

APPLICANT REVIEW AND DECISION

APPLICANT: NULHEGAN BAND OF THE COOSUK-ABENAKI NATION



*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, Kevin Dann, and David Skinas.*

The Nulhegan Band of the Coosuk-Abenaki Nation is a medium-sized tribe located in the Northeast Kingdom and headquartered at the Abenaki Nation of Nulhegan Headquarters in Brownington, VT. The Nulhegan Band presented a sufficient and compelling argument that directly responds to each of the nine criteria in S.222. Nulhegan's lengthy narrative spans three centuries historical evidence and data that documents an enduring community of interrelated Native-practice families centered in and around Orleans County. A great deal of work has gone into this well-sourced narrative and supporting documents.

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**DECISION:**

**The Vermont Commission on Native American Affairs and the Scholar's Review Panel concur that the Nulhegan Band of the Coosuk-Abenaki Nation 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 Nulhegan Band of the Coosuk-Abenaki Nation 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.**

According to the tribal rolls residency information dated Sept. 13, 2010, approximately 91% of their registered citizens reside in Vermont. Approximately 75% reside within the boundaries of Nulhegan's defined territory in the Northeast Kingdom. Approximately 62% reside in the greater Newport/Derby area around the lakes and along the rivers of the Nulhegan and Memphremagog basins.

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.**

According to the tribal rolls, dated 9/13/10, there are approximately 260 full status citizens. Approximately 96% are related to other (non-nuclear) citizens by kinship. This high rate indicates a significant community with ties based substantially on kinship. Chief Don Stevens is related by blood or marriage to at least 160 full status members.

The Phillips Family Band was a major family band (kinship group) that showed their connection to people listed on the tribal rolls. Chief Antoine (Anthony) Phillips Sr. was born in 1787 at Lake Memphramagog, Vermont. His native ethnicity and Vermont residency is validated by the Vermont Eugenics Survey as having "French and Indian Blood" as well as being leader of a tribe. This constitutes a kinship group for purposes of this criterion. The Phillips family still resides in the Lake Memphramagog area. Chief Antoine was a direct forebear of numerous VT Indigenous people. His son, Pierre (Peter) Phillips (born 1809) had a daughter, Rosa Delphine Phillips (b. 1868) who had a daughter, Lillian "Delia" Besette (b. 1909) who had a daughter, Margaretia Burbo (b. 1931) who has a son, Donald Stevens (b. 1966), who is an active member of the Vermont Indigenous community, a former Chairman of the VT Commission on Native American Affairs, and is now the Chief of the Nulhegan Band.

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.**

Nulhegan has a strong political connection with three other indigenous bands in Vermont, including the Elnu Abenaki Tribe from Southern Vermont, the Koaseks from the Newbury region of VT, and the St. Francis-Sokoki Band of Swanton, VT. Each of them can demonstrate that they have “historically inhabited Vermont”. They have joined together to form the Vermont Indigenous Alliance. The coalition has proven to be a great benefit to each other. The association has found genealogical connections among the bands. For instance, Nulhegan tribal citizens Nancy Cote and Dawn Macie are related to Missisquoi Tribal Historian Fred Wiseman. The Demar family has many Missisquoi relations. Tom Phillips, a descendent of Chief Phillips is a cousin to Nulhegan Chief Don Stevens. Historical connections are addressed at length in their responses to criteria 4 and 5.

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.**

The application shows dates and locations documenting their continuous political organization. Their historic period case began with Chief Philip of the Upper Coos when he signed a document called the “Deed of the Coos Country” in 1796. David Skinas commented that, “The 18<sup>th</sup> century Nulhegan organizational structure may have been more complex than the individual family band structure that they refer to as ‘branches,’ where extended families maintain enduring collective memories and relations that work together for the common good.” This shifted to “Katunks” in the 19<sup>th</sup> and 20<sup>th</sup> centuries in which they would discuss business. The shift then moved onto their current structure representing a continuous political authority over the people.

The present government organizational structure is a standard three-branch government. The Executive Branch is Chief (Sogomo) and a Vice-Chief (Sogomis) who are nominated by the councils and confirmed by election. The Legislative Branch is composed of an elected Tribal Council of 5-13 members from various families within the tribe. The Judicial Branch is represented by an Elders Council which is an evolution from the former “Ladies Judiciary” Also in the tribe’s government is a Board of Trustees. There are three and they are entrusted with the Continuity of Government. They protect the tribal government from takeover and/or dissolution.

According to Article IV (Citizenship - General Council) of the Nulhegan constitution, all people of the greater Abenaki Nation must be blood relations as proven by genealogical and/or family historical evidence. There shall be established Citizen and Member Register, to be kept by the Grand Council or Registrar for the inclusion of any person for Citizenship or Membership purposes in their respective band or group and the greater Abenaki Nation, who presents the necessary evidence of eligibility for registration. Registration Committee shall consist of one Grand Council Member, one Council of Elders Member, one General Council Member, a registrar, one or more genealogist, and one or more historians.

