) The applicant has not been recognized as a tribe in any other state, province, or nation.

Elnu has not been recognized in any state, province, or nation.

THE VERMONT COMMISSION ON NATIVE AMERICAN AFFAIRS AND THE EXPERT REVIEW PANEL CONCUR THAT THE APPLICANT SUCCESSFULLY MEETS THIS CRITERION.

853 (c)(9)(A) Submission of letters, statements, and documents from: municipal, state, or federal authorities that document the applicant's history of tribe-related business and activities.

Included in the application are letters from Bruce Hyde, Vermont Department of Tourism & Marketing; Senator Hinda Miller, D-Chittenden; Charles Delaney-Megeso, Former Chairman, Vermont Commission on Native American Affairs; Professor Frederick M. Wisemen, Ph.D, Johnson State College; Albert Garlick, Travis Native American Heritage Council.

853 (c)(9)(B) Submission of letters, statements, and documents from: tribes in and outside Vermont that attest to the Native American Indian heritage of the applicant.

Included in the application is a statement of recognition from the Vermont Indigenous Alliance; a letter from Chief Don Stevens, Nulhegan Abenaki Tribe; notes from a Haudenosaunee Standing Committee in New York City; letters from Marketa Fisher, IMST Sales Manager and Choctaw Nation member; Chief Nancy Millette-Doucet, Koasek Abenaki of the Koas; Representative Kate Webb, Chittenden 5-1, Shelburne; Former Lt. Governor, Brian Dubie, etc.

THE VERMONT COMMISSION ON NATIVE AMERICAN AFFAIRS AND THE EXPERT REVIEW PANEL CONCUR THAT THE APPLICANT SUCCESSFULLY MEETS THIS CRITERION.



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Date: December 20, 2010

Subject: Review of the Elnu Tribe's Application for Vermont State Recognition

To: Luke Willard, Vermont Commission on Native American Affairs

Dear Chairman Willard and Commissioners:

This letter contains my findings and opinions after reviewing the Elnu Tribe's Application for Vermont State Recognition. My conclusion is that the applicant meets the criteria set forth by the Act (S.222). My more specific comments are as follows.

Criterion 1: A majority of the applicant's members currently reside in a specific geographic location in Vermont.

Yes, it is reasonably established that the majority of members of the Elnu Tribe reside in the far southeastern corner of Vermont.

Criterion 2: A substantial number of the applicant's members are related to each other by kinship and trace their ancestry to a kinship group through genealogy or other methods. Genealogical documents shall be limited to those that show descendancy from identified Vermont or regional native people.

Within the section of the Application dealing with this criterion and elsewhere throughout the rest of the document, as well as in the separate genealogical addendum, modern/current connections among and between many tribal members are well established; connections to key Vermont-wide kinship networks in the historical (19th c) past are documented; and descendancy from Native people is demonstrated.

However, I would note that (from an "editorial" if not substantive point of view) I found the presentation to be disjointed at times and required several readings to grasp the meaningful connections between the specific, limited genealogical sample and the narrative about the core family histories in the main document. For example, the "Patenaude" connection seemed to me to be key (especially for the Longtoe-Sheehan branch), but to actually understand the connection one is required to mine for references spread throughout the document. For future reference, this might be a case where the balance between confidentiality on the one hand (limiting the amount of specific information revealed), and the applicant's ability to articulate their case convincingly on the other, could use some fine tuning.

Nevertheless, I find that the information provided in the application allows me to say that the applicant meets the criterion.

Criterion 3: The applicant has a connection with Native American Indian tribes and bands that historically inhabited Vermont.



Familial/genealogical connections to Missisquoi are clearly established, and in combination with links to other locales and Abenaki groups demonstrate antecedent Elnu members' presence in Vermont, which is the core requirement. Coming from an archaeological perspective, my initial reading of the Application left me with questions about the tenuous nature of what one might call "deep-historical" (i.e., pre-18th century) connections to the modern Elnu Tribe's territory. However, since the standard established in the law is an "historic" presence in Vermont I believe that the standard is met by the applicant.

Criterion 4: The applicant has historically maintained an organizational structure that exerts influence and authority over its members that is supported by documentation of the structure, membership criteria, the names and residential addresses of its members, and the methods by which the applicant conducts its affairs.