The Nulhegan Band has presented information needed for 853 (c)(4), including the history of organizational structure, the “Government of the Abenaki Tribe at Nulhegan-Memphremagog”, excerpt sections from the Nulhegan Band Constitution, the application form to become a member, the names and residential addresses of its members, and Article II (Decision making) shows the documentation of the methods by which the applicant conducts its affairs.

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.**

The Nulhegan band petition presents a solid case for continuous occupation, especially during the years from 1780 to present. They used important anthropological, census data, historical (written and oral), geographic, legal (deeds), Eugenic records, art, and ethnographic sources including work by William Haviland, Frederick Wiseman, Colin Calloway, Gordon Day, Mariella Squier, etc. In several places, the authors expressed the reality that there has been little written and therefore some of the information has yet to be verified by scholarly sources. This wording undervalues their ability and what they have presented in this petition – they served as the historian and wrote an important piece of their own history, which is very valuable in itself. They backed up their information with sources and important oral history that highlights continuous occupation and a living memory of the places that make up their world. That is the same process that any historian undertakes to create a lasting impression within the record. One of the most important aspects of this rich historical document they have presented is that throughout their history, from 1780-present, they place specific people and activities from their group within it. There isn't just a shadow decoy with provenance from the region – there is a person that knew about the practice and so they put a face to the history. These are the faces of continuous occupation separate from their neighbors, but people that they both influenced and who they were influenced by. Cultural exchange is the hallmark of a living community. They are a living, breathing community and it is our recommendation that they receive state recognition as an indigenous community within the homeland dominated by people that arrived very recently within their historical past.

Geography and prehistory through the late 18<sup>th</sup> century

The archaeological site discussed, Canaan Bridge site discussed by Haviland and Power in their seminal work on indigenous peoples of Vermont, which is based within the Nulhegan homeland during the Early and Middle Woodland Period. The historic names of the area also point to usage of the area for trade, travel, and subsistence. Some of the names include Lake Memphremagog (Mamsloobagogg). Traveling bands amongst specific regions or large areas, as was the traditional method of survival and way of life explained in Haviland and Power's book also marked the character of this region. Though not specifically mentioned in the petition, Henry Lorne Masta's *Abenaki Indian Legends, Grammar and Place-Names* originally published in 1932 out of Odanak backed up their assertions and recognized their specific region as an Abenaki route between Canada and Connecticut that was used for important subsistence practices, trapping in particular, and they used a device called Kulhegan, hence the name "Nulhegan River."<sup>1</sup>

They identify the 1796 "Deed of the Coos Country" as an important historical marker in which they signed over legal land ownership but maintained fishing rights and crops from the region forever.<sup>2</sup> Importantly, this stipulation certainly identifies both the existence of Abenaki people

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<sup>1</sup> Henry Lorne Masta, *Abenaki Indian Legends, Grammar and Place-Names* (Toronto: Global Language Press, 2008) 94.

previous to and contemporaneous to the deed. It also represents their intention and as the rest of the petition exhibits, their continual occupation within the territory. If they had no intention of staying, they would not have needed the stipulation that they were allowed to maintain fishing and other rights within the region. This deed was signed by “Philip” the chief, Molley Messel, and Mooselek Sussop.<sup>3</sup> One of the most interesting parts of this section is that they do not simply present the deed and the people but they tie Chief Philip to modern people within their own oral history as descendents.<sup>4</sup> Though it would have been nice to have a specific source for this oral information, it is very difficult to follow the exchange of memory back more than two hundred years but a specific person with this information may have been useful. This certainly highlights the sometimes large gulf between the way that indigenous people view and understand history and the dominant history methods used in academia. There is value in both.

Nulhegan identifies the people from post 1790 to the nineteenth century as mobile.<sup>5</sup> Although Gordon Day does identify the Upper Coos region as one in which persistent settlements occurred.<sup>6</sup> The well-known relationship between Jesuits, other Roman Catholic entities, the French, and indigenous peoples of the region played out within their territory. Gordon Day commented upon the first known Roman Catholic mass in 1840 within the Nulhegan region featuring Captain Sozap and his village.<sup>7</sup> Katherine Blaisdell wrote about the existence of “Old Joe Indian” and his family within the region during the mid nineteenth century.<sup>8</sup> Swassin Otondosonne persisted along the lake performing very Abenaki activities as a local and important guide. He was certainly not the only encampment seen along the shores as Day and Calloway pointed out.<sup>9</sup> Many Nulhegan members descend from Old Swassin.

Furthermore, they supplied an impressive copy of the “Indian Encampment, Lake Memphramagog” by Cornelius Krieghoff done in 1854 as evidence of nineteenth century occupation within the region.<sup>10</sup> The wigwam in the painting is a perfect match for the modern “junkut” still made today by a few Nulhegan members and documented in photo provided in the narrative.<sup>11</sup> An expert canoe maker also identified a nineteenth century canoe housed at the Abenaki Tribal Museum in Swanton, Vermont as a distinctively-created example from the Lake Memphramagog region and separate from the Odanak tradition.<sup>12</sup> This is a particularly important statement as all of these materials and traditions that survive until today exhibit a stellar example of cultural continuity with a specific region. These are Abenaki people doing Abenaki things and modern peoples carry on the traditions of their forebearers.