I am no doubt guilty of over-thinking this criterion, but I felt that the undefined use of the word "historically" creates another case of vague direction. One possible reading is that the applicant must demonstrate that the tribe's "organizational structure" has existed (and evolved) more-or-less continuously since some time in the distant historic past. The other is that a current, documented organizational structure meeting appropriate standards has been in existence for some undefined period of time. Of course, it would be inherently more difficult to "prove" the former, while relatively straight-forward to document the latter.

In what I took to be a good faith attempt to meet the first 'reading' of the criterion, the narrative thread presented in the Application was that the demise of "Indian towns" in the southern Connecticut River Valley by the 19th century led to a dramatic change in the organizational structure of area tribes (i.e., since complexity and hierarchy are a function of the shifting size of the community); that this town-level organizational structure was replaced by a smaller, looser family/kinship-based organizational model scaled to the interrelated/extended family communities that were present across the landscape in the latter 19th and early 20th century; and that by the late 20th/early 21st century a constitutional organization more in keeping with an economic non-profit model evolved to meet the expectations/requirements of the Indian Reorganization Act. I found this evolutionary trajectory both logical and historically accurate. However, discussion of how the intermediate (19th-20th c) family/kinship-based organization actually operated – i.e., how it meets the criterion's requirement of having a "structure with influence and authority over its members" - is implied, not specified. While I appreciate that factually specific records from 19th century family life are hard, if not impossible, to come by, referencing models derived from anthropological and/or ethnographic literature, or relevant anecdotes from local oral historical accounts, might have been used to add substantial elaboration of this point.

However, having said all that, and taking into consideration the vagueness of the criterion, I conclude that the applicant does a good job of establishing the relative antiquity and continuity of some form of organizational structure, and that the specification of the current/modern organization and its membership roster and rules for membership is more than sufficient to meet the criterion.

Criterion 5: The applicant has an enduring community presence within the boundaries of Vermont that is documented by archaeology, ethnography, physical anthropology, history, folklore, or any other applicable scholarly research and data.

Demonstration of a ‘community presence’ linked directly to the modern Elnu Tribe was strongest for the period since the beginning of the 20th century. If one grants that the term “enduring” can suggest a time-frame that is somewhat less than “historical”, then the applicants meet this Criterion.

Criterion 6: The applicant is organized in part:

(a) To preserve, document, and promote its Native American Indian culture and history, and this purpose is reflected in its bylaws.

(b) To address the social, economic, political or cultural needs of the members with ongoing educational programs and activities.

Yes, the Elnu clearly are organized appropriately to meet both aspects of this criterion; in fact, outreach and education appear to be a hallmark of the tribe.

Criterion 7: The applicant can document traditions, customs, oral stories, and histories that signify the applicant’s Native American heritage and connection to their historical homeland.

Yes, there are ample examples of traditions, customs and oral histories connecting Elnu members to their homeland.

Criterion 8: The applicant has not been recognized as a tribe in any other state, province or nation.

So noted.

Criterion 9: Submission of letters, statements, and documents from:

(a) Municipal, state or federal authorities that document the applicant’s history of tribe-related business and activities.

(b) Tribes in and outside Vermont that attest to the Native American Indian heritage of the applicant.

Several of the writers provide positive corroboration of tribe-related activities and the strong educational mission of the Elnu. Others clearly recognize the Elnu as a Native American Indian tribe. It is encouraging to see the mutual respect and support offered by members of the Vermont Indigenous Alliance. I was also impressed by the direct and forceful language in re: Elnu’s tribal status in Sen. Hilda Miller’s letter. And I note that in

an application by another Tribe, the Elnu are also acknowledged and mentioned in a very positive light in correspondence from former Lt. Gov. Dubie.

Overall, I find that this Application presents a good and convincing case for recognition. I also believe there are some points that the Commission may wish to discuss as part of their deliberations about making recommendations to the legislature.

First, as I discuss above, I had difficulty clearly teasing out the various genealogical connections, no doubt in part because of the inherent difficulty of finding verifiable records, and in part because of a reluctance to reveal confidential information. Combined with some confusing organization of the document and in the narrative I was left feeling (initially) that the sample genealogy reaching ‘vertically’ back in time was largely separate from the core membership of the modern Elnu and the lateral connections linking the modern Elnu to one another. It seems evident that what struck me as fragmentary references could also have been a by-product of a desire to ensure confidentiality; as I eventually dug deeper I came to a clearer view of the connections. I mention it here as a way to suggest that the Commission re-visit this topic before providing advice and direction to subsequent applicants. Specifically: what other mechanisms can be put in place to ensure confidentiality so that applicants are more comfortable about being forthcoming with critical information that allows them to make their case more forthrightly?

Secondly, while this may be a minor point, I think a better – if speculative - analysis of the ways in which extended families provide an organizational structure with “influence and authority” over members would have been helpful in building the case that the evolution of ways of organizing a tribal entity could involve change while still reflecting continuity. I don’t believe this is a “fatal flaw” in the application, but for future reference (and because nearly all eastern Native groups likely suffer from some variation of this same discontinuity) it is something that would enhance the historical narrative of any Tribe’s long trail from past to present.

Finally, the depth of the connection of the antecedent Elnu to the current territory/tribe is necessarily tenuous, due to the inherent difficulty of demonstrating a one-to-one link between prehistoric and early historic settlement to modern groups. I think it is important and true that there was a Native presence throughout Southeastern Vermont for millennia, and that there are known sites which have been investigated archaeologically, documented in histories, and in some instances referenced through oral history. Citing this context was appropriate in the application. But the link between these sites and the specific family-based tribal entity that exists today is nearly impossible to demonstrate convincingly (or perhaps I should say, “convincingly to an archaeologist”). Thus, it was a wise and/or fortuitous decision that the word “enduring” was used in this criterion – thus conferring paramount importance to the well-documented late 19th and 20th century connections.

In summary, I find that the applicants meet the criteria set out by S.222 and have demonstrated that they are a coherent, inter-connected, geographically specific, Native community of Abenaki descent, who are embedded in the community and organized for the benefit of their membership as well as other citizens of Vermont. My opinion is that the Commission should recommend the Elnu Tribe for recognition by the legislature.

I acknowledge and appreciate that the applicants felt that the process, in some ways, intruded on their privacy, and I’d like to confirm that I have maintained the confidentiality of the information

contained in the application and addendum. The genealogical material has been sent to Commission member Melody Walker as of the date of this memo.

Thank you for granting me the honor of participating in this process.

Sincerely,

/s/ David Lacy
DAVID LACY
Forest Archaeologist

cc: Fred Wiseman
Eloise Biel
Melody Walker

Evaluation of the Elnu Tribe's Application for Vermont State Recognition as an Indian tribe.

By

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As a scholar of and participant in Abenaki recognition since 1993, I must say that I was very pleased with the Elnu's application, in both its clarity and depth of information. The revelation of endangered cultural-ecological and technological tradition was 1.) gratifying, because it shows heretofore unknown richness of the Vermont Abenaki experience, 2.) chastening because some of my published inferences were incorrect, and 3.) daunting, because, Elnu tradition bearers are, in at least one case, very old and in poor health, and there is a possibility that additional data may soon be lost. Below, for clarity, I have added brief comments that are applicable to each criterion listed in the S.222 bill. I have added in capitals, my professional opinion as a scholar of the Vermont Abenaki experience, whether the response meets the criterion (they all do).

Therefore, after a review of the application and a certain amount of external fact and citation checking, I am happy to support the Elnu Tribe's application for Vermont State Recognition.

853(c) (1) The tribal rolls data which applies to both this section and the 853 (c)(4) section below indicate that the majority of Elnu's citizens reside in southeastern Vermont. In order to confirm addresses in this and in section 853 (c)(4), I took a random sample of 10 adult citizen addresses and checked them with Verizon 411 and online people search sites and confirmed that the people listed in the application have a verifiable street address. (MEETS THE CRITERION)