<sup>2</sup> Nulhegan Band, “Application for Vermont State Recognition as a Native American Indian Tribe in Accordance with S. 222 § 853. (c) Recognition Criteria: Nulhegan Band of the Coosuk-Abenaki Nation,” (Brownington: Nulhegan Band, 2010), 23.

<sup>3</sup> Nulhegan, 24.

<sup>4</sup> Nulhegan, 24.

<sup>5</sup> Nulhegan, 24.

<sup>6</sup> Nulhegan, 25.

<sup>7</sup> Nulhegan, 25.

<sup>8</sup> Nulhegan, 25.

<sup>9</sup> Nulhegan, 25.

<sup>10</sup> Nulhegan, 27.

<sup>11</sup> Nulhegan, 28.

<sup>12</sup> Nulhegan, 28.

The authors explained the importance of their US occupancy and the refusal of some to cross the border for fear of being denied return, even into the 1900s.<sup>13</sup> They do touch upon the very important and true fact that while they remained important community members within the Vermont side, their historical territory was affected when newcomers put up borders around and through their historically-used territory. Politics and history are not congruent although this petition exemplifies very well their continual occupation within Vermont.<sup>14</sup>

Although genealogy was not a part of the purview of the commission, their petition did a very nice job of explaining historical ties to specific families and people. They importantly used Chief Antoine Phillips' (born in 1787) records. A tin-type photo of this person housed at the Wobanakik Heritage Center listed him as chief and the Eugenics records validated the French and Indian blood of this specific line and they provide the necessary source material for this assertion.<sup>15</sup>

Nulhegan also exhibited a level of intermarriage and they exhibit a land tenure system based upon specific families along rivers and drainage areas within the region. This type of family-based land tenure system is specifically mentioned within Frank Speck's *Penobscot Man*.<sup>16</sup> This pattern is still in practice. The community continues to affect the land and the environment around them in an area now a part of the general Vermont community dominated by Euro-American peoples.

One of the most important aspects of the petition was the demonstration that they inherited a cultural tradition separate from the Euro-American community and continue to practice these traditions. For instance, while the people that now surround them harvest ferns during only the fiddlehead stage, some Nulhegans harvest the inside edible piece even after the initial phase has passed.<sup>17</sup> Another harvest practice included bark containers made historically within the group (some specimens still remain from the older generations) for berries or other goods.<sup>18</sup> Not only does the practice survive but the actual containers of bark are still existent within the community. They have both the material and oral culture for an indigenous practice handed down within the area. Birch bark sap containers for boiling sap have survived with provenance to the area.<sup>19</sup>

Furthermore, an extremely interesting practice has survived at Nulhegan and in particular a nuance surrounding construction – these “junkuts” were traditionally made by the women.<sup>20</sup> They included a picture with one of the current members creating one of these huts identical to conical wigwam found in Krieghoff's painting in 1854 included earlier in the petition. The fact that the tradition includes specifics is important and establishes a living memory of the tradition, which was backed up by a painting over a century before the current picture of a modern person

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<sup>13</sup> Nulhegan, 26.

<sup>14</sup> Nulhegan, 27.

<sup>15</sup> Nulhegan, 27.

<sup>16</sup> Nulhegan, 29.

<sup>17</sup> Nulhegan, 30.

<sup>18</sup> Nulhegan, 30.

<sup>19</sup> Nulhegan, 31.

<sup>20</sup> Nulhegan, 32.



creating the junkut. Snow descendants are included throughout the petition to bring to light their unique indigenous practices, such as sugaring, mound horticulture, and Nancy Snow's story. This continuous family line and their activities is extremely convincing and sets them apart as indigenous peoples. There isn't just one activity in one time by a member of the family, they documented continuous activities that put together are expressive of their heritage.

Importantly, the junkut was a temporary shelter but oral history from an elder remembered the construction of a longhouse structure. It was located in a very specific place in South Barton, which Gordon Day documented as a place with Indian dwellings through 1790.<sup>21</sup> Based upon the information in this petition, Nulhegan is contributing a lot of important information to the historical record and showing a permanent continuous occupation.

Nulhegan's horticultural practices, documented as far back as Samuel de Champlain and Marc Lescarbot's writings, match the historical record of mounds (on top of mounds) of corn, beans, and squash. They use sucker fish, pickerel, white fish, or the left over pieces from walleye fishing. Oral history places this practice from a continuous line of people, similar to the many other practices of year-round subsistence patterns documented within the petition.<sup>22</sup> "This geographic and environmental information on Abenaki family distributions and adaptations makes the Nulhegan zone one of the few regions in VT that we can trace ancient Indigenous-style, family-based land use zones that remained functional into 20<sup>th</sup> century living memory."<sup>23</sup>

Another practice maintained within the region throughout the twentieth century was local ash-splint basketry. One remaining horse-feed utility basket in particular shows a "z" twist production from the 1880s.<sup>24</sup> The provenance is from Newport. They also had a unique fancy basket tradition in the form of an over-weave cherry root design motif in the early nineteenth century.<sup>25</sup> What is particularly important about this tradition is that it is not only unique to the region according to both John Moody and Dr. Frederick Wiseman but if this is documented to the early twentieth century then that means there was a continued presence through at least the early twentieth century. At a time that is particularly important for recognition purposes to prove that people were in Vermont, Nulhegan shows a continued agricultural, cultural, and genealogical settlement within the region.