853 (c) (2) Assuming that the supporting genealogical data are correct, there is a remarkably high rate of endogamy (in-marriage) within the Elnu Tribe. This may be accounted for by the fact that the core Patenaude/Longto/Sheehan line contains most of the members, but the discovery of genealogical connections between that line and a recent addition to the Tribe, Melody Walker from the Missisquoi area, is noteworthy. The descendency data was relatively confusing for a non genealogist to grapple with, but I do believe that they made their case that the modern Elnu Tribal citizens are descended from "identified Vermont or regional Native people." I am unimpressed with lineages that stretch back to the 1600's and 1700's to find a "paper Indian" in someone's genetic background. That may be interesting for those attracted to genealogical minutiae but has little to do with an Indian identity. The Elnus were able to show in a logical way, that 19th century ancestors were described in Euroamerican documents as "Indian" (I was already familiar with the Alburgh [1863] and Wyman [1963] references from my own

research), but more importantly, retained cultural practices (revealed through the oral-historical and artifact records) that any anthropologist would identify as Native practice. These two independent data sets, when combined with the genealogy show me that most modern Elnu citizens are directly descended from and participate in a native-practice community with historically documented continuity. (MEETS THE CRITERION)

853 (c) (3) The genealogical relations with “other American Indian tribes and bands that have historically inhabited Vermont” is notable, especially with Missisquoi. I have discovered through their research that my Missisquoi-area ancestors were related to the modern Elnus through the Patenaude line, as is VCNAA Commissioner Shirly Hook, who is from the Koasek Band. The oral historical anecdote about the attack on the Indian village, when tied to a Missisquoi-resident line, may be a living memory of the Missisquoi Raid. Ongoing political and cultural relations are acknowledged among at least four bands in Vermont, as acknowledged in the letters of support included in with the application. I know from personal experience that Elnu participated in the Koasek, Nulhegan and Missisquoi pow-wows, and for a time, was a “sub-group” of the Koaseks. Therefore, I believe that the Elnus have cultural ties to the other three Vermont bands and seem to be acknowledged by the other bands as a legitimate Indian tribe. Lastly, from my personal observation, the Elnu’s participation along with the other bands in concerted political action such as showing a unified front for Vermont state recognition in legislative hearings from 2006-2010, and so this activity documents a political unity as well. (MEETS THE CRITERION)

853 (c) (4) I particularly liked the “history of organizational structure,” given my professional interests in the social history of the Vermont Abenakis. The referents to the antecedent “Tolba” regional totem was very exciting, as was understanding exactly what the Elnus operate the way they do. The documentary sections, which are basically a rehashing of sections of the constitution, fulfill the requirements of the criterion, and the “names and addresses” criterion, was merely a reworking of the tribal rolls which I discuss in 853 (c)(1). (MEETS THE CRITERION)

853 (c)(5) For me as an archaeologist and historian, and as having worked on rebutting the preliminary negative finding by the BIA that led to the failed Missisquoi federal tribal recognition petition; this would be the most difficult criterion to satisfy. Basically, there would have to be evidence from a variety of sources that the Elnu homeland was continuously occupied by a community from the contact period to today. Thus this section was the longest and most detailed in the application (other than the auxiliary genealogical data). Although I was already familiar with much of the original source material (except for the more recent newspaper articles etc.), I had to double check a couple of sources to be refresh my memory. There were a couple of typos and bibliographic problems, but they were not germane to the meeting of the criterion. The Euroamerican documents showed two things that were important. They first indicated a generalized Indian presence in the area, and made a case for these Indians being at least in part, local rather than visitors from Quebec, New York, or the East. People who for one reason or another have a personal or political disdain for the Vermont Abenakis will assert that all observations of Indians in Vermont are from elsewhere, and I believe that the Elnu application brought several lines of evidence (including some of my research!) to show that there were at least some local Indians in the region according to the Euroamerican documentary record. The second documentary data set placed the direct ancestors of the Elnus in the Windham county area. To connect the observations of Indians

with the documented residency data, the application went into great detail through oral history showing a nineteenth and early 20th century Native culture in Windham County, VT. Much of this information was exceedingly subtle and would be very difficult for anyone to fake. For example, in another context, I was asked to authenticate a necklace in the Nellie Longto photograph. A high resolution scan was provided. Although the Longto chain and crucifix were not ethnically distinctive, I discovered a weasel-family claw attached, which would probably not have been widely used by non-natives. (***Please note: In full disclosure, I was involved with providing artifact data on the Bellows Falls wristband, Brattleboro tintype and the Vernon basket to Elnu that ended up in the petition, and so will not comment on them due to a potential conflict of interest.***) The most extraordinary and most historically definitive data was the huge corpus of oral history that was listed in this section. Technologies I thought were never in Vermont, such as mound agriculture and milkweed-fiber twining are still practiced within the Sheehan family. The “Old Language,” apparently a Wabanaki tongue, was spoken until the early 20th century, and people continued to make and wear Indigenous style clothing also into the mid 20th century. Fishing and hunting data were also quite unique and point to a persistence of Indigenous style bow and arrow making, and the “warming fish-eyes under the tongue” that seems definitive of Native style ice fishing. Most importantly for me as a scholar of the Abenaki renaissance, after reviewing the 19th-mid 20th century historical data, I can now understand many questions that I had about the Elnu tribe, why the Elnus named their tribe with a Micmac name, and why they never needed to go through a “pan-Indian” phase of using Plains Indian regalia to promote their Native Identity, as was done at Missisquoi and Odanak, and why they chose a more regionally appropriate way of using a “living history” approach to identity rather than a pow-wow approach. It is my professional opinion, that while some of the oral history could be coincidental, little of it could be faked or manipulated without a profound knowledge of 19th and 20th century Abenaki culture, a branch of study that has had little published documentation, except my own Voice of the Dawn. The Elnu experience is profoundly different from Missisquoi, and in many ways has more ethnic richness in the record that comes from Missisquoi. This was the section that, in my mind, had to meet the test -- to prove to me that these people were carriers of deep-time Abenaki tradition. Given the necessary brevity of the response to the criterion, in order to make a coherent application package, I believe that they did an admirable job. (MEETS THE CRITERION)

853 (c) (6) The quotes from the Elnu constitution preamble and website, quickly and easily meet most of the subsets of this criterion. The choice of the tribe to do economic development through the promotion of traditional arts is unique in my experience with Wabanaki peoples, but definitely is a true economic development model. The political needs section was the weakest section -- in that it was only hinted at in the Constitution, and so auxiliary data was provided to prove that the Elnus, who seems particularly wary of political activity, nevertheless do participate when at need, as in the Vermont Indigenous Alliance, recognition (the recognition application document itself is prima facie evidence of that), and the wampum belt repatriation attempt. (MEETS THE CRITERION)

853 (c) (7) This was basically a restatement and augmenting of the data in 853 (c)(5) with additional information arranged specifically to highlight the native heritage in certain sections, and the fact that the Elnu’s ancestors have been in the Windham County area for a long time, in other sections. The response was very well thought out and stated. (MEETS THE CRITERION)

853 (c) (8) It is obvious that Elnu has not been recognized, or the whole expensive and humiliating recognition application process would be redundant. (MEETS THE CRITERION)

853 (c) (9) Although this was not a necessary criterion, it nonetheless was important to me as a reviewer, because it gave me an independent source of information to answer lingering concerns raised in previous sections. For example, the minutes of the Abenaki Haudenosaunee meeting at Sotheby's in NYC, and the letter from the Vermont Indigenous Alliance, greatly bolstered their argument concerning political activity(853 [c] [6]) that I believed was somewhat weak by itself. Letters, statements and documents were included and so-- (MEETS THE CRITERION)

Elnu Tribe of the Abenaki
Application for Vermont State Recognition
as a Native American Indian Tribe:
Evaluation

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After a review of the application materials, I am happy to support the Elnu Tribe's application for Vermont State Recognition. It is my opinion that the Elnu Tribe has met each of the criteria listed in the S.222 bill. Brief comments for each criterion are included below.

853(c) (1) A majority of the applicant's members currently reside in a specific geographic location within Vermont: The tribal rolls indicate that the majority of Elnu's citizens currently reside in the Windham County area in southeastern Vermont.

853 (c) (2) A substantial number of the applicant's members are related to each other by kinship and trace their ancestry to a kinship group through genealogy or other methods. Genealogical documents shall be limited to those that show descendency from identified Vermont or regional native people: The documentation provided by Tribal Genealogist Vera Schulmeisters demonstrates relationships between members of the Sheehan family lineage and the Patnode (Longto) lineage, with descent from Indian ancestors documented in the nineteenth century, and continuity in the geographical location. There is also documentation of "regional native people" within the lineages of this "kinship group." Family traditions of language, clothing, wigwam construction and use, agriculture, hunting and fishing practices, basketry, and twining provide additional evidence of Native cultural practices that were retained by the members of this kinship group.