Within their fishing practices, some Nulhegan members (until the 1990s) utilized a very interesting form of harvest. They formed into a 'V' with the outside canoes named the "rattlers" for the metal nuts on the ends of the lines that rattled, and they moved down a channel between Big and Little Salem Lakes. The rattlers scared the walleye to the center where they could be caught. Local anger about this practice from Euro-American fisherman shows a distinctive identity of the Nulhegan group. If the dominant culture performed this practice they would not have been so angry.<sup>26</sup>

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<sup>21</sup> Nulhegan, 34.

<sup>22</sup> Nulhegan, 36.

<sup>23</sup> Nulhegan, 38.

<sup>24</sup> Nulhegan, 38.

<sup>25</sup> Nulhegan, 39.

<sup>26</sup> Nulhegan, 41.

During the ice fishing season they also utilized the perch eyes as bait but warmed them under their tongue so they wouldn't freeze. This is documented through both oral history and current practice.<sup>27</sup> Bruce Bourque and other academics documented the existence of Wabanaki fish spears in the form of a pole, sharpened implement in the center, and two prongs on the outside to lock the fish into place. The petition contained a picture of a steel eel or ice-fishing spear held near Newport in the 1930-1940 era and they juxtaposed this next to a Wabanaki fish spear. They were very similar and show a distinctive Wabanaki-style fishing tradition from the region into the early twentieth century.<sup>28</sup>

The Odanak museum and the Wobanakik Heritage Center contain two remaining examples of "shadow decoys" documented through oral tradition in the Nulhegan band and both of the remaining artifacts have provenance to the region.<sup>29</sup> The decoys date back through oral history from one of the elders to her grandfather's field and they would cast a shadow (the decoy was made of twigs) and the geese would land amongst them.

They also successfully showed that their attire into the twentieth century was distinctly native and worn in particular in times of ceremony versus their everyday clothes.<sup>30</sup> Elder Nancy Cote sold large amounts of beaded Niagara-style outfits. Oral history supports the native dress adorned by her family. The family photo of a relative in Pan-Indian clothing during the 1930s was very impressive and supports the oral historical record.<sup>31</sup>

Their spirituality was well-documented within the petition and extremely impressive. One of the families within the band spoke the Abenaki language into the twentieth century.<sup>32</sup> They had evidence relating to specific band governance (Katunk) during the 19<sup>th</sup> and 20<sup>th</sup> centuries, which satisfies the continuous political organizational requirement.<sup>33</sup> The last section of the petition pertained to modern political and social practices that more than exemplify their unique presence in the indigenous community.

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

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<sup>27</sup> Nulhegan, 41-42.

<sup>28</sup> Nulhegan, 42.

<sup>29</sup> Nulhegan, 43.

<sup>30</sup> Nulhegan, 45.

<sup>31</sup> Nulhegan, 46.

<sup>32</sup> Nulhegan, 48.

<sup>33</sup> Nulhegan, 49.

**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.**

Nulhegan used the preamble of their constitution to satisfy this requirement. Their “mission is to strengthen our government, protect our customs and traditions, and revive our heritage and culture while sharing it with those around us.”<sup>34</sup> Nulhegan has done a great job of exemplifying this throughout the petition and their letters show a positive impact on the Vermont community.

**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.**

Nulhegan satisfied this requirement by quoting the preamble to their constitution and also taking an excerpt from their website, “The Nulhegan is serious about achieving economic self-sufficiency and stability for our people ... our sights are set upon utilizing our own resources and abilities to grow in the realm of economic development, more specifically, cottage industry and cultural tourism.”<sup>35</sup> They also discussed the Seventh Harvest Project as a way to deal with economic issues and support their communities. They share with the less fortunate - food, heat, and clothing. They have community gardens.

They also actively seek Title VII Indian Education in their school systems in order to assist in proper educational programming, as has been described in several letters of support in the application. They also seek achievement of political recognition for the people and many members work toward this effort, including two chairmen of the VCNAA – Don Stevens and Luke Willard. Their continued cultural revitalization efforts and the continuance of practices they never left are very evident in the application.

According to Kevin Dann, the extensive documentation for this petition is a stimulus and foundation for the important historical educational initiatives they strive for.

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

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<sup>34</sup> Nulhegan, 58.

<sup>35</sup> Nulhegan, 59.

**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.**

Nulhegan satisfied this requirement successfully and included a section on traditions connected to their homeland. The Bergeron family used to bring pemmican during school bus rides and were singled out as Indian. Another story told of the bleeding ceremony and another of the fish eyes under the tongue. The fish eye story was a favorite of David Skinas in addition to the V-style fishing. The Junkut was a documented conical wigwam still made in the region and immortalized through the 1854 Indian Wigwam painting included in another section. Oral history of the Davis family provided important evidence for a longhouse made in the South Barton woods. Also, the Brunswick Springs are important spiritual waters on the Upper Connecticut River Valley. They still have important ties to the springs and report that Gitshiabe, the spirit of the woods, protects them as passed down through generations.

They satisfied this requirement successfully and included oral history from the Curtis family, especially Nancy Snow’s information, Nancy Cote’s history, the Phillips’ story of the area as a basket-making center, and many others. These stories showed a distinctive identity and geographic center in the Northeast Kingdom.

They satisfied this requirement successfully and included information of customs that documented their Native American heritage. For instance, they made miniature snowshoes, baskets, distinctive mound agricultural systems using heritage seeds of corn, beans, and squash, Indian marriage practices, mats made of natural materials, and a land tenure system based on the river system. David Lacy found the example of mound horticulture particularly interesting and Dave Skinas found that the Nulhegan band “more than met the requirements for this criterion” as a result of their basket-making, V-style fishing, ice fishing practices, three sisters mound agriculture, etc.

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.**

The applicant has never been officially recognized as a tribe in any other 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.**

Nulhegan included letters from the Newport City Council, a letter documenting their participation and integral membership of the Vermont Indigenous Alliance, newspaper article from the Newport Daily Express discussing the intent to gain recognition in 2002, a letter from the Green Mountain Central Labor Council of the AFL-CIO, a letter from the Vermont Sierra Club, a letter from the Vermont Workers’ Center, a letter from the Vermont Professional Archaeologists Association, etc. Several of the letters including Senator Hinda Miller, Representative Carolyn Branagan, Representative Kate Webb, former Lieutenant Governor Brian Dubie, and Governor Peter Shumlin show a continued positive relationship with senators, legislators, and members of the executive branch. Governor Douglas in November of 2010 issued a proclamation of Native American Heritage Month and specifically mentioned Nulhegan as people indigenous to the state. These letters exemplify their continuous presence within the political realm, in conservation efforts, and their efforts to educate children in a positive way that would support their own identity.

**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.**

They included a letter documenting their participation and integral membership of the Vermont Indigenous Alliance; newspaper article from the Newport Daily Express discussing the intent to gain recognition in 2002; a letter from the Elnu Abenaki Tribe of Jamaica, VT; a letter from the Koasek Abenaki of the Koas in Newbury, VT; and a letter from the Koasek Traditional Band of the Sovereign Abenaki Nation in Milford, NH. These letters exemplify their continuous presence within the political realm and social realm of the Native American community. David Lacy commented that “...It is encouraging to see the mutual respect, support and solidarity offered by other members of the Vermont Indigenous Alliance.”

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

## References

Dann, Kevin. Scholar's Response to the Nulhegan Band Petition. Email December 21, 2010.

Lacy, David. Scholar's Response to the Nulhegan Band Petition. Email December 20, 2010.

Masta, Henry Lorne. *Abenaki Indian Legends, Grammar and Place-Names*. Toronto: Global Language Press, 2008.

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Skinas, David. Scholar's Response to the Nulhegan Band Petition. Email December 21, 2010.



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Date: December 20, 2010

**Subject:** Review of the Nulhegan Tribe's Application for 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 Nulhegan 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 established that the majority of members of the Nulhegan Tribe reside in the Northeast Kingdom, primarily in the towns of Newport, Derby and Brownington, VT.

**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.**

Yes, it is established that the four "Pedigree" families have genealogical ties to Native American ancestors from Vermont, NY and Odanak, and a substantial number of the applicant's members are also related to each other.

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

Yes, familial/genealogical connections to Native American ancestors (through the "Pedigree" families records and oral histories) and to tribal groups that inhabited Vermont (e.g., at Missisquoi) are established and demonstrate that Nulhegan members are connected to tribes or bands that historically inhabited Vermont.

**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 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.

Nevertheless, I find that the applicant does a reasonable job of establishing the antiquity and continuity of some form of organizational presence/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.**

Yes. I felt that the long-standing residency of the core/”pedigree” families and the historical references to settlement in the area (e.g., Gordon Day’s), combined with the traditions and customs discussed for Criterion #7, made a strong case for their ‘enduring community presence’-- even though there is some ambiguity about which practices have a specific ‘ethnic’ assignment.

**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 application demonstrates that the Nulhegan clearly are organized appropriately to meet both aspects of this criterion.

**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 examples of traditions, customs and oral histories connecting Nulhegan members to their homeland. Although some of the specific connections are difficult to demonstrate as exclusively indigenous/Native (i.e., hard to differentiate from common practices in the NE Kingdom), the cumulative weight and context of the examples was convincing. The mound horticulture example was particularly interesting.

**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.**

Both aspects of this criterion were generally met, although I note that there were no letters of support from Tribes outside of Vermont (I trust this was an oversight). The letters from Vermont politicians (Sens. Miller and Shumlin, Reps. Branagan and Webb, and former Lt Gov Dubie) were noteworthy, I thought, given the checkered history of recognition initiatives in the State. And it is encouraging to see the mutual respect, support and solidarity offered by other members of the Vermont Indigenous Alliance.

In summary, I find that the applicants meet the criteria set out by S.222 and have demonstrated that they are a Native community of Abenaki descent who have been embedded in the community for generations. My opinion is that the Commission should recommend the Nulhegan Tribe for recognition by the legislature.

I appreciate that the applicants felt that parts of this process intruded on their privacy and represented an assault on what they already knew to be their identity. Coming from the “outside”, I found the application to be informative, moving and (in the case of the Eugenics survey) disturbing testimony.

I would also 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: David Skinas, Kevin Dann, Melody Walker

21 December 2010, hours after the red moon eclipse and before the solstice

Dear Chairman Willard and Commissioners,

*Pakwanonzian!* “You look brand new, like the rising Sun, to me!”

Indeed, never having met in person, we do look “brand new” to each other, like the rising sun that gives the core image for this ancient *Wônbanskiak* greeting. I first learned this greeting in October 1987, from Steve Laurent, who, as I approached the front porch of his home in Intervale, NH, spoke it forth with all the warm and welcoming hospitality that is contained in this wisdom-filled phrase. I had stopped in Intervale on my way to canoe the Moose River in Maine, carrying with me an old copy of Henry Thoreau’s *The Maine Woods*, a kind of talisman of aboriginal memory for me, with its appendix glossary of Abenaki words, and its spectacular description of the campfire conversation in two Abenaki dialects, between Thoreau’s guide Joe Polis and Swasin Tahmont.

In the 1880s, Swasin Tahmont’s brother Louis had been Ferrisburg author Rowland Robinson’s guide to all things Abenaki. How lucky Robinson was to go and visit with his friends Louis Tahmont and Joe Tocksoose and their families, when they would camp along *Sungahneetuk* – Lewis Creek – while they built a birch bark canoe. On one visit in the spring of 1881, the Abenaki men had just been to Hogback Mountain in Starksboro to gather birch bark, and were headed the next day to Dead Creek to gather spruce roots for sewing the canoe. The lover of language Robinson recorded in his journal: “Their language is beautiful to hear; like the gurgle of a stream. They might talk a half hour steadily, and the brown baby sleep undisturbed as if asleep by a brook, but when my harsh English broke in the young Abenaki would awake.”

When Steve shouted *Pakwanonzian!*, I had heard the phrase just once before, from the big Wollensak reel-to-reel tape machine at Dartmouth College’s Baker Library, which housed Gordon Day’s extraordinary repository of interviews with Abenaki men and women at Odanak in the late 1950s and early 1960s. Five minutes in to the first tape I listened to, the former forester Gordon grilled William Simon Obomsawin about the Abenaki names for native Vermont trees, and you could hear the huge smile on Gordon’s face as the trees he had known and loved forever now took on whole new identities as *Simosis* gave one after another Abenaki name, filled with natural history lore and native wit and wisdom.

The Abenaki friends that Gordon made at Odanak came to call him *Manangezoit* – “he who collects information.” I am sure that Joe Taxus and Swasin Tahmont would have used the same phrase for Rowland Robinson. Of course I was a practitioner of that same trade, and so is the Commission. In keeping with professional practice, Gordon used to pay his informants \$5 per half day. As story collectors, for recompense Robinson and I merely counted on the pleasure the story tellers gained from having an attentive ear.

Inspired by my late night reading of the Nulhegan Tribe’s application, I have just gone

back to find my notes from conversations with Gordon in the fall of 1987. Gordon grew up quite close to the heart of the Nulhegan homeland, in Albany, Vermont. Born in 1911, he had gone to a one-room school in Albany, where, in the cabinet that served as the school library, he had as a first grader found a “Hiawatha” primer based on Longfellow’s poem. By age ten, Gordon’s reading on Native American life had shifted to the Iroquois, since he could find absolutely nothing to teach him about the native people of his own region. But his fastest friend through grade school was Lawrence Walker, whose mother was a Tahmont from Cabot, and whose father, Gordon recalled, “looked very Indian.” Later, in high school, Gordon got to be friends with Elwood Inwood, who looked “as Indian as the guy on the Buffalo nickel,” and who was “quite conscious of being Indian.” Gordon and Ellwood used to steal Ellwood’s father’s moccasins and go out with homemade bows and arrows to hunt birds in the woods. At age 75, Gordon still spoke about how impressed he was with those moccasins.

For all of us, both individually and collectively, no matter how intensely and indestructibly it may occasionally shine through, memory is a very thin, a very fragile thread. Gordon became aware of the Obomsawins of Thompson’s Point because in the 1950s, his mother had sent him a photograph from the *Barre Times*, of Steve Laurent and Simon Obomsawin when they had come (upon John Huden’s invitation) to give a talk at the Vermont Historical Society. “That was the kick in the pants for me,” Gordon said. “Here are these people; I know where they are.” Off he went to Odanak, to spend long hours with the Obomsawins, and Theo Panadis, and as far as I know, Gordon never met the Abenaki that lived just up the Black River at the South Bay of Lake Memphremagog, and indeed, in every direction north-south-east-and west from that one-room schoolhouse where he wondered perpetually how his best friend could be every inch an Indian, yet his teachers and his parents and even the school library couldn’t tell him about Vermont’s Indians.

As I read the Nulhegan Tribe’s Application for Vermont State Recognition, I was wishing that Gordon could read it with me, and I was thinking how tickled he would have been to hear these 21<sup>st</sup> century voices, telling tales of the “V” flotilla of Abenaki walleye fishermen; of warming perch eyeballs under the tongue for bait; of the “junkuts,” and pemmican on the school bus, and animal bone talismans, and of Nancy Côte’s father telling her that the circonflex over the “o” in her surname was a wigwam, signifying that she was Indian.

For decades, Gordon kept a single photograph on the wall in his office at the National Museum of Civilization. It was of S. O. Heisberg, a soil scientist with whom Gordon had studied at Rutgers University. Gordon was talking with me about Frank Speck’s rare affinity with Indian people, and the total inadequacy of the strict “scientific” approach that characterized most of American anthropology and ethnohistory. He spoke of his own disdain for faddism and fashion in academic disciplines, and then burst out: “Why doesn’t someone just sit down and say ‘what’s really true?!’” As he said this he looked up at that photograph, and told me of how Heiberg would always end any scientific discussion with this question.

With all of the tools and talents at his disposal, Gordon began asking that question about Vermont's Abenaki community over 50 years ago, and truly, the question could not be answered until the Abenaki themselves, rather than generation after generation of well-meaning (and sometimes, as in the case of the ESV, not well-meaning at all)

*Manangezoit*. The Nulhegan Tribe's "application" – how completely bizarre that any people anywhere should have to *apply* for recognition of their own identity! – is a definitive answer to the question: Who are the native people of the Northeast Kingdom, and who have they been? If the Commission's criteria represent the latest iteration of that question, then a resounding "YES!" comes through in every case:

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

YES! The application clearly shows that the majority of members of the Nulhegan Tribe reside in the Northeast Kingdom.

**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.**

YES! The application clearly shows that principle Nulhegan families have ancestral ties to Abenaki from Vermont, New York and Odanak, and that a significant number of the tribe's members are related to each other.

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

YES! The application clearly shows contemporary Nulhegan Tribe members to have genealogical links to Native American ancestors and to tribal groups that historically inhabited Vermont.

**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.**

YES! The application clearly shows, in elegantly anecdotal form truly befitting the Tribe's rootedness in oral tradition, that they have maintained, from generation to generation, an organizational structure that exerts influence and authority over its members.

**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.**

YES! The application clearly shows, in intimate and at times surprising documentary detail, an enduring community presence.

**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 application clearly shows that the Nulhegan are organized appropriately to meet both aspects of this criterion. Hopefully the intensive and extensive labors that Tribe members have carried out to produce this application will serve as a stimulus and foundation to advance these initiatives.

**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! The application clearly shows examples of traditions, customs and oral stories and histories connecting Nulhegan members to their homeland. As the conversation with the Nulhegan community widens, no doubt the future will see new discoveries of the sort documented in the application.

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

Yes.

**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.**

My ambling preamble in this letter only barely scratches the surface of why it is that the Commission did not receive an avalanche of supporting letters. But those that are a part of the application are in my eyes sufficient to this moment of time, where that thin thread of history survives only by virtue of the living activities of the Nulhegan community. Again, I feel that the Nulhegan Tribe's faithful effort to produce this document is, despite its inherent odiousness in some way, an invitation to both Vermont's civic authorities and to all its citizens, to actively participate in the recovery of memory that has for centuries been stifled and stymied for Vermont's indigenous people.

In summary, YES!, the application clearly shows that the Nulhegan Tribe meet the

criteria set out by S.222 and have demonstrated that they are a Native community of Abenaki descent who have been embedded in the community for generations. I heartily recommend that the Commission do all within its power to support the Nulhegan Tribe in its quest for recognition by the Vermont legislature.

Thank you for giving me the opportunity to take part in this process of discovery and declaration.

Best wishes,

Kevin Dann  
Independent Scholar  
New York, NY

cc: David Skinas, Dave Lacy, Melody Walker



Natural Resources Conservation Service  
Berlin Field Office  
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802-828-4493

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December 21, 2010

Subject: Review of the Nulhegan Abenaki Tribe's Application for State Recognition

To: Luke Willard, Chair of the Vermont Commission on Native American Affairs

Dear Chairman Willard and Commissioners:

I am pleased to inform you that in my opinion the applicant has met all of the requirements set forth in S.222 for recognition as an Abenaki Tribe residing in the State of Vermont. Below I present you with my response to each of the criteria as follows:

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

There are 260 Nulhegan citizens listed on tribal roles and the majority (75%) of those citizens lives in the Northeast Kingdom of Vermont. Sixty-two percent of the tribe resides in the Newport-Derby area. The applicant has successfully met 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.***

The genealogical records provided for this section are detailed, fascinating and illuminating. The supporting birth certificates, death certificates, marriage licenses, burial permits and excerpts from the Eugenics Survey reinforce and enhance the genealogical information provided. Kinship is demonstrated between tribal members and descendency from identified native people from Vermont, New York and Odanak has been documented. The requirements of this criterion have been satisfied by the applicant.



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

What is also revealing about the genealogical data provided with the Nulhegan application for state recognition is the enduring relationship and political ties they have had and continue to nurture with the Missisquoi and Koasek tribes and more recently the El Nu. Nancy Cote moved her family to Swanton to do research and work with the Missisquoi Chief Homer St. Francis. The Nulhegan citizens have historically interacted with these Abenaki bands in Vermont which meets the requirements 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.***

The 18<sup>th</sup> century Nulhegan organizational structure may have been more complex than the individual family band structure that they refer to as “branches”, where extended families maintain enduring collective memories and relations that work together for the common good. Semi formal band gatherings called ‘Katunks’ that existed in the 19<sup>th</sup> and 20<sup>th</sup> centuries is where business was conducted around the kitchen table and children learned about their native culture. Late in the 20<sup>th</sup> century the Nulhegan kinship-based political structure had to be modified to a tribal structure to comply with the Indian Reorganization Act of 1934, and is now composed of a Chief, Tribal Council, Elders Council and Board of Trustees, but they are still organized by a relatively fluid aggregation of intermarried and cooperative extended families who have a voice in tribal affairs. The rules for obtaining membership and the Nulhegan tribal roles presented in this petition for state recognition that includes the names and addresses of its citizens are adequate. The applicant has met the requirements of 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.***

The 1796 “Deed of Coos County” defines the historic political-cultural extent of the Nulhegan ancestral homeland. Their settlement system was more dispersed and mobile than that of Missisquoi or Koasek probably due in response to the exploitation of sparse resources in a more upland environmental setting. The Nulhegan community was a fluid network of family bands that were largely invisible to the non-native inhabitants. Gordon Day cited references to post 1780 bark wigwams on Salem Lake, Lake Seymour, Crystal Lake and Lake Elligo. The first catholic mass was held for the native community on Lake Memphremagog in 1840. Colin Calloway has documentary evidence of canoes on the Passumpsic River in 1850s. The 1854 Cornelius Krieghof painting of an Indian Encampment on Lake Memphremagog is another example of Nulhegan presence during historic times. The Nulhegan provided several fascinating oral histories of their citizens in the application. My favorites are the V-style walleye fishing method and the warming of fish eyes for ice fishing. The applicant has easily satisfied the requirements of this criterion.

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***§ 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.***

The Nulhegan constitution and its three branches of governmental are designed to preserve, document and promote its culture and heritage. This criterion has been met by the applicant.

***§ 853 (c) (6) (B) To address the social, economic, political or cultural needs of the members with ongoing educational programs and activities.***

In the economic realm the Nulhegan promotes self-sufficiency and stability using traditions and practices of their ancestors. The Abenakis Helping Abenakis 'Seventh Harvest Relief Project' is basically a food shelf that provides healthy food and essentials to those in need, and educates the youth on traditional organic horticulture and sustainable living. With state recognition the Nulhegan will apply for the Title VII Indian Education grants from the federal government that has been a huge success at Missisquoi helping their children to succeed in high school and continue on to college. The applicant has satisfied the conditions of 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.***

The applicant has provided sufficient oral histories of its traditions and customs described by past and current citizens (i.e. Nancy Cote's and Curtis's oral histories). The V-style walleye fishing method and the warming of fish eyes for ice fishing exemplifies the Nulhegan's connection with their ancestral homeland. The Phillips family was itinerant basket makers that lived a nomadic 'gypsy' lifestyle to sell their wares which has also been recorded in infamous Eugenics Survey. The traditional three sisters mound agriculture using heirloom seeds and the land tenure system reflect other Nulhegan customs. The Bergeron children brought pemmican on the school bus ride for a snack and it also provided their school lunch. The applicant has more than met the requirements of this criterion.

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

The Nulhegan have not been recognized in any other state, province or nation.

***§ 853 (c) (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.***

The Applicant provided sufficient examples of tribe related business with municipal and state authorities and other groups such as the Green Mountain Labor Council and the Sierra Club.


***§ 853 (c) (9) (B) Tribes in and outside Vermont that attest to the Native American  
Indian heritage of the applicant.***

The Nulhegan provided letters of support from the other three bands of the Vermont Indigenous Alliance (Missisquoi's letter en route), and the New Hampshire based Koasek Traditional Band of the Sovereign Abenaki Nation. The applicant has satisfied the requirements for both criteria § 853 (c) (9) (A) and (B).

I am humbled to have been asked by the Nulhegan Abenaki Tribe to review their application for state recognition. I believe the applicant has more than met the requirements for all of the criteria established in S.222, and that the Vermont Commission on Native American Affairs should recommend the Nulhegan Abenaki Tribe for recognition by the legislature. The wealth of information provided in the application demonstrates the intimate relationship that the Nulhegan citizens had and continue to have with their ancestral homeland, themselves and their native and non-native neighbors.

I am privileged to have access to all of this amazing information and hold dear the request by the Nulhegan leadership to keep confidential all of the tribal names, addresses and especially their genealogies. It is my sincere hope that this personal identity information, that had to be shared with the panelists according to S.222, will remain protected and not get into the hands of those that seek to do harm to Vermont's authentic and historically verifiable Abenaki tribes.

With Greatest Respect,



David Skinas  
Archeologist