853 (c) (3) The applicant has a connection with Native American Indian tribes and bands that have historically inhabited Vermont: The Elnu have documented genealogical relationships with families of the Nulhegan, Missisquoi, and Koasek, three of the "other American Indian tribes and bands that have historically inhabited Vermont." They also share social and political relationships with these Abenaki tribes or bands. These relationships are acknowledged in letters of support included with the application.

853 (c) (4) The applicant has historically maintained an organizational structure that exerts influence and authority over its members that is supported by the documentation of the structure, membership criteria, the names and residential addresses of its members, and the methods by which the applicant conducts its affairs: The Elnu provide ample evidence from historic and archaeological sources of organized activities by antecedent Native people in the Bellows Falls and Windham County area. They

also provide evidence from oral tradition among Elnu families of an “Indian village” and the “old Tolba” or Turtle region, as well as the period during which the organizational structure of the Indigenous community was primarily expressed through familial relationships; this was followed in the final decades of the twentieth century by participation in the Abenaki renaissance, when the tribal structure mandated by the Indian Reorganization Act was adopted. Sections of the Constitution of the Elnu Abenaki are provided to document the current structure, membership criteria, membership roster, and methods of conducting tribal business.

853 (c)(5) The applicant has an enduring community presence within the boundaries of Vermont that is documented by archaeology, ethnography, physical anthropology, history, folklore, or any other applicable scholarly research and data: The Elnu provide ample and highly detailed evidence of the presence of antecedent Native people in the Bellows Falls and Windham County area from a wide variety of sources: archaeological evidence, historical documents; citations from numerous academic and local histories, and oral traditions from families within the kinship group. The combination of evidence from these various sources, presented chronologically in a timeline which spans the sixteenth through twentieth centuries, indicates the continuity of community presence in this region by the Abenaki families from whom the Elnu are descended.

853 (c) (6) The applicant is organized in part: (A) to preserve, document, and promote its Native American Indian culture and history, and this purpose is reflected in its bylaws. (B) To address the social, economic, political or cultural needs of the members with ongoing educational programs and activities: The preamble to the Elnu constitution, and “About the Elnu Abenaki People” from the Elnu website, provide documentation of the Elnu commitment to the purposes of this criterion. For several years I have observed and talked with members of the Elnu at public events and in private conversations, in which they clearly and consistently express their motivation and commitment to preserving their Native American Indian heritage and history. The documentation in this section, as well as letters of support, substantiate their commitment to ongoing educational programs and activities. The Elnu have chosen to express their Native American Indian heritage through craft traditions, and to encourage craft entrepreneurial enterprise among tribal members; the desire to have Abenaki artisans certified as Native American artists under the 1990 Indian Arts and Crafts Act motivated the Elnu to active participation in the political arena, including Legislative recognition hearings and VT Native American Commission meetings since 2007.

853 (c) (7) The applicant can document traditions, customs, oral stories, and histories that signify the applicant’s Native American heritage and connection to their historical homeland: These points were addressed in great detail in section 853 (c) (5); in this section the applicant summarized major points indicative of Native American heritage through expressed Indian identity, Native subsistence practices, and ethnobotanical information; and major points indicative of connection with the historical homeland such as the Tolba totemic signifier, ritual visits to Bellows Falls, stories of ancestral spirits at Bellows Falls, and the wide network of extended family residing in Windham County communities.

853 (c) (8) The applicant has not been recognized as a tribe in any other state, province, or nation:

The Elnu Abenaki Tribe has never been officially recognized as a tribe by any other state, province or nation.

853 (c) (9) Submission of letters, statements, and documents from Municipal, State, or Federal authorities that document the applicant's history of tribe-related business and activities and attest to the Native American Indian heritage of the applicant:

This section included letters, statements, and documents from a wide range of sources that document Elnu Tribe's extensive participation in Native American cultural and educational activities and tribal business, and attest to their Native American Indian Heritage